

BRUNSWICK TOWN COUNCIL
Agenda
November 16, 2009
Regular Meeting: 7:00 P.M.
Municipal Meeting Room
Maine Street Station
16 Station Avenue

Pledge of Allegiance

Roll Call

Public Comment:

Correspondence:

- a) Letter from Cumberland County Commissioners regarding their 250th Anniversary
- b) Introduction of artists providing artwork for Council Chamber

Adjustments to the Agenda:

MANAGER'S REPORT:

- (a) Recognizing Brunswick High School Fall Sports Accomplishments
- (b) Financial Update
- (c) Council Committee Updates
- (d) Report on number of Town Boards/Committees and those serving on them
- (e) Report on amending fees for the Planning and Development Department
- (f) Suggestion of a Holiday Reception following the December 21 Council Meeting

NEW BUSINESS:

168. The Town Council will consider setting a public hearing for December 7, 2009, on Chapter 11 of the Municipal Code of Ordinances relative to Shellfish Licensing, to be adopted on an emergency and regular basis, and will take any appropriate action.
(Manager)

ACTION

169. The Town Council will consider accepting a Department of Economic and Community Development grant in the amount of \$5,000 for use in the US Track and Field Association's Region I Junior Olympics, and will take any appropriate action. (Councilor Watson)

ACTION

170. The Town Council will consider setting a public hearing for December 7, 2009, on an Ordinance Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$1,000,000 to Finance Improvements at 35 Union Street, and will take any appropriate action. (Manager)

ACTION

171. The Town Council will discuss creating a Road Acceptance Ordinance, and will determine if any future action is necessary. (Chair Daughtry)

DISCUSSION

CONSENT AGENDA

- (a) Approval of the Minutes of November 2, 2009
- (b) Approval of Games of Chance and Beano for the Knights of Columbus

Executive Session: Real Estate Acquisition and Economic Development Per 1 M.R.S.A. § 405(6)(C)

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

Brunswick Town Council
Agenda
November 16, 2009
Council Notes and Suggested Motions

Correspondence:

- a) There is a letter from the Cumberland County Commissioners regarding the 2010 Cumberland County celebration of their 250th anniversary. They are searching for an ambassador from Brunswick to represent us in this celebration. A copy of the letter is included in your packet.
- b) Councilor Pols will provide an overview of the artists who provided the artwork for the Council Chamber. Copies of biographies for Catherine Worthington and Christine Brooks Cote are included in your packet.

MANAGER'S REPORT:

- (a) Recognizing Brunswick High School Fall Sports Accomplishments: The Brunswick High School sports teams have done well this fall and this item is to recognize them. A list of their accomplishments is included in your packet.

Suggested Motion: No Motion Required.

- (b) Financial Update: The Town Manager will provide a financial update for the Town. Copies of the financial summary reports are included in your packet.

Suggested Motion: No Motion Required.

- (c) 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.

- (d) Report on number of Town Boards/Committees and those serving on them: Councilor Atwood had requested information be provided on those serving the community on Council appointed Committees. Currently, there are 43 active committees/boards with close to 240 different people serving on them.

Suggested Motion: No Motion Required.

- (e) Report on amending fees for the Planning and Development Department: Manager Brown is bringing this item forward for your thoughts. The proposal is relative to this department's fee schedule for the various permits they issue. Anna Breinich will also discuss their proposal regarding minor modification reviews. Staff is looking to see if the Council wishes to move forward with these proposals and when to begin this process. Copies of information on these proposals are included in your packet.

Suggested Motion: No Motion Required.

- (f) Suggestion of a Holiday Reception following the December 21 Council Meeting: The Manager is seeking feedback from the Council with regards to a Holiday Reception for Councilors, Board and Committee members and staff following the December 21 Council meeting. This would be an employee sponsored event.

Suggested Motion: No Motion Required.

NEW BUSINESS:

168. The Marine Resource Committee is requesting the Council set a public hearing to amend the Shellfish Ordinance. Many of the proposed changes are housekeeping in nature, while others affect the licensing process and the committee's structure. Suzan Wilson, Chair of this Committee, will be at your meeting to explain the proposed amendments. This ordinance will need to be enacted on an emergency and regular basis to ensure that it is in place prior to the beginning of the next licensing year. Copies of a memo from the Committee's chair and the proposed amendments are included in your packet.

Suggested Motion:

Motion to set a public hearing for December 7, 2009, on Chapter 11 of the Municipal Code of Ordinances relative to Shellfish Licensing, and to adopt the ordinance amendments on an emergency and regular basis.

169. Councilor Watson is sponsoring this item. This grant from the Department of Economic and Community Development is in the amount of \$5,000 for use in the US Track and Field Association's Region I Junior Olympics. The grant is a result of a meeting that was held among the town staff, Bowdoin College representatives, and Commissioner Richardson. Councilor Watson will provide additional background on this item. Copies of a memo from Councilor Watson and the Grant Agreement are included in your packet.

Suggested Motion:

Motion to accept and expend a Department of Economic and Community Development grant in the amount of \$5,000 for use in the US Track and Field Association's Region I Junior Olympics.

170. This proposed bond ordinance is to pay for the renovation of the Union Street School for the People Plus Center. Manager Brown has prepared a memo that outlines this project. Copies of a memo from Manager Brown, a floor plan for People Plus, the draft ordinance, and the public hearing notice are included in your packet.

Suggested Motion:

Motion to set a public hearing for December 7, 2009, on an Ordinance Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$1,000,000 to Finance Improvements at 35 Union Street.

171. Chair Daughtry is sponsoring this item to discuss the Council enacting a Road Acceptance Policy/Ordinance in the future. In 2002 the Council created a committee to

draft such a document, coming back to the Council in August 2002. The Planning Board reviewed it in 2003 and it was presented again to the Council at a workshop in November 2003, but no further action was taken. The Council can now consider what direction, if any, they wish to take in this area. Copies of minutes and draft amendments to the Zoning Ordinance 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 November 2, 2009: A copy of the minutes is included in your packet.
- (b) Approval of Games of Chance and Beano for the Knights of Columbus: This is the semi-annual approval of these games. Copies of their applications are included in your packet.

Suggested Motion:

Motion to approve the Consent Agenda.

Executive Session: Real Estate Acquisition and Economic Development Per 1 M.R.S.A. §405(6)(C)

Suggested Motion:

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

Suggested Motion:

Motion to adjourn the meeting.

**CORRESPONDENCE
BACK UP MATERIALS**

County of Cumberland

JAMES F. CLOUTIER
DISTRICT ONE

RICHARD J. FEENEY
DISTRICT TWO

MALORY O. SHAUGHNESSY
DISTRICT THREE



142 FEDERAL STREET
PORTLAND, MAINE 04101-4196
207-871-8380

County Commissioners

Dear Municipal officials,

In 2010 Cumberland County will be celebrating its 250th anniversary. To help us celebrate 250 years of the natural resources, economic vitality and quality of life that defines Cumberland County, we are searching for ambassadors from each of the municipalities in the County to represent them for the celebrations.

As the representative from your town, the ambassador:

- Should be a resident from your town that does not necessarily need to be an employee or elected official with the municipal government.
- Could be someone you would like to honor for their work or volunteer activities in your municipality.
- Could be a notable figure that is well known in your municipality.

The expectations for an ambassador from your town would be to:

- Attend the 250th kickoff event on January 29th at the Cumberland County courthouse, along with the town manager and any other town officials, to carry their municipal seal/banner in our processional.
- Take charge of recording your annual town summer celebration (pass out cameras and collect them for processing) and make the official proclamation by Governor Baldacci for the county anniversary at your local town celebration event.
- Attend the 250th November County Celebration year end event.

Please communicate your choice of ambassador with address, phone number and e-mail to Shannon Marden, at smarden@cumberlandcounty.org by November 30th. We would be happy to answer any questions that you may have regarding this invitation. Please call Shannon at 871-8380.

We look forward to hearing from you and appreciate your municipality's participation in the 250th anniversary of Cumberland County.

County commissioners, 250th Celebration Committee

James F. Cloutier
cloutier@cumberlandcounty.org

Richard J. Feeney
rfeeney@maine.rr.com

Malory O. Shaughnessy
shaughnessy@cumberlandcounty.org

~ ARTIST BIO ~

Catherine Worthington

I am a textile artist living with my husband and raising our three boys in Brunswick. We moved to Brunswick in 1988 and I started working at Spindleworks Artist's Cooperative for adult's with disabilities. I continue to work part time at Spindleworks as an artist mentor and I have also worked for the Theater Project in Brunswick, designing costumes. I work out of my studio at home painting and designing textile art and have also taught textile workshops in the Brunswick schools and at the Bowdoin College Craft Center. My textile art quilts are part of many private collections and have been exhibited throughout Maine in galleries and local art shows. I am a member of Five Rivers Arts Alliance, Maine Fiber Arts, Surface Design Association and I serve on the board of Arts are Elementary.

As a member of Five Rivers Arts Alliance I have participated in the Family Arts festival and Arts Downtown every year and was recently a presenter at Pecha Kucha. As a member of Arts are Elementary I have been an artist in residence, volunteered in the classroom and served as secretary of the board. I am on the steering committee for the 2nd annual AAE 10" x10" benefit art exhibit and will be working with Spindleworks artists in the Brunswick schools' 2nd grade classrooms. I feel a strong connection to Brunswick, the arts and the community.

I am inspired by nature and also living in Maine.

CATHERINE WORTHINGTON
5 SPRING STREET
BRUNSWICK, MAINE 04011

207 729-6836

cmworth@myfairpoint.net

www.earthtonesandfishbonesart.com

Christine Brooks Cote

193 Hillside Road

Brunswick ME 04011

207.837.5760

<http://www.christinecotephoto.com>

Biography

Born in Wisconsin, Christine grew up in southern California and lived there through her mid-twenties. She then began her journey east, spending about ten years in northern Indiana before settling in Maine. Once in Maine, Christine knew she would never live anywhere else. Christine's career has been spent in teaching and education administration. She has worked at Bowdoin College in Brunswick, Maine for seventeen years, both as registrar and as director of institutional research. Christine's undergraduate degree is from the University of San Diego, where she majored in music. She did graduate work at both the University of California at Riverside and the University of Notre Dame. She holds a Doctor of Education degree from Western Michigan University, with a specialization in research, evaluation, and measurement (what could be described as exploring pattern and design in numeric and qualitative information). Christine began studying and practicing photography in mid-life, and her photographic training has mainly been completed at the world-renowned Maine Media Workshops in Rockport, Maine and the Maine College of Art in Portland, Maine. Christine also owns Still Point Art Gallery, an online art gallery that provides opportunities for both established and emerging artists to show and sell their work. The Gallery's inaugural exhibition, *Still Point I*, opened on April 14, 2009. Christine's other interests include quilting and gardening - more opportunities to explore and compose with color, pattern, design, and texture. She also devotes time to yoga and spiritual practice. Christine and her husband, David, and two Irish Setters, Dillon and Patrick, live in Brunswick, Maine and spend as much time as possible at their camp in northern Maine on Upper Shin Pond.

Juried Group Exhibitions in 2009

Rose's House 2. Art Institute and Gallery. Eighteenth Annual National Juried Exhibition. Salisbury, Maryland. September 12 - October 10, 2009.

Casco Bay Under Ice, in *Nature's Whispers, Nature's Shouts: Photographing the Natural World*. Vermont Photography Workplace. Middlebury, Vermont. June 20 - July 11, 2009.

Lone Tree in Early Winter. Katharine Butler Gallery 4th Annual National Juried Exhibition. Sarasota, Florida. April 15 - May 9, 2009.

Approaching Storm. d'ART Center 19th Annual Mid-Atlantic Exhibition. Norfolk, Virginia. March 6 - April 17, 2009.

White Crocus, in *Up Close and Personal*. L/A Arts Gallery 5. Lewiston, Maine. February 4 - March 7, 2009.

MANAGER'S REPORT - A BACK UP MATERIALS

Brunswick High School Fall Sports Accomplishments

Girls Soccer: 18 – 0
KVAC Champions
Eastern Maine Champions
State Champions

Boys Soccer: 15 – 2 – 1
Eastern Maine Champions
State Runner up

Boys Cross Country: Eastern Maine Champion
5th in State Meet
Will Geoghegan – Class “A” State Champion

Golf: Qualified for State Meet

Football: 9 – 1
Playing Friday for Eastern Maine Championship

MANAGER'S REPORT - B BACK UP MATERIALS

FOR 2010 04

	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
<hr/> 10 General Government <hr/>							
11000 Administration	497,316	497,316.00	108,956.12	37,968.92	.00	388,359.88	21.9%
11050 Personnel Department	0	.00	.00	-85.92	.00	.00	.0%
11100 Finance Department	664,679	664,679.00	190,288.42	50,916.37	173.45	474,217.13	28.7%
11150 Technology Services Dept	197,600	197,600.00	120,454.55	11,952.79	-16,219.00	93,364.45	52.8%
11200 Municipal Officers	109,015	109,015.00	22,991.41	4,029.24	.00	86,023.59	21.1%
11220 Municipal Building	171,450	171,450.00	51,615.86	14,072.82	-5,652.96	125,487.10	26.8%
11230 Risk Management	445,500	445,500.00	169,706.16	31,703.27	82,964.00	192,829.84	56.7%
11240 Employee benefits	0	.00	.00	.00	.00	.00	.0%
11250 Cable TV	99,318	99,318.00	32,480.17	7,545.38	.00	66,837.83	32.7%
11300 Assessing	289,918	289,918.00	85,259.65	24,984.51	1,830.64	202,827.71	30.0%
11400 Codes Enforcement	213,741	213,741.00	66,504.72	19,282.40	.00	147,236.28	31.1%
11600 Town Clerk & Elections	341,372	341,372.00	90,864.13	32,674.84	.00	250,507.87	26.6%
11900 Planning Department	310,101	310,101.00	86,359.61	26,220.47	.00	223,741.39	27.8%
11940 Natural Resources Departme	0	.00	.00	.00	.00	.00	.0%
11950 Economic Development Dept	194,280	194,280.00	60,051.40	17,710.99	.00	134,228.60	30.9%
TOTAL General Government	3,534,290	3,534,290.00	1,085,532.20	278,976.08	63,096.13	2,385,661.67	32.5%
<hr/> 20 Public Safety <hr/>							
12100 Fire Department	2,610,381	2,610,381.00	853,463.58	250,985.62	18,492.72	1,738,424.70	33.4%
12200 Police Department	4,061,417	4,061,417.00	1,271,654.30	439,353.31	13,397.64	2,776,365.06	31.6%
12210 Police Special Detail	0	.00	2,910.67	1,185.25	.00	-2,910.67	100.0%
12310 Streetlights	208,500	208,500.00	48,857.84	14,247.59	-8,085.00	167,727.16	19.6%
12320 Traffic Signals	18,600	18,600.00	8,004.42	2,436.81	.00	10,595.58	43.0%
12330 Hydrants	364,680	364,680.00	95,070.00	91,170.00	.00	269,610.00	26.1%
12340 Civil Emergency Preparedne	4,000	4,000.00	507.25	507.25	.00	3,492.75	12.7%
TOTAL Public Safety	7,267,578	7,267,578.00	2,280,468.06	799,885.83	23,805.36	4,963,304.58	31.7%
<hr/> 30 Public Works <hr/>							
13100 Public Works Administratio	457,466	457,466.00	140,532.74	41,600.59	.00	316,933.26	30.7%
13110 PW General Maintenance	714,297	714,297.00	358,923.99	93,462.99	-5,793.70	361,166.71	49.4%
13120 PW Winter Maintenance	819,476	819,476.00	77.62	.00	.00	819,398.38	.0%
13130 Refuse Collection	556,588	556,588.00	156,346.29	37,992.82	.00	400,241.71	28.1%

FOR 2010 04

	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
13140 Recycling	231,620	231,620.00	72,507.98	18,340.63	.00	159,112.02	31.3%
13150 PW Central Garage	552,166	552,166.00	122,604.24	46,347.98	110.94	429,450.82	22.2%
TOTAL Public Works	3,331,613	3,331,613.00	850,992.86	237,745.01	-5,682.76	2,486,302.90	25.4%
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40 Human Services							
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14100 General Assistance	144,273	144,273.00	39,279.13	12,806.83	592.17	104,401.70	27.6%
14120 Health & Social Services	2,611	2,611.00	659.21	659.21	.00	1,951.79	25.2%
TOTAL Human Services	146,884	146,884.00	39,938.34	13,466.04	592.17	106,353.49	27.6%
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45 Education							
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14500 School Department	33,471,084	33,471,084.00	7,908,153.02	3,489,444.32	.00	25,562,930.98	23.6%
TOTAL Education	33,471,084	33,471,084.00	7,908,153.02	3,489,444.32	.00	25,562,930.98	23.6%
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50 Recreation and Culture							
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15000 Recreation Administration	434,601	434,601.00	134,588.98	39,299.10	149.57	299,862.45	31.0%
15050 Rec Buildings and Grounds	676,422	676,422.00	185,449.42	53,031.11	13,193.37	477,779.21	29.4%
15100 Coffin Pond	62,213	62,213.00	32,873.16	625.02	.00	29,339.84	52.8%
15300 Teen Center	5,000	5,000.00	.00	.00	.00	5,000.00	.0%
15310 People Plus	70,000	70,000.00	35,000.00	.00	.00	35,000.00	50.0%
15400 Curtis Memorial Library	1,082,842	1,082,842.00	360,947.36	90,236.84	.00	721,894.64	33.3%
TOTAL Recreation and Culture	2,331,078	2,331,078.00	748,858.92	183,192.07	13,342.94	1,568,876.14	32.7%
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60 Intergovernmental							
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16000 County tax	1,149,612	1,149,612.00	1,149,612.00	1,149,612.00	.00	.00	100.0%
TOTAL Intergovernmental	1,149,612	1,149,612.00	1,149,612.00	1,149,612.00	.00	.00	100.0%
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70 Unclassified							
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FOR 2010 04

70	Unclassified	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
17000	Promotion and Development	122,161	122,161.00	87,473.72	2,776.27	.00	34,687.28	71.6%
17010	Assistance to St. Johns	16,000	16,000.00	.00	.00	.00	16,000.00	.0%
17020	Cemetery Care	2,500	2,500.00	1,000.00	500.00	.00	1,500.00	40.0%
17030	Wage Adjustment Account	125,000	125,000.00	3,539.90	.00	.00	121,460.10	2.8%
17050	High School Spring Street	0	.00	1,836.28	.00	.00	-1,836.28	100.0%
	TOTAL Unclassified	265,661	265,661.00	93,849.90	3,276.27	.00	171,811.10	35.3%
80 Debt Service								
18000	2000 CIP G/O Bonds	336,000	336,000.00	.00	.00	.00	336,000.00	.0%
18010	2003 High School Refunding	0	.00	1,020,112.50	1,020,112.50	.00	-1,020,112.50	100.0%
18020	2006 CIP G/O Bonds	292,000	292,000.00	248,000.00	248,000.00	.00	44,000.00	84.9%
	TOTAL Debt Service	628,000	628,000.00	1,268,112.50	1,268,112.50	.00	-640,112.50	201.9%
	GRAND TOTAL	52,125,800	52,125,800.00	15,425,517.80	7,423,710.12	95,153.84	36,605,128.36	29.8%

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

REPORT OPTIONS

Sequence	Field #	Total	Page Break	Year/Period: 2010/ 4
Sequence 1	2	Y	N	Print revenue as credit: Y
Sequence 2	9	Y	N	Print totals only: Y
Sequence 3	0	N	N	Suppress zero bal accts: Y
Sequence 4	0	N	N	Print full GL account: N

Double space: N
Report title: OCTOBER 2009 EXPENDITURE REPORT
Roll projects to object: N
Incl inception to soy: N
Carry forward code: 1
Print journal detail: N
From Yr/Per: 2009/ 1
To Yr/Per: 2009/12
Print Full or Short description: F
Print MTD Version: Y
Print Revenues-Version headings: N
Format type: 2
Include budget entries: N
Print revenue budgets as zero: N
Incl encumb/liq entries: N
Include Fund Balance: N
Sort by JE # or PO #: J
Include requisition amount: N
Detail format option: 1

FOR 2010 04

	ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
10 Taxes						
111190 41101 Property Taxes	28,900,276	28,900,276.00	28,563,971.62	4,522.68	336,304.38	98.8%
111190 41103 Deferred Property Taxe	-200,000	-200,000.00	.00	.00	-200,000.00	.0%
111190 41104 Tax Abatements	-75,000	-75,000.00	-22,778.27	-10,738.06	-52,221.73	30.4%
111190 41105 Interest on Taxes	65,000	65,000.00	17,744.74	2,377.91	47,255.26	27.3%
111190 41106 Tax Lien Costs Revenue	10,000	10,000.00	11,491.70	.00	-1,491.70	114.9%
111190 41107 Tax Lien Interest Reve	0	.00	16,783.04	.00	-16,783.04	100.0%
111190 41109 Payment in Lieu of Tax	175,000	175,000.00	11,082.92	11,082.92	163,917.08	6.3%
111190 41198 Homestead exemption re	0	.00	305,843.00	.00	-305,843.00	100.0%
111191 41110 Excise Tax - Auto	2,325,000	2,325,000.00	936,795.80	217,808.95	1,388,204.20	40.3%
111191 41111 Excise Tax Boat/ATV/Sn	23,000	23,000.00	3,001.50	74.00	19,998.50	13.1%
TOTAL Taxes	31,223,276	31,223,276.00	29,843,936.05	225,128.40	1,379,339.95	95.6%
TOTAL REVENUES	31,223,276	31,223,276.00	29,843,936.05	225,128.40	1,379,339.95	
20 Licenses & Fees						
121411 42100 Building Permits	15,000	15,000.00	43,126.00	27,199.00	-28,126.00	287.5%
121411 42101 Electrical Permits	14,000	14,000.00	4,183.76	710.40	9,816.24	29.9%
121411 42102 Plumbing Permits	8,500	8,500.00	3,147.00	780.75	5,353.00	37.0%
121411 42103 Zoning Board Fees	300	300.00	.00	.00	300.00	.0%
121411 42105 Mobile Home Permits	300	300.00	.00	.00	300.00	.0%
121411 42106 Institutional Permits	12,000	12,000.00	.00	.00	12,000.00	.0%
121411 42107 Alts/Addis Permits	12,000	12,000.00	.00	.00	12,000.00	.0%
121411 42108 Comm/Indus Permits	10,000	10,000.00	.00	.00	10,000.00	.0%
121411 42109 Multiple Dwellings	1,000	1,000.00	.00	.00	1,000.00	.0%
121411 42110 Accessory Structures	3,500	3,500.00	.00	.00	3,500.00	.0%
121611 42200 Hunting & Fishing Lice	1,500	1,500.00	438.25	104.50	1,061.75	29.2%
121611 42201 Dog License Fee	2,200	2,200.00	167.00	48.00	2,033.00	7.6%
121611 42202 Vital Statistics	46,000	46,000.00	18,310.00	3,570.00	27,690.00	39.8%
121611 42203 General Licenses	23,180	23,180.00	2,538.00	345.00	20,642.00	10.9%
121611 42204 Victulars Licenses	20,625	20,625.00	1,850.00	250.00	18,775.00	9.0%
121611 42205 Shellfish Licenses	21,000	21,000.00	150.00	25.00	20,850.00	.7%
121611 42206 Neutered/Spayed Dog Li	3,620	3,620.00	260.00	90.00	3,360.00	7.2%
121611 42207 Passport Fees	7,600	7,600.00	3,075.00	525.00	4,525.00	40.5%
121611 42208 Postage Fees	0	.00	10.19	.00	-10.19	100.0%
121611 42209 Passport Picture Reven	1,350	1,350.00	732.00	132.00	618.00	54.2%
121911 42300 Planning Board Appl Fe	10,000	10,000.00	3,696.61	1,050.00	6,303.39	37.0%
122121 42400 Fire Permits	1,500	1,500.00	280.00	.00	1,220.00	18.7%

FOR 2010 04

	ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
122221 42500 Conc Weapons Permits R	400	400.00	185.00	100.00	215.00	46.3%
123131 42600 Public Works Opening F	500	500.00	56.00	32.00	444.00	11.2%
TOTAL Licenses & Fees	216,075	216,075.00	82,204.81	34,961.65	133,870.19	38.0%
TOTAL REVENUES	216,075	216,075.00	82,204.81	34,961.65	133,870.19	
<u>30 Intergovernmental</u>						
131132 43103 Highway Grant Fund	202,500	202,500.00	43,416.00	43,416.00	159,084.00	21.4%
131142 43104 State General Assistan	20,000	20,000.00	1,894.47	884.18	18,105.53	9.5%
131190 43102 State Tax Exemption Re	10,000	10,000.00	.00	.00	10,000.00	.0%
131192 43101 State Revenue Sharing	1,800,000	1,800,000.00	607,072.22	177,192.39	1,192,927.78	33.7%
131192 43106 Snowmobile Receipts	1,500	1,500.00	.00	.00	1,500.00	.0%
134546 43120 State Education Subsid	13,985,285	13,985,285.00	5,142,377.33	1,885,248.20	8,842,907.67	36.8%
134546 43121 State Adult Educ. Subs	30,000	30,000.00	.00	.00	30,000.00	.0%
134546 43122 St Fiscal Stabilizatio	753,426	753,426.00	.00	.00	753,426.00	.0%
134546 43150 Federal Education Subs	550,000	550,000.00	173,764.18	.00	376,235.82	31.6%
TOTAL Intergovernmental	17,352,711	17,352,711.00	5,968,524.20	2,106,740.77	11,384,186.80	34.4%
TOTAL REVENUES	17,352,711	17,352,711.00	5,968,524.20	2,106,740.77	11,384,186.80	
<u>40 Charges for services</u>						
141111 44110 Agent Fee Auto Reg	35,000	35,000.00	14,960.00	3,378.00	20,040.00	42.7%
141111 44111 Agent Fee Boat/ATV/Sno	1,700	1,700.00	357.00	25.00	1,343.00	21.0%
141111 44140 Housing Services Fees	610,000	610,000.00	203,804.88	50,951.22	406,195.12	33.4%
141611 44131 Advertising Fees	0	.00	616.48	245.48	-616.48	100.0%
142121 44155 Ambulance Service Fees	675,000	675,000.00	250,519.96	76,019.94	424,480.04	37.1%
142121 44166 Special Detail - Fire	1,000	1,000.00	577.20	577.20	422.80	57.7%
142221 44161 Witness Fees	5,000	5,000.00	700.00	700.00	4,300.00	14.0%
142221 44162 Police Reports	3,700	3,700.00	1,142.00	295.00	2,558.00	30.9%
142221 44163 School Resource Office	69,178	69,178.00	.00	.00	69,178.00	.0%
142221 44165 Special Detail - Polic	5,000	5,000.00	2,795.00	838.50	2,205.00	55.9%
143131 44174 PW Labor & Materials	0	.00	304.87	.00	-304.87	100.0%
143431 44175 Recycling Revenue	20,000	20,000.00	7,200.52	.00	12,799.48	36.0%
144545 44100 School Tuition, etc	935,000	935,000.00	.00	.00	935,000.00	.0%
145051 44187 Coffin Pond	25,000	25,000.00	18,412.70	.00	6,587.30	73.7%
TOTAL Charges for services	2,385,578	2,385,578.00	501,390.61	133,030.34	1,884,187.39	21.0%
TOTAL REVENUES	2,385,578	2,385,578.00	501,390.61	133,030.34	1,884,187.39	

50 Fines & Penalties

FOR 2010 04

	ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
151621 45103 Unlicensed Dog Fines	7,950	7,950.00	720.00	75.00	7,230.00	9.1%
152121 45104 False Alarm Fire	3,000	3,000.00	100.00	.00	2,900.00	3.3%
152221 45100 Ordinance Fines	1,000	1,000.00	25.00	.00	975.00	2.5%
152221 45101 Parking Tickets	16,000	16,000.00	3,076.00	780.00	12,924.00	19.2%
152221 45102 Leash Law Fines	1,000	1,000.00	410.00	.00	590.00	41.0%
152221 45105 False Alarm Police	1,500	1,500.00	30.00	25.00	1,470.00	2.0%
152221 45106 Restitution	0	.00	275.00	.00	-275.00	100.0%
TOTAL Fines & Penalties	30,450	30,450.00	4,636.00	880.00	25,814.00	15.2%
TOTAL REVENUES	30,450	30,450.00	4,636.00	880.00	25,814.00	
60 Interest earned						
161193 46100 Interest Earned	150,000	150,000.00	1,230.25	.00	148,769.75	.8%
TOTAL Interest earned	150,000	150,000.00	1,230.25	.00	148,769.75	.8%
TOTAL REVENUES	150,000	150,000.00	1,230.25	.00	148,769.75	
70 Donations						
171952 47000 BDC Contrib to Econ De	75,000	75,000.00	.00	.00	75,000.00	.0%
TOTAL Donations	75,000	75,000.00	.00	.00	75,000.00	.0%
TOTAL REVENUES	75,000	75,000.00	.00	.00	75,000.00	
90 Other						
191011 49000 Administration Miscell	2,000	2,000.00	205.08	.00	1,794.92	10.3%
191111 49000 Finance Miscellaneous	2,500	2,500.00	608.43	180.00	1,891.57	24.3%
191111 49101 Workers Comp Reimb	2,000	2,000.00	.00	-12,477.00	2,000.00	.0%
191111 49104 Property & Casualty Re	0	.00	.00	-8,287.00	.00	.0%
191111 49105 Postage & Handling	3,000	3,000.00	1,000.06	216.06	1,999.94	33.3%
191111 49106 W/C Proceeds	0	.00	1,765.32	-19.27	-1,765.32	100.0%
191111 49210 Insurance Proceeds	0	.00	9,901.44	281.34	-9,901.44	100.0%
191192 49100 Cable Television	205,000	205,000.00	.00	.00	205,000.00	.0%
191411 49000 Codes Miscellaneous	500	500.00	620.95	165.00	-120.95	124.2%
191611 49000 Town Clerk Miscellaneous	1,500	1,500.00	524.20	90.75	975.80	34.9%

FOR 2010 04

	ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
191911 49000 Planning Miscellaneous	0	.00	9.00	.00	-9.00	100.0%
191941 49000 Natural Resources Misc	0	.00	1,321.00	184.00	-1,321.00	100.0%
192121 49000 Fire Miscellaneous	500	500.00	260.00	50.00	240.00	52.0%
192221 49000 Police Miscellaneous	0	.00	491.03	13.00	-491.03	100.0%
192294 49153 Police Vehicle Sales	12,000	12,000.00	.00	.00	12,000.00	.0%
193131 49000 Public Works Miscellan	0	.00	40.54	.00	-40.54	100.0%
193194 49154 Public Works Vehicle S	0	.00	600.00	600.00	-600.00	100.0%
194141 49000 Human Services Misc	0	.00	6,192.48	.00	-6,192.48	100.0%
194141 49103 General Assistance Rec	0	.00	330.00	.00	-330.00	100.0%
194545 49000 School Miscellaneous R	228,710	228,710.00	27,356.25	3,644.00	201,353.75	12.0%
195051 49000 Recreation Miscellaneo	0	.00	441.26	.00	-441.26	100.0%
TOTAL Other	457,710	457,710.00	51,667.04	-15,359.12	406,042.96	11.3%
TOTAL REVENUES	457,710	457,710.00	51,667.04	-15,359.12	406,042.96	
GRAND TOTAL	51,890,800	51,890,800.00	36,453,588.96	2,485,382.04	15,437,211.04	70.3%

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

REPORT OPTIONS

Sequence	Field #	Total	Page Break	Year/Period: 2010/ 4
Sequence 1	5	Y	N	Print revenue as credit: N
Sequence 2	0	N	N	Print totals only: N
Sequence 3	0	N	N	Suppress zero bal accts: Y
Sequence 4	0	N	N	Print full GL account: N

Report title:
OCTOBER 2009 REVENUE REPORT

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

Double space: N
Roll projects to object: N
Incl inception to soy: N
Carry forward code: 1
Print journal detail: N
From Yr/Per: 2009/ 1
To Yr/Per: 2009/12
Include budget entries: N
Incl encumb/liq entries: N
Sort by JE # or PO #: J
Detail format option: 1

**MANAGER'S REPORT –
C and D
NO BACK UP MATERIALS**

MANAGER'S REPORT – E 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
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Memo

To: Brunswick Town Council
Gary Brown, Town Manager
Cc: John Eldridge, Finance Director
Anna Breinich, Planning & Development Director
From: Kris Hultgren, Town Planner
Date: November 12, 2009
Subject: Development Review Fee Schedule

Overview

This memo and attached spreadsheet are intended to present to the Town Council the Planning & Development Department's recommendations for updating the fee schedule used to assess administrative fees for development review applications. Staff reviewed the fee schedules of regional municipalities for comparison and the results of that analysis and specific staff recommendations are part of the attached spreadsheet. No changes to Brunswick's development review fee schedule have been made in at least 15 years.

Staff Recommendations

Staff recommends updating existing development review fees, implementing additional fees and requiring a deposit from applicants to cover the town's cost of advertising public hearings and notifying abutters of project reviews. The town currently assesses a development review fee for Subdivision and Site Plan reviews, Special Permit requests and Zoning Board of Appeals applications. Staff proposes to increase the fees assessed for Subdivision and Special Permit reviews and the minimum amount charged for Site Plan reviews. Staff is not proposing increases to the Zoning Board of Appeals application or new construction Site Plan reviews.

The town currently does not assess a fee for processing Village Review Board applications, Final Plan Modification reviews, and Rezoning and Final Plan Reapproval requests. Staff is recommending that new fees be established to process these requests and a deposit be required from the applicant to cover the costs of advertisements and abutter mailings.

Existing Fee Increases

Staff is proposing the following fee increases:

- Subdivisions to \$100 per lot during Sketch Plan review (up from \$25) and \$150 per lot during Final Plan review (up from \$75);
- Special Permit applications would cost \$200 (up from \$160);
- Minimum amount charged for Site Plan reviews would increase to \$150 (up from \$50).

Staff is not recommending increases in fees for new construction Site Plan reviews as \$0.10 a square foot is adequate at this time. The Zoning Board of Appeals application fee of \$75 is less than the regional average but no change to this fee is proposed. The recommended increases would make Brunswick's fees more consistent with fees assessed by regional municipalities. For example, Brunswick's development review fee for a 5-lot subdivision is approximately 80% below the regional average. The Special Permit application fee is also significantly below the regional average. A comprehensive regional comparison of the proposed increases is attached.

New Fees

Staff is recommending the following new fees:

- Village Review Board applications of \$25 or \$50 depending on the level of review;
- Final Plan Modification reviews of \$50;
- Rezoning and Final Plan Reapprovals of \$200.

Most regional municipalities charge a fee for these services (Plan Reapprovals being an exception). Since 2008 the Planning & Development Office has processed 74 Village Review Board applications, approximately a dozen Final Plan Modification requests and one reapproval and rezoning request without charging a fee.

The new fees are proposed to help the town recoup some of its costs for processing development applications. These costs include staff time reviewing projects, advertising public hearings and mailing notices to abutters. Staff is also proposing a separate deposit of \$200 to cover the costs of advertising and abutter mailings for all development review projects. Any part of the \$200 not used for advertising or abutter mailings would be returned to the applicant.

Planning Board Comment

The Planning Board reviewed Staff's proposed updates to the fee schedule at its meeting on November 10. Most members agreed that updates to the fee schedule are appropriate to become

more consistent with regional averages with the exception of instituting a fee for Village Review Board applications. The proposed fees for reviewing Village Review Board applications were seen as costly and unnecessary, especially applications processed by Staff. Board members were more open to a fee for applications reviewed by the Village Review Board. The Planning Board generally did not object to increasing the Subdivision and Special Permit fees and increasing the minimum fee assessed for Site Plan reviews.

Planning Staff will attend the November 16 Town Council meeting to answer any questions you may have.

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Development Review

Town	Subdivision (5-lots)	Site Plan (10,000 SF)	Village Review (Sign)	ZBA	Plan Amendments	Special Permit	Rezoning Request	Final Plan Reapproval
Brunswick	Sketch: \$25/lot Final: \$75/lot (5 lots = \$500)	Sketch Plan: Minimum \$50 or \$0.03 per square foot if < 2,500 sf. Final Plan: Minimum \$50 or \$0.10 per square foot if < 2,500 sf. Minor Site Plan: Minimum \$50 or \$0.10 per square foot if more between 2,500 sf and 4,999 sf (10,000 sf = \$1,300)	\$0 Application Fee (Sign = \$0) *NEW FEE*	\$75 Application Fee	\$0 Application Fee *NEW FEE*	\$160 to cover cost of 2 advertisements in newspaper	\$0 *NEW FEE*	\$0 *NEW FEE*
Minimums	\$200	\$50	n/a	\$75	n/a	\$160	n/a	n/a
Topsham	Deposit: \$750 or \$1,500 w/ new road (5-lots = \$750 or \$1,500)	Deposit: \$100 for Staff Review and \$300 for Planning Board Review (10,000 sf = \$300)	\$0 Application Fee	\$75 Application Fee	Half of Initial Deposit	n/a	\$75 for text and \$75 for map	\$0
Minimums	Variable	Variable	n/a	\$75	variable	n/a	\$75	n/a
Bath	Sketch: \$100/lot Final: \$250/lot (5 lots = \$1,750)	\$0.075 per square foot plus \$0.01 per square foot of new parking area (10,000 sf = \$750 plus parking)	\$10 - \$25 (Sign = \$25)	\$150 Application Fee	\$75	n/a	\$275	\$0
Minimums	\$700	\$200	\$10	\$150	\$75	n/a	\$275	n/a
Freeport	Sketch: \$110/lot Final: \$85/lot (5 lots = \$975)	\$330 up to 3,000 sf. Add \$55 per 1,000 sf after 3,000 with max. of \$3,300. (10,000 sf = \$715)	\$50 - \$150 (Sign = \$50)	\$55 Residential and \$125 Non-residential	\$30	\$825	\$385 for text and \$385 for map	\$0
Minimums	\$390	\$330	\$50	\$55 or \$125	\$30	\$825	\$385	n/a
Lewiston	\$525 for first 5 lots, \$53 per additional lot. Expanded Review \$840 (5 lots = \$525)	Minor: \$210. Major \$525. Expanded Review \$840	\$0	\$105	Minor: \$105, Major \$263. Expanded Review \$420	\$525	\$315	n/a
Minimums	\$525	\$210, \$525, or \$840	\$0	\$105	\$105, \$263 or \$420	\$525	\$315	n/a

Development Review

Augusta	\$200 first 6 lots, \$35 for each additional lot + \$0.59 per abutter (5 lots = \$200)	Major: \$2,000 + \$0.15 per sf < 20,000 (maximum \$4,000). Minor: \$250 + \$0.15 < 5,000 (maximum \$1,000). Plus \$0.59 per abutter	n/a	\$50 or \$100	\$0	\$50 + \$0.59 per abutter	\$150	If plan expires original fee assessment applies
Minimums	\$200	Major: \$2,000. Minor: \$250	n/a	\$50 or \$100	n/a	\$50	\$150	n/a
Regional Average	\$908 (5 lot subdivision)	\$0.085 per square foot on 10,000 sf	\$22 for Sign / ~\$82 Application Fee	~\$105	~\$150	\$390	\$240	\$0
Brunswick (Proposed)	Sketch: \$100/lot Final: \$150/lot (5 lots = \$1,250) + \$200 Deposit	Minimum \$150. Sketch Plan \$0.03 per square foot. Final Plan \$0.10 per square foot (10,000 sf = \$1,300) + \$200 Deposit	\$25 for Staff Review and \$50 for Board Review (Sign = \$25)	\$75 Application Fee	\$50	\$200 + \$200 Deposit	\$200	\$200

Town of Brunswick, Maine

Incorporated 1739

CODES ENFORCEMENT OFFICE

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JEFF HUTCHINSON
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28 FEDERAL STREET
BRUNSWICK, ME 04011

To: Brunswick Town Council
Gary Brown, Town Manager

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

From: Jeff Hutchinson, Codes Enforcement Officer

Date: March 6, 2008

Re: Brunswick Construction Fee Schedule

This memo and attached (three) spreadsheets are being offered to the Town Council by the Codes Enforcement Office to recommend an update of the Town's construction permit fees. We surveyed approximately a dozen Maine communities of similar size and growth as Brunswick for comparison and the results of our findings and recommendations can be found on the attached spreadsheets. We are recommending a comprehensive update of the fees for Building, Plumbing and Electrical permits.

The Building Permit fees were last updated by the Council in 2003 with a suggestion to return for additional updates in 5 years. (It had been 12 years since they were previously updated). One significant change to the current proposal is to adjust the renovation fee structuring from "per square footage" of the project to a "price/thousand" of the project cost.

While researching other municipalities in 2003 we found that the plumbing and electrical fees compared favorably. However, our recent survey has identified that many have updated/increased their fees to help defray the increased costs necessary to process the permits and to inspect the projects which would include travel expenses. Brunswick has experienced similar increases and recommends the attached fee updates. Our electrical fees have not been revised since 1989 and the plumbing fees were last updated in 2004.

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Building Permit Fees 2009

Town	Minimum Application Fee	1 & 2 Family New Construction (Typical Home) \$200,000/2,000 SF	All other New Construction (Bldg #3 M.S.S.) \$2.3Mil/19,684 SF	1 & 2 Family Renovation (Home Renov.) \$300,000/3,200SF	Other Renovation (Atlantic Regional FCU) \$264,448/6,200SF	Foundation Typical Home Foundation \$17,000/2500SF	Demo 14 McKeen St Assessed Value \$300,000/3,307SF
Auburn	N/A	\$.28/SF (\$560.00)	\$.38/SF (\$7480.00)	\$5.00/\$1000.00 (\$1,500.00)	\$7.00/\$1000.00 (\$1,855)	.11/SF (\$275.00)	.02/SF (\$66.14)
Bangor (2008)	N/A	.007 x value 94.99 x SF x .007 (\$1329.00)	Retail:86.08 x SF x .007 Office:121.71 x SF x .007 (\$16,770.00)	\$6.00/\$1000.00 (\$1,800.00)	\$6.00/\$1000.00 (\$1,590.00)	\$6.00/\$1000.00 (\$102.00)	\$41.00 plus \$10.00 for each floor over 3 (\$41.00)
Biddeford	\$25.00	\$8.00/\$1000 (\$1600.00)	\$8.00/\$1000.00 (\$18,400)	\$8.00/\$1000.00 (\$2,400.00)	\$8.00/\$1000.00 (\$2,120.00)	N/A	\$25.00 (\$25.00)
Falmouth (2002)	\$25.00	\$.25/SF (\$500.00)	\$10.00/\$1000.00 value (\$23,000.00)	\$5.00/\$1000.00 (\$1,500.00)	\$7.00/\$1000.00 (\$1,855.00)	\$100.00 (100.00)	\$25.00 (\$25.00)
Lewiston (2008)	N/A	\$.21/SF (\$420.00)	\$.26/SF (\$5,118.00)	\$2.50/\$1000.00 (\$750.00)	\$5.00/\$1000.00 (\$1,325.00)	Res. \$.05/SF (\$125.00) Comm \$5.00/\$1000 (\$85.00)	\$80.00 -\$210.00 (based on SF) (\$100.00)
Portland (2009)	\$30.00	\$10.00/\$1000.00 (\$2,000.00)	\$10.00/\$1000.00 (\$23,000.00)	\$10.00/\$1000.00 (\$3,000.00)	\$10.00/\$1000.00 (\$2,650.00)	N/A	\$30.00 plus \$10.00/\$1000.00 assessed value (\$3,030)
Scarborough (2009)	\$35.00	\$.40/SF (\$800.00)	\$.40/SF (\$7,874.00)	\$.40/SF (\$1,280.00)	\$.40/SF (\$2,480.00)	\$.20/SF (\$500.00)	\$35.00 (\$35.00)
Bath (2006)	\$40.00	\$.20/SF (\$400.00)	\$.40/SF (\$7,874.00)	\$.20/SF (\$640.00)	\$.40/SF (\$2,480.00)	N/A	\$50.00 (\$50.00)
Freeport (2008)	\$55.00	\$.40/SF (\$800.00)	\$.45/SF (\$8,858.00)	\$11.00/\$1000 (\$3,300.00)	\$11.00/\$1000.00 (\$2,915.00)	\$55.00 (\$55.00)	\$55.00 (\$55.00)
Topsham (2008)	N/A	\$.25/\$1000.00 (\$500.00)	\$.40/SF (\$7,874.00)	\$.25/SF (\$800.00)	\$.40/SF (\$2,480.00)	N/A	\$25.00 (\$25.00)
Brunswick (2003)	\$25.00	\$.20/SF (\$400.00)	\$.25/SF (\$4,921.00)	\$.25/SF (\$800.00 only if structural)	\$.25/SF (\$1,550.60 only if structural)	\$25.00 (\$25.00)	\$10-\$20 (\$20.00)
Average	\$35.00	\$890.90 (\$.45/SF)	\$11,924.45 (\$.60/SF)	\$1,697 (\$5.66/\$1000) (\$.53/SF)	\$2,175 (\$8.22/\$1000) (\$.35/SF)	\$144.00 (\$8.48/\$1,000) (\$.057/SF)	\$970.56 (\$3.23/\$1,000) (\$.29/SF)
Brunswick (Existing)	\$25.00	\$400.00 (\$.20/SF)	\$4,921.00 (\$.25/SF)	\$25.00 (\$.25/SF Structural Improvements only)	\$1,550 (\$.25/SF) Strutural Improvements only	\$25.00	\$20.00
Brunswick (Proposed)	\$45.00	\$.35/SF (\$700.00)	\$.40/SF (\$7,873.60)	\$6.00/\$1,000.00 (\$1,800.00)	\$9.00/\$1,000.00 (\$2,380.00)	\$.40/SF (\$100.00)	\$50.00

Electrical Fee's 2009

Town	Minimum Fee	Service Entrance	Wiring Residential	Wiring Commercial	Alterations	Swimming Pools
Auburn	\$30.00	\$25.00	\$50.00/Dwelling Unit	1-10 =\$10.00 11-30 = \$15.00 31-60= \$20.00 61 Plus= \$.05/Fixture	Same as Commercial	Above= \$40.00 Below= \$50.00
Bangor	\$33.00	\$33.00	\$59.00/Dwelling Unit	\$59.00 Plus .0005% of total cost	\$33.00/Permit	\$33.00
Biddeford	\$25.00	\$35.00	\$100.00/Home	\$.055/SF	\$.35/Outlet	Above= \$25.00 Below= \$40.00
Falmouth	\$50.00	\$25.00	\$.03/SF	\$.03/SF	\$.03/SF	\$25.00
Lewiston (2008)	\$40.00	\$12.00	\$58.00/Dwelling Unit			\$37.00
Portland	\$50.00	\$15.00	\$.20/Fixture	\$.20/Fixture	\$.20/Fixture	\$10.00
Scarborough	\$30.00	\$30.00 (\$30.00 Admin Fee)	\$.05/sf (\$30.00 Admin Fee)	\$.05/sf (\$30.00 Admin Fee)	\$15.00/Room	\$30.00
S. Portland (2006)	\$40.00	\$30.00	\$30.00/Appliance		1-10 Fix=\$5.00 11-30 Fix= \$8.00 31-60Fix= \$10.00	\$40.00
Westbrook	\$35.00	\$25.00	\$100/Dwelling Unit	\$.03/SF	\$.20/Outlet	\$35.00
Bath	\$50.00	\$50<5 Meters \$100 >5 Meters	\$.06/SF	\$.10/SF	1-20=\$50.00 >20 use SF	\$50.00
Freeport	\$25.00	\$25.00 (plus \$30.00 Admin Fee)	\$.06/SF (\$30.00 Admin Fee)	\$.10/SF (\$30.00 Min) (\$30.00 Admin Fee)	Same as wiring	\$25.00
Topsham	N/A	\$10.00	\$.06/SF	\$.09/SF	1-10 Fix=\$10.00 11-20 Fix= \$15.00 21-30 Fix= \$20.00 Over 30= 1/2 of SF	N/A
Brunswick	\$10.00	\$10.00	\$.05/SF	<10,000SF=\$.08/SF >10,000SF=\$.04/SF	1-10 Fix=\$6.00 11-20 Fix= \$9.00 21-30 Fix= \$12.00	\$10.00
Average	\$37.09	\$31.25	\$.06/SF	\$.095/SF		\$33.00
Brunswick (Existing)	\$10.00	\$10.00	\$.05/SF	<10,000SF=\$.08/SF >10,000SF=\$.04/SF	1-10 Fix=\$6.00 11-20 Fix= \$9.00 21-30 Fix= \$12.00	\$10.00
Brunswick (Proposed)	\$45.00	\$45.00	\$.06/SF	\$.09/SF	1-20 Fixtures \$45.00 >20 use SF of project	\$45.00

**Plumbing Permit Fees
2009**

Town	Minimum	Amount per Fixture	Complete Disposal System Non-Engineered	Complete Disposal System Engineered	Seasonal Conversion	Variances	Engineered Treatment Tank	Non-Engineered Treatment Tank	Non-Engineered Disposal Field	Engineered Disposal Field	Primitive System	Separate Laundry	Alternative Toilet	Other System Components
Auburn (Increase soon)	\$24.00	\$6.00	\$100.00	\$200.00	\$50.00	\$20.00	\$80.00	\$50.00	\$75.00	\$150.00	\$100.00	\$35.00	\$50.00	\$30.00
Bangor	\$24.00	\$6.00	\$100.00	\$200.00	\$50.00	\$20.00	\$80.00	\$50.00	\$75.00	\$150.00	\$100.00	\$35.00	\$50.00	\$30.00
Biddeford	\$24.00	\$6.00	\$100.00	\$200.00	\$50.00	\$20.00	\$80.00	\$50.00	\$75.00	\$150.00	\$100.00	\$35.00	\$50.00	\$30.00
Falmouth	\$36.00	\$9.00	\$150.00	\$300.00	\$75.00	\$30.00	\$120.00	\$75.00	\$112.50	\$225.00	\$150.00	\$52.50	\$75.00	\$45.00
Lewiston	\$24.00	\$6.00	\$100.00	\$225.00	\$50.00	\$20.00	\$80.00	\$50.00	\$75.00	\$150.00	\$100.00	\$35.00	\$50.00	\$30.00
Portland	\$24.00	\$6.00	\$100.00	\$225.00	\$50.00	\$20.00	\$80.00	\$50.00	\$75.00	\$150.00	\$100.00	\$35.00	\$50.00	\$30.00
Scarborough	\$36.00	\$9.00	\$130.00	\$250.00	\$65.00	\$25.00	\$100.00	\$65.00	\$100.00	\$200.00	\$130.00	\$50.00	\$65.00	\$40.00
South Portland	\$34.00	\$6.00	\$100.00	\$225.00	\$50.00	\$20.00	\$80.00	\$50.00	\$75.00	\$150.00	\$100.00	\$35.00	\$50.00	\$30.00
Westbrook	\$24.00	\$6.00	\$100.00	\$225.00	\$50.00	\$20.00	\$80.00	\$50.00	\$75.00	\$150.00	\$100.00	\$35.00	\$50.00	\$30.00
Bath	\$50.00	\$12.00	\$100.00	\$200.00	\$50.00	\$20.00	\$80.00	\$50.00	\$75.00	\$150.00	\$100.00	\$35.00	\$50.00	\$30.00
Freeport	\$40.00	\$10.00	\$150.00	\$300.00	\$75.00	\$30.00	\$120.00	\$75.00	\$112.50	\$225.00	\$150.00	\$52.50	\$75.00	\$45.00
Topsham (2008)	\$36.00	\$9.00	\$150.00	\$300.00	\$75.00	\$30.00	\$120.00	\$75.00	\$112.50	\$225.00	\$150.00	\$52.50	\$75.00	\$30.00
Brunswick	\$24.00	\$6.00	\$100.00	\$200.00	\$50.00	\$20.00	\$80.00	\$50.00	\$75.00	\$150.00	\$100.00	\$35.00	\$50.00	\$30.00
Average	\$31.00	\$7.58	\$115.00	\$237.50	\$57.50	\$22.92	\$91.66	\$57.50	\$86.46	\$172.92	\$115.00	\$40.63	\$57.50	\$33.33
Brunswick (Existing)	\$24.00	\$6.00	\$100.00	\$200.00	\$50.00	\$20.00	\$80.00	\$50.00	\$75.00	\$150.00	\$100.00	\$35.00	\$50.00	\$30.00
Brunswick (Proposed)	\$36.00	\$9.00	\$150.00	\$300.00	\$75.00	\$30.00	\$120.00	\$75.00	\$112.50	\$225.00	\$150.00	\$52.50	\$75.00	\$30.00

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

ITEM 168

BACK UP MATERIALS

November 9, 2009

To: Brunswick Town Council
From: Brunswick Marine Resources Committee (BMRC)
Re: Revisions to Brunswick Town Ordinance Chapter 11,
Article III "Shellfishing", Divisions 1.2.3.4.5.

Honorable Town Councilors,

On November 4, 2009 the BMRC voted unanimously to endorse the (attached) revisions to the ordinance referenced above. All of the revisions presented have been discussed at the BMRC meetings over the last several months. The final package incorporates the consensus of the committee, along with support from the public, who provided significant input along the way.

Committee members and staff worked diligently over the past year, reviewing the local shellfishing ordinance, looking to provide more efficient management and strengthen enforcement. This task is typically done by the BMRC every few years to ensure that our local ordinance remains consistent with the changing technological, regulatory and resource environment. The BMRC seeks to provide Brunswick residents and harvesters the best management practices for a sustainable local industry that is revenue generating, and a large part of our coastal Maine heritage.

Some of the proposed changes are of the "housekeeping" variety. The BMRC wants to streamline our procedures; and to give itself, staff and the public the benefit of newer, or alternative, modes of communication. We want to place a more appropriate level/proportion of responsibility on the committee and the licensed harvesters instead of the US Postal Service, Town Clerk's staff, Marine Wardens, etc. The revisions we propose reflect these intentions.

You will find the ordinance (attached) with strikethrough deletions and underline additions. We will submit an addendum, for the November 16 meeting, to briefly describe the BMRC rationale for each item.

The BMRC would like to thank the Town Council for the opportunity to present these new revisions. Marine Resource Officer Dan Devereaux and I will be available for a brief presentation of this package, at the November 16 Town Council meeting. We look forward to answering any questions that you may have.

Sincerely,

Suzan Wilson
Chairman
Brunswick Marine Resources Committee

ARTICLE III.
SHELLFISHING*

* **Cross References:** Conservation Commission, § 2-76 et seq.; parks and recreation areas, § 14-96 et seq.
State Law References: Municipal Shellfish Conservation Programs, 12 M.R.S.A. § 6671 et seq.

DIVISION 1.
GENERALLY

Sec. 11-71. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Certified municipal shellfish conservation warden shall mean the law enforcement officer appointed by the town council to enforce this chapter.

Coastal waters means all waters of the town within the rise and fall of the tide and within the marine limits of the jurisdiction of the town.

Commercial Shellfish Harvester means a person who harvests shellfish with profit as a primary aim.

Immediate family shall mean, spouse and children.

Lot shall mean the total number of softshell clams in bulk pile. Where softshell clams are in a box, barrel or other container, the contents of each box, barrel or other container constitutes a separate lot.

Notification shall mean, unless otherwise stated herein and for the purposes of hearing notices under this article, mailing by certified mail to the last known address.

Possession shall mean to have in one's custody or control, either personally or by another who is under one's control anywhere within the municipal boundaries.

Resident shall mean a person who has physically resided at a fixed, permanent, and principal home in the town for at least three (3) months next prior to the time his claim of residence is made.

Shellfish shall mean softshell clams (*Mya arenaria*), quahogs (*Mercenaria mercenaria*).

Take means to remove or attempt to remove a shellfish from its natural habitat.

(Ord. of 3-6-89, § 104; Ord. of 2-5-90, § 104; Ord. of 2-18-92, Ord. of 4-5-93, Ord. of 2-22-94; Ord. of 3-16-99; Ord. of 1-18-00(1); Ord. of 2-6-01(1))

Cross References: Definitions and rules of construction generally, § 1-2.

Sec. 11-72. Authority.

This article is enacted in accordance with 12 M.R.S.A. § 6671.
(Ord. of 3-6-89, § 101; Ord. of 2-5-90, § 101; Ord. of 2-18-92; Ord. of 3-16-99)

Sec. 11-73. Purpose.

The purpose of this chapter is as follows:

- (1) To regulate the harvesting of shellfish in the town.
- (2) To provide management programs in the town for the **conservation** **sustainability** of shellfish in a manner consistent with the production of a reasonable yield to sustain commercial shellfish harvesters.

(Ord. of 3-6-89, § 102; Ord. of 2-5-90, § 102; Ord. of 2-18-92; Ord. of 1-16-96; Ord. of 3-16-99; Ord. of 2-6-01(1))

Sec. 11-74. Conservation, management of resources.

It is hereby determined as follows:

- (1) The coastal waters of the town are a very valuable shellfish resource which is important to the local economy.
- (2) These marine resources are not an inexhaustible resource, and, therefore, they must be prudently managed in order to remain viable.
- (3) As part of the management process it is deemed vitally necessary to restrict the taking of shellfish by limiting shellfish licenses; restrict the size and quantity of shellfish which may be harvested; and, take other measures as outlined in this chapter.

(Ord. of 3-6-89, § 103; Ord. of 2-5-90, § 103; Ord. of 2-18-92, Ord. of 4-5-93; Ord. of 3-16-99)

Sec. 11-75. Enforcement.

The chapter shall be enforced by the certified municipal shellfish conservation warden, or by any municipal shellfish conservation warden appointed by the town, who within one year of appointment must be certified by the commissioner of marine resources.

(Ord. of 3-6-89, § 501; Ord. of 2-5-90, § 501; Ord. of 2-18-92; Ord. of 4-5-93, Ord. of 8-15-94; Ord. of 3-16-99)

Sec. 11-76. Penalty.

A person who violates this chapter shall be punished as provided in 12 M.R.S.A. § 6671.

A person who takes or possesses shellfish in violation of a municipal ordinance commits a **crime violation** with significant fines and license suspensions.

(Ord. of 3-6-89, § 502; Ord. of 2-5-90, § 502; Ord. of 2-18-92, Ord. of 4-5-93; Ord. of 3-16-99; Ord. of 1-18-00(1))

Sec. 11-77. Amendment.

A certified copy of an amendment to this article shall be filed with the commissioner of marine resources within twenty (20) days of its adoption to preserve its validity.
(Ord. of 3-6-89, § 504; Ord. of 2-5-90, § 504; Ord. of 2-18-92, Ord. of 4-5-93; Emergency Ord. of 8-5-96; Ord. of 8-19-96; Ord. of 3-16-99; Ord. of 11-3-03)

Secs. 11-78--11-95. Reserved.

DIVISION 2.

MARINE RESOURCE COMMITTEE*

* **Cross References:** Boards, committees, commissions, § 2-51 et seq.

Sec. 11-96. Established, members, etc.

There is hereby established a marine resource committee consisting of seven (7) members and two (2) alternates to be appointed by the town council. ~~If sufficient applications are available,~~ the members must include three (3) town licensed resident commercial shellfish harvesters, three (3) residents of the community who do not possess a town or state ~~commercial~~ shellfish license and one (1) town licensed resident recreational shellfish harvester. One (1) alternate must be a town licensed resident commercial shellfish harvester and one (1) alternate must member of the community who does not posses a town or state shellfish license. In the absence of a member either alternate may fill the vacancy to constitute a quorum, however that alternate may only vote in the category in which he/she has been appointed. ~~The alternate may be from any category, and may act in the absence of a member. If sufficient applications are not available in a category after two (2) rounds of advertisements of the vacancy, the alternate will fill the vacancy and the alternate will be advertised.~~ Members and alternates shall be appointed for three (3) year terms. ~~Alternates shall be appointed for three year terms.~~ The town council shall appoint a person to fill a vacancy for the unexpired term. The committee shall choose a chairman, vice-chairman and secretary. The chairman shall preside at all meetings of the committee. The vice-chairman shall preside in the chairman's absence. ~~The secretary shall record and keep minutes of each meeting.~~ Minutes of each meeting shall be filed with the Town clerk. Any committee member who has three (3) or more unexcused absences from committee meetings in a year shall ~~may~~ be removed and replaced with a new member by the town council. (Ord. of 3-6-89, § 201; Ord. of 2-5-90, § 201; Ord. of 2-18-92, Ord. of 4-5-93; Ord. of 9-5-95; Ord. of 1-16-96; Emergency Ord. of 8-5-96; Ord. of 8-19-96, Ord. of 3-16-99; Ord. of 1-18-00(1); Ord. of 2-6-01(1))

Sec. 11-97. Powers and duties.

The marine resource committee shall have the following powers and duties:

- (1) To administer and coordinate the shellfish-~~conservation~~ sustainability program.

- (2) To recommend to the town council how the money appropriated for shellfish **conservation** **sustainability** programs should be spent.
 - (3) To survey the coastal waters to obtain and maintain current information on shellfish resources, including:
 - a. The determination of size frequency.
 - b. The determination of growth rate.
 - c. The estimation of the available standing crop.
 - d. The estimation of potential yield.
 - e. The identification of sources of harmful pollution.
 - f. The identification of other resource problems, such as green crab predation and mussel competition.
 - (4) To determine the current level of use of the shellfish resources.
 - (5) To cooperate with the Department of Marine Resources and others in carrying on experimental programs.
 - (6) To prepare and promulgate a shellfish **conservation** **sustainability** plan in cooperation with the Department of Marine Resources based on the results of the shellfish survey, recommending area rotation, seeding, transplanting, predator control, and the opening and closing of the coastal waters.
 - (7) To collect harvest data documenting local values of shellfish resources.
 - (8) To make an annual written report to the town and the Department of Marine Resources detailing funds available, expenditures made, shellfish population data, results of all conservation and experimental programs, enforcement activities, and sources of pollution, predation, competition and other resource problems.
 - (9) To establish annually in conjunction with the Department of Marine Resources the number of commercial shellfish harvesting licenses to be issued.
- (Ord. of 3-6-89, § 202; Ord. of 2-5-90, § 202; Ord. of 2-18-92, Ord. of 4-5-93; Ord. of 3-16-99; Ord. of 1-18-00(1); Ord. of 6-5-00(1))

Secs. 11-98--11-110. Reserved.

DIVISION 3.

SHELLFISH REGIONAL ADVISORY COMMISSION*

* **Editors Note:** Former Div. 3, §§ 11-111--11-114, relative to the shellfish advisory commission, was deleted by an ordinance adopted Aug. 15, 1994, due to no remaining reciprocal agreements. The provisions of former Div. 3, derived from §§ 401--404 of an ordinance of March 6, 1989; §§ 401--404 of an ordinance of Feb. 5, 1990; an ordinance of Feb. 18, 1992; an ordinance of April 5, 1993; and an ordinance of Feb. 22, 1994.

Secs. 11-111--11-130. Reserved.

DIVISION 4.

LICENSE*

* **Cross References:** Licenses and business regulations, ch. 10.

Sec. 11-131. License required.

A person shall not take or possess shellfish from coastal waters of the town without first obtaining a license from the town clerk or the town clerk's designee.
(Ord. of 3-6-89, § 301; Ord. of 2-5-90, § 301; Ord. of 3-4-91; Ord. of 2-18-92, Ord. of 4-5-93, Ord. of 2-22-94, Ord. of 8-15-94; Ord. of 3-16-99)

Sec. 11-132. Categories.

- (a) There are six (6) types of licenses as follows:
 - (1) *Resident commercial shellfish license.* This license entitles the licensee to harvest any amount of shellfish from the coastal waters of the town where and when it is otherwise lawful to do so.
 - (2) *Nonresident commercial shellfish license.* This license entitles the licensee to take or possess any amount of shellfish from the coastal waters of the town where and when it is otherwise lawful to do so.
 - (3) *Resident recreational shellfish license.* This license is available to residents and nonresident owners of real estate within the town as well as immediate family members of nonresident real estate owners within the town and entitles the licensee to take or possess no more than one (1) peck of shellfish per tide from the coastal waters of the town, not for sale, but for the use of the harvester and the harvester's immediate family, where and when it is otherwise lawful to do so.
 - (4) *Nonresident recreational shellfish license.* This license entitles the licensee to take or possess no more than (1) peck of shellfish per tide from the coastal waters of the town, not for sale, but for the use of the harvester and the harvester's immediate family, where and when it is otherwise lawful to do so.
 - (5) *Resident student shellfish license.* This license allows the licensee to harvest one (1) bushel of

shellfish per tide from June 15th (inclusive) to September 1st (inclusive) from the coastal waters of the town to where and when it is otherwise lawful to do so.

- (6) *Nonresident student shellfish license.* This license allows the licensee to harvest one (1) bushel of shellfish per tide from June 15th (inclusive) to September 1st (inclusive) from the coastal waters of the town where and when it is otherwise lawful to do so.

(b) The town shall provide ten (10) percent of the resident commercial, recreational and student licenses to nonresidents.

(c) Any license issued under this division is subject to the partial or total closing of coastal waters under section 11-161 of this chapter.
(Ord. of 3-6-89, § 304; Ord. of 2-5-90, § 304; Ord. of 3-4-91; Ord. of 2-18-92; Ord. of 4-5-93, Ord. of 2-22-94, Ord. of 8-15-94; Ord. of 1-16-96; Ord. of 3-16-99; Ord. of 1-18-00(1); Ord. of 2-6-01(1))

Sec. 11-133. Qualification of licensee.

(a) *Residency qualifications.*

- (1) An applicant for a resident commercial shellfish license shall be a resident of the town whose Brunswick shellfish license is not currently under suspension for a **second** closed area conviction pursuant to subsection 11-141(b) and whose state shellfish license is not currently under suspension **for a second closed area conviction.**
- (2) An applicant for a non-resident commercial shellfish license is any person who is not a resident of the town whose Brunswick shellfish license is not currently under suspension for a **second** closed area conviction pursuant to subsection 11-141(b), and whose state shellfish license is not currently under suspension **for a second closed area conviction.**
- (3) An applicant for a resident recreational shellfish license must be either a resident of the town or nonresident owner of real estate within the town or immediate family member of nonresident owner of real estate within the town and whose **municipal and state** shellfish license is not currently under suspension. **pursuant to this chapter.**
- (4) An applicant for a nonresident recreation shellfish license is any person who is not a resident of the town and whose **municipal and state** shellfish license is not currently under suspension, **pursuant to this chapter.**
- (5) The place of residence of an applicant as stated on any other license is not determinative of the applicant's true place of residence. Where necessary the town clerk shall require the applicant to produce evidence of his residence before issuing the license.
- (6) An applicant for a resident student shellfish license shall be a resident of the town who has attained his or her 13th birthday but has not yet attained his or her 21st birthday as of March 1st of the year of application. The applicant shall be enrolled fulltime in a primary or secondary school or educational program.

- (7) An applicant for a nonresident student shellfish license shall be a nonresident of the town who has attained his or her 13th birthday but has not yet attained his or her 21st birthday as of March 1st of the year of application. The applicant shall be enrolled fulltime in a primary or secondary school or educational program.

(b) *Conservation time.* A licensed commercial shellfish harvester must obtain a total of ten (10) conservation credit points between ~~February 1 and December 1~~ May 1 to February 15 and in order to remain eligible to obtain a license for the next licensing year. This requirement to begin obtaining conservation credits will be effective February 1, 2006.

- (1) *Conservation credit activities.* Participation in any of the following activities results in the granting of conservation credit as specified:

Participation in any one (1) of the following activities shall deem a harvester eligible to receive two (2) conservation credit points per event attended:

- a) documented attendance at a Brunswick Marine Resource Committee meeting or Brunswick Marine Resource Committee public hearing.
- b) documented attendance at a regional or state shellfish committee meeting.
- c) documented attendance at a shellfish conference (i.e. Fisherman's Forum).

Participation in any one (1) of the following activities shall deem a harvester eligible to receive five (5) conservation credit points per event attended:

- a) participation in a Brunswick Marine Resource Committee sponsored shellfish reseeding project.
- b) participation in a Brunswick Marine Resource Committee sponsored experimental shellfish enhancement project.
- c) participation in Town of Brunswick annual shellfish surveys.
- d) participation in Town of Brunswick water quality monitoring event.
- e) participation in an organized coastal or environmental clean up along within the Town of Brunswick.
- f) participation in non-point pollution identification or remediation project within the Town of Brunswick.

A minimum of ~~three (3)~~ two (2) conservation projects shall be scheduled prior to the ~~April~~ May meeting of the Brunswick Marine Resources Committee.

Dates of the ~~three (3)~~ two (2) conservation projects scheduled by the Marine Resources Committee will be posted in Town Hall, ~~and included on the Town of Brunswick Shellfish Hotline telephone message. Any conservation projects scheduled subsequent to the April meeting will be noticed similarly.~~

A currently licensed harvester who does not complete the required conservation time credit will not receive a license for the next license year.

The accumulation of conservation credit must be completed by ~~December 1~~ the February 1 of the current license year.

- (2) *Documentation of conservation credit.* Participation in any of the conservation credit activities specified in this section must be documented. Documentation shall be in the form of a signature on an event sign in sheet, name appearing as an attendee in official meeting minutes, receipt of conference registration, or records maintained by the Brunswick Marine Warden, in order for conservation credit points to be awarded. ~~Official minutes of Brunswick Marine Resource Committee meetings shall include a list of attendees present and shall be approved by a vote of the committee. Harvester attending a field activity (five (5) point category) shall receive a receipt of attendance from the shellfish warden. Copies of the receipt shall be held by the marine resource warden and submitted to the town clerk.~~

All records and conservation credit logs will be maintained by the shellfish warden and will be held in the shellfish warden's office.

- (3) *Determination of conservation credit completion.* By the second Monday in March ~~first business day of January~~ the shellfish warden shall compile documented conservation time of each individual harvester and forward a list of those harvesters determined to have satisfied the conservation credit requirement to the town clerk.

Harvesters included on the list submitted by the shellfish warden shall be eligible for a commercial license for the upcoming license year if a notice of intent has been filed by the deadline.

~~Harvesters will be notified of their status in terms of conservation credit completeness by the shellfish warden by October 31 for credits earned by October 15. A final status will be mailed by December 10. A compilation of harvester conservation credits will be posted on the marine resources board in the Brunswick Town Hall by first Monday in January of each year.~~

- (4) *Approved absence from conservation credit requirement.* Harvesters who have not completed a full ten (10) points of conservation credit in a given license year are only eligible for a license if their absence from participation in conservation credit activities are approved by the ~~shellfish warden or~~ marine resource committee.

Approved absences may include an extended and documented illness, or an extended illness of an immediate family member that is under the immediate care of the harvester.

Requests for a determination of approved absence must be made in writing to the shellfish warden and must be submitted **to the Marine Resource Committee** no later than **December 15th February 10th**. The request shall include evidence to support an approval of absence determination. **The Marine Resources Committee will rule on the absence at its March meeting.**

If the absence is approved, the harvester will be required to make up the remaining conservation credit points during the next license year.

If the absence is not approved, the harvester will not be eligible to obtain a license.

~~(5) — *Appeal procedure.* A harvester may appeal any determination of eligibility made by the shellfish warden. Requests for appeals must be made in writing to the marine resource committee by December 31st. Appeals will be decided by the marine resource committee during its January meeting. Decisions shall be provided to the town clerk in writing no later than five (5) days after the meeting.~~

(Ord. of 3-6-89, § 307; Ord. of 2-5-90, § 307; Ord. of 2-18-92; Ord. of 4-5-93, Ord. of 2-22-94, Ord. of 8-15-94; Ord. of 1-16-96; Emergency Ord. of 1-13-97; Emergency Ord. of 2-3-97; Ord. of 2-3-97; Ord. of 3-16-99; Ord. of 1-18-00(1); Ord. of 2-6-01(1); Ord. of 11-2-05(1))

Sec. 11-134. Application.

(a) The application for a license required under this chapter shall be in the form of an affidavit. It shall contain the applicant's name, physical location of residence, mailing address, period of residence, date and place of birth, height, weight, eye and hair color, and such other necessary information as the town clerk may require. The resident address shall be the physical location of the residence. The mailing address shall be such that the applicant utilizes to receive mail from the U.S. Postal Service. It must be signed by the applicant and acknowledged by the town clerk. The town clerk shall note on the application the date the license was issued. The town clerk shall file the application with the records.

(b) An application for a student shellfish license shall also be in the form of an affidavit, which shall include:

- (1) Proof that the applicant has attained his or her 13th birthday but has not yet attained his or her 21st birthday as of March 1st of the license year.
- (2) Proof of residency.
- (3) Proof of enrollment in a school or state approved educational program.
- (4) A letter of recommendation from the superintendent or equivalent official in the school or educational program.

An application for a student shellfish license shall include a statement in bold print: **THE RECEIPT OF A STUDENT SHELLFISH LICENSE OR LICENSES PROVIDES NO CREDIT IN THE COMMERCIAL LICENSE SELECTION PROCESS.**

(Ord. of 3-6-89, § 308; Ord. of 2-5-90, § 308; Ord. of 2-18-92, Ord. of 2-22-94; Emergency Ord. of 1-13-97;

Emergency Ord. of 2-3-97; Ord. of 2-3-97; Ord. of 3-16-99; Ord. of 2-6-01(1); Ord. of 11-3-03)

Sec. 11-135. Misrepresentation; change of residence.

(a) It shall be a violation of this article for any person to falsify or give false information in connection with a shellfish license application. In addition to any criminal penalties which may result from a violation of this chapter, the shellfish license granted to any person who gives false information on a shellfish license application shall be void after notice and hearing.

(b) A person holding a resident commercial shellfish license or a resident student shellfish license shall physically reside at a fixed, permanent, and principal home in the town during the license period, or shall surrender the license. If a person does not do so, the license shall be void after notice and hearing.

(c) A person holding a resident recreational shellfish license shall physically reside at a fixed, permanent, and principal home in the town or be a nonresident owner of real estate within the town or immediate family member of nonresident real estate owner within the town during the license period, or shall surrender the license. If a person does not do so, the license shall be void after notice and hearing.

(d) A person applying for, or holding a shellfish license under this chapter, shall notify the town clerk within ten (10) days of an address change, regardless of whether the address change is also a change of residency.

(Ord. of 3-6-89, § 310; Ord. of 2-5-90, § 310; Ord. of 2-18-92; Ord. of 4-5-93; Ord. of 1-16-96; Emergency Ord. of 1-13-97; Emergency Ord. of 2-3-97; Ord. of 2-3-97; Ord. of 3-16-99; Ord. of 1-18-00(1); Ord. of 6-5-00(1); Ord. of 2-6-01(1))

Sec. 11-136. Fees.

The applicant for a license under this chapter shall pay a fee as follows:

- (1) Resident commercial shellfish license, two hundred dollars (\$200.00).
- (2) Nonresident commercial shellfish license, four hundred dollars (\$400.00).
- (3) Resident recreational shellfish license, fifteen dollars (\$15.00); over age sixty-two (62), free.
- (4) Nonresident recreational shellfish license, thirty dollars (\$30.00); over age sixty-two (62), free.
- (5) Resident student shellfish license, fifty dollars (\$50.00).

(6) Nonresident student shellfish license, one hundred dollars (\$100.00).
(Ord. of 3-6-89, § 305; Ord. of 2-5-90, § 305; Ord. of 3-4-91; Ord. of 2-18-92; Ord. of 4-5-93, Ord. of 2-22-94; Emergency Ord. of 1-13-97; Emergency Ord. of 2-3-97; Ord. of 2-3-97; Ord. of 3-16-99; Ord. of 1-18-00(1); Ord. of 6-5-00(1); Ord. of 2-6-01(1))

Sec. 11-137. Exhibition of license.

When any person is engaged in any activity which is licensed under this chapter, that person shall, on request of a certified municipal shellfish conservation warden, exhibit his license. (Ord. of 3-6-89, § 301 (1, 2); Ord. of 2-5-90, § 301(1), (2); Ord. of 2-18-92; Ord. of 4-5-93; Ord. of 3-16-99)

Sec. 11-138. Consent to inspection for shellfish.

A certified municipal shellfish conservation warden, within the warden's jurisdiction, has all the search powers of a marine patrol officer under Title 12, Section 6025(4). Those powers currently include the power to search without a warrant, upon probable cause, any watercraft or container containing marine organisms possessed or taken in violation of law.

(Ord. of 3-6-89, § 301 (3); Ord. of 2-5-90, § 301 (3); Ord. of 2-18-92; Ord. of 4-5-93, Ord. of 2-22-94; Ord. of 3-16-99; Ord. of 1-18-00(1))

Sec. 11-139. Stopping for inspection.

It shall be unlawful for the operator of a motor vehicle, boat, vessel, or conveyance of any kind, or any person:

- (1) *Stopping.* To fail or refuse to stop immediately upon request or signal of any certified municipal shellfish conservation warden in uniform.
- (2) *Remaining stopped.* After he has so stopped, to fail to remain stopped until the certified municipal shellfish conservation warden in uniform reaches his immediate vicinity and makes known to that operator the reason for the request or signal.
- (3) *Standing by.* To fail or refuse to stand by immediately for inspection on request of any certified municipal shellfish conservation warden in uniform.
- (4) *Throwing or dumping items.* Who has been requested or signaled to stop by a certified municipal shellfish conservation warden in uniform to throw or dump into any coastal waters any shellfish, or any pail, bag, barrel or other container of any type or the contents thereof before the certified municipal shellfish conservation warden in uniform has inspected the same.

(Ord. of 2-18-92; Ord. of 4-5-93, Ord. of 2-22-94; Ord. of 3-16-99)

Editors Note: Former § 11-139, relative to a prohibition on night shellfish harvesting, was amended in its entirety by an ordinance adopted Feb. 18, 1992. The provisions of former § 11-139 derived from § 301(4) of an ordinance adopted March 6, 1989 and § 301(4) of an ordinance adopted Feb. 5, 1990.

Sec. 11-140. Limitation on number of licenses.

(a) The shellfish resources are limited. A commercial, recreational or student shellfish harvester can be expected to harvest a certain volume of shellfish per year; therefore, the number of shellfish harvesters must be controlled to preserve the shellfish resource. The number of available shellfish licenses of each type will vary from year to year according to the findings and estimates of the marine resource committee and the state marine resource regional biologist based on data concerning resource capabilities and management requirements consistent with proper resource utilization as determined by shellfish population surveys conducted pursuant to section 11-97. **Prior to the first Friday in March, the Marine Resources Committee will set the number of recreational licenses.** There shall be no ~~limitation by number or~~ time frame for **issuance of** resident recreational

licenses. Commencing with the first Monday in April, the town clerk shall maintain a chronological list of nonresidents seeking recreational shellfish licenses. When the number of resident recreational shellfish licenses reaches a number where a nonresident recreational shellfish license may be issued, the town clerk shall by telephone and U.S. mail attempt notification of the applicant with the highest priority on the list. That person shall purchase the license within seven (7) business days from the date notification is attempted. If the purchase is not made in that time period, that person loses their priority and the town clerk shall attempt notification of the next person on the list using the same process.

(b) The following procedure will be followed to control commercial shellfish license availability:

- (1) ~~Prior to January 1 of each year, the town clerk shall notify by mail all commercial shellfish license holders from the then expiring license period and those persons who filed a notice of intent in either of the past two (2) years that an applicant for a commercial shellfish license for the coming license period must notify the town clerk of that person's intent to seek a resident or nonresident commercial shellfish license for the coming license period. The notice of intent shall be on the form prepared by the town clerk, shall be mailed as stated above and shall be available at the town clerk's office.~~ Prior to January 15 of each year, the Town Clerk will make available a notice of intent. The notice shall also be published in a trade or industry publication or in a newspaper or combination of newspapers with general circulation which the municipal officers consider effective in reaching persons affected no later than by January 15 ~~not less than ten (10) days prior to the first Friday of February~~ and shall be posted in the municipal offices no later than January 15 until the end of business on the second Friday of March. ~~until the end of business on the first Friday of February.~~

Any person who does not complete and return to the town clerk by 4:30 p.m. on ~~the first Friday in February~~ the second Friday of March a fully completed notice of intent on the form prepared by the town clerk along with two (2) proofs of residency, shall not be eligible to be an applicant for a resident or non-resident commercial license in the next coming license period, and if the person does not file a notice of intent for two (2) successive license periods, shall not be considered as previously having held a Brunswick resident or nonresident commercial shellfish license.

The notice of intent must be delivered in person, and must be received by the town clerk by the above deadline. In the event the Brunswick Municipal Offices are closed during any portion of the normal office hours on the second Friday of March ~~first Friday of February~~, the deadline for submitting a notice of intent shall be extended to the close of business on the next normal business day the municipal offices are open.

An applicant on active military duty, whether because of enlistment or activation by a proper authority, may preserve, but not advance, that applicant's status in the commercial license selection process by returning a notice of intent to the town clerk by the second Friday of March ~~the first Friday in February~~. The active duty applicant need not deliver the notice of intent in person. The active duty applicant must include proof from a military authority that the applicant is on active duty and that the applicant is a resident of Brunswick, Maine, as defined in this chapter. The applicant is not required to participate further in the commercial license selection process, and the applicant shall not be reduced in the commercial license classes in any year the

applicant complies with this paragraph.

- (2) Prior to the second Friday of January, Prior to the first Friday in March, the marine resource committee will establish the number of commercial shellfish licenses to be made available.

The Brunswick Marine Resource Committee shall use the following procedure protocols in order to determine the number of resident commercial shellfish licenses.

The standing crop of harvestable shellfish shall be determined by shellfish population surveys for the upcoming shellfish license year. The average yield a harvester could expect to harvest on any given day will be one and one half (1 1/2) bushels of shellfish. The number of harvestable days for shellfishing in any license year shall be two hundred forty five (245) days, resulting from no night harvesting a projected forty seven (47) day rainfall/PSP closure, and seventy three (73) day closure due to winter conditions.

The committee shall divide the total standing crop by the number of harvestable days, then divide the resulting number by average one and one half (1.5) bushels per harvester per day. The final number will be the number of licenses to be issued to resident commercial harvesters. Nonresident commercial shellfish harvesters will be an additional ten (10) percent of that number. Total standing crop ÷ (one and one half (1.5) bushels per harvester per day ÷ (two hundred forty five (245) days = number of resident commercial shellfish licenses.

a) Shellfish population surveys; conducted in accordance with the Maine Department of Marine Resources Municipal Shellfish Management Program. A complete shellfish inventory including all growing areas within the Town of Brunswick jurisdiction shall be completed every two years, or upon the recommendation of the marine resources officer or the marine resources committee.

b) Standing crop analysis; as determined by the shellfish population surveys

c) Licenses availability; based on the standing crop analysis

d) Historical harvest data: as determined by the Maine Department of Marine Resources Municipal Shellfish Management Program.

e) Harvester and public input.

f) Final license determination must take in account all the above factors and shall not be more or less than 15 percent of the license availability as determined by the standing crop analysis in section C.

- (3) The marine resources committee will notify the town clerk in writing prior to the second Friday of March January of the number of commercial shellfish licenses, by type and class, to be made available for issue.

If the town is notified by the Maine Department of Marine Resources of an impending closure or opening of harvestable acreage after the second Friday in ~~January~~ March, the committee shall recalculate the number of commercial shellfish licenses made available, and notify the town clerk in writing prior to the first Monday in April ~~second Friday in February~~.

The town clerk will prepare a list of the persons eligible for licenses in Classes A through F in subsection (4). The public notification of license availability shall include a statement that the list is posted at the town office. No shellfish licenses may be reserved and licenses cannot be transferred or resold by applicants. Applicants for a shellfish license who meet the requirements of this article must obtain the shellfish license in person if the applicant has filed with the town clerk a notarized statement designating a certain other person to obtain the license on the applicant's behalf or unless medically unable to do so. A person medically unable to obtain the shellfish license may send another person who shall present to the town clerk written authorization and a written statement from a physician regarding the applicant's condition.

- (4) The town clerk shall issue resident commercial and non-resident commercial licenses according to the selection process described below. Resident applications and non-resident applications shall be segregated in each class. The classes shall be followed in descending order. A number equivalent to ten (10) percent of the total number of resident commercial licenses, regardless of class, shall be issued to non-resident commercial applicants. Reciprocal licenses from previous years do not qualify as resident commercial licenses or non-resident commercial licenses. The classes are:

RESIDENT

- A. Applicants who have held resident commercial licenses for ten (10) of the last ten (10) years.
- B. Applicants who have held resident commercial licenses for nine (9) of the last ten (10) years.
- C. Applicants who have held resident commercial licenses for eight (8) of the last ten (10) years.
- D. Applicants who have held resident commercial licenses for seven (7) of the last ten (10) years.
- E. Applicants who have held resident commercial licenses for six (6) of the last ten (10) years.
- F. Applicants who have held resident commercial licenses for five (5) of the last ten (10) years.
- G. Applicants who have held resident commercial licenses for four (4) of the last ten (10) years.

- H. Applicants who have held resident commercial licenses for three (3) of the last ten (10) years.
- I. Applicants who have held resident commercial licenses for two (2) of the last ten (10) years.
- J. Applicants who have held resident commercial licenses for one (1) of the last ten (10) years.
- K. Applicants who have held resident commercial licenses for zero (0) of the last ten (10) years.

NONRESIDENT

- A. Applicants who have held nonresident commercial licenses for ten (10) of the last ten (10) years.
- B. Applicants who have held nonresident commercial licenses for nine (9) of the last ten (10) years.
- C. Applicants who have held nonresident commercial licenses for eight (8) of the last ten (10) years.
- D. Applicants who have held nonresident commercial licenses for seven (7) of the last ten (10) years.
- E. Applicants who have held nonresident commercial licenses for six (6) of the last ten (10) years.
- F. Applicants who have held nonresident commercial licenses for five (5) of the last ten (10) years.
- G. Applicants who have held nonresident commercial licenses for four (4) of the last ten (10) years.
- H. Applicants who have held nonresident commercial licenses for three (3) of the last ten (10) years.
- I. Applicants who have held nonresident commercial licenses for two (2) of the last ten (10) years.
- J. Applicants who have held nonresident commercial licenses for one (1) of the last ten (10) years.
- K. Applicants who have held nonresident commercial licenses for zero (0) of the last ten

(10) years.

On the ~~third Friday in February~~ first Wednesday of April, the town clerk shall issue licenses to the classes in which licenses are available for each applicant. The licenses shall be purchased by the end of business on the tenth (10th) business day after issuance.

After the issuance of licenses to the classes in this subsection (4) in which licenses are available for each applicant, the remaining classes shall be issued licenses by lottery. The lottery shall apply to the classes alphabetically. If there is at least one (1) applicant in excess of the number of available licenses in a class, the town clerk shall also hold a lottery for the next class. The lottery shall be held on the ~~second Thursday in March~~ fourth Tuesday of April. As applicant names are drawn by lottery, a list will be compiled showing order of eligibility. Licenses will be available for purchase after the lottery during regular town office business hours until the end of the first business day following the lottery. If, at the end of the first business day following the lottery, one (1) or more licenses remain in a class, the next eligible applicant(s) in that class will have two (2) days to purchase the license(s).

If licenses remain after the issuance of licenses to each applicant in the classes in this subsection (4) during the first ninety (90) days of the issuance process, the town clerk shall issue licenses to residents or nonresidents according to the following process:

The town clerk shall prepare public notification of license availability which shall be published in a newspaper of general circulation in the area on the Friday which is after ~~the third Monday in March~~ the first Friday of May and posted at the town office. The notification shall inform prospective applicants to file a lottery participation notice to seek a resident or nonresident commercial shellfish license. The lottery participation notice shall be on the form prepared by the town clerk, and available at the town clerk's office.

Any person who does not complete and return the lottery participation notice to the town clerk by 4:30 p.m. on the Friday following publication shall not be eligible to be an applicant.

The town clerk shall prepare a list of the persons eligible to compete for a license in this category. The list shall be posted at the town office. Resident applications and nonresident applications shall be segregated.

On the Monday immediately following the return deadline, the town clerk shall hold a lottery to select the applicant or applicants who shall receive licenses. Licenses shall be purchased by the end of business on Tuesday, the next day. If the licenses are not purchased by that time, they shall be offered to the next succeeding person or persons in the lottery who shall have two business days after notification to purchase the license.

If licenses remain after the first ninety (90) days of the issuance process, they shall be equally available to residents and nonresidents.

If a license becomes available because it is suspended to or past the end of the license year, void or surrendered during the license year, it shall be offered to the next succeeding person, if any, identified in the initial lottery process according to the category of the license suspended, void or surrendered,

resident or nonresident. That person shall have seven (7) business days after attempted telephone and U.S. mail notification to purchase the license. If no person remains from the initial lottery process, or if there was no initial lottery process, the license shall not be reissued.

Nothing in this subsection shall be interpreted to restore or expand any other rights or waive any qualification provisions under this article. For the following license year, a person who held licenses in some or all of the proceeding ten (10) years and who qualified for a license during the period of issuance but did not receive a license, shall be in the class determined by this lottery license and previous licenses. A person who receives a license in this lottery and who has held no licenses for the proceeding ten (10) years shall be in a Class J for the following license year.

If the Brunswick municipal offices are closed during any portion of the normal office hours on the first day set above for issuing licenses to a class, any remaining licenses for that class must be issued and purchased prior to closing of the municipal offices on the next normal business day the municipal offices are open. If the Brunswick municipal offices are closed during any portion of the normal office hours on the second day set above for issuing licenses to a class, any remaining licenses for that class must be issued and purchased prior to noon on the next normal business day the municipal offices are open.

For the purposes of the above selection process, a license does not remain for a class in the descending order if a person in the class above is issued a license but does not purchase the license within the required time, and others in the class above did not obtain a license because the number of persons in the class above exceed the number of available licenses. Rather, the license shall be issued to the persons in the class above who did not obtain a license, by lottery if necessary.

For the purpose of the above selection process, a person who was a Brunswick resident and subsequently established residency in another place outside the Town of Brunswick and obtained a resident commercial shellfish license in that place, shall not be considered as previously having a Brunswick resident commercial shellfish license.

For the purposes of the above selection process, a person who is issued a license but does not purchase the license within the required time for two (2) successive license years shall not be considered as previously having a Brunswick commercial shellfish license.

- (5) The town clerk or the town clerk's designee shall begin to issue resident and nonresident recreational shellfish licenses on the first Monday in April.
- (c) A copy of this article shall be given with each commercial and student license issued.
- (d) The following procedure will be followed to control student shellfish license availability:
 - (1) Prior to the first Friday in March ~~second Friday of January~~, the marine resource committee will establish the number of student shellfish licenses to be made available. Not less than ten (10) percent of the student shellfish licenses shall be made available to nonresidents, except that if the number established is five (5) or fewer, none is required to be made available to nonresidents, and if the number is more than five (5) but fewer than ten (10), at least one (1) is required.

The marine resources committee will notify the town clerk in writing prior to the second Friday of ~~March~~ ~~January~~ of the number of student licenses to be made available for issue.

- (2) Notice of intent application for student licenses will be available on the first Friday in April at the Town Clerk's Office, 28 Federal Street, Brunswick. The town clerk shall publish a notice of availability of student notice of intent applications for shellfish harvesting in a newspaper of general circulation no later than the first Friday of April. Student harvesters must deliver a completed notice of intent to the town clerk's department, in person, no later than 4:30 p.m. on the first Friday of May. If there are more applicants than there are licenses available, the selection process shall be by lottery. On the second Friday in May, the town clerk shall hold a lottery if needed to select the applicant or applicants who shall receive licenses. Licenses shall be purchased by the end of business on the third Friday of May. If the licenses are not purchased by that time, they shall be offered to the next succeeding person or persons in the lottery who shall have seven (7) business days after the town clerk by telephone and U.S. mail notifies the person or persons to purchase the license.

If student shellfish licenses remain after the first ninety (90) days of the issuance process, they shall be equally available to residents and nonresidents.

- (3) Student shellfish license holders will need to appear in person at the time they purchase their licenses to have their pictures taken for their licenses. The town clerk's office will mail out licenses to student license holders by June 10th.
- (4) Before taking shellfish on June 15th, the student shellfish licensees shall provide the certified municipal shellfish conservation warden, or his or her designee, proof that the information in the application remains correct.

(e) Notice of the dates, places, times and the procedures for the recreational license sales shall be published in a trade or industry publication, or in a newspaper or combination of newspapers with general circulation, which the municipal officers consider effective in reaching persons affected, not less than ten (10) days prior to the initial sale date and shall be posted in the municipal offices. A copy of the notice shall be provided to the commissioner of marine resources.

(Ord. of 3-6-89, § 309; Ord. of 2-5-90, § 309; Ord. of 3-4-91; Ord. of 2-18-92; Ord. of 4-5-93, Ord. of 2-22-94, Ord. of 8-15-94; Ord. of 1-16-96; Emergency Ord. of 1-13-97; Emergency Ord. of 2-3-97; Ord. of 2-3-97; Emergency Ord. of 3-16-98; Ord. of 3-16-98, Ord. of 3-16-99; Emergency/Regular Ord. of 7-6-99; Ord. of 1-18-00(1); Ord. of 6-5-00(1); Ord. of 2-6-01(1); Ord. of 12-2-02; Ord. of 11-3-03; Ord. of 2-22-05; Ord. of 10-24-05; Ord. of 11-2-05(2); Ord. of 11-15-06(1))

Sec. 11-141. Suspension.

(a) Violation of article. The town marine resource committee shall, after notice and hearing, suspend any and all licenses issued under this article if a person is convicted in court of violating any section of this article.

(b) Suspension based on conviction in a town closed conservation area. The marine resource committee shall, after notice and hearing, suspend any and all licenses issued under this article when the license

holder has been convicted in court of harvesting shellfish from a town closed conservation area. The suspension shall be ~~sixty (60) days~~ one hundred and eighty (180) days for a first conviction; and ~~for~~ the remainder of the shellfish year for a second conviction. In addition, a person with a second conviction shall not qualify as an applicant for five (5) years from the date of the second conviction.

(c) Suspension based upon violation of recreational license requirement. The marine resource committee shall, after notice and hearing, suspend any and all licenses issued under this article when they find the harvester has violated the requirements of this article for recreational or student licenses. The suspension shall be twelve (12) months for the first finding. The suspension shall be for the balance of the license year for the second finding and, in addition, a harvester with a second finding shall not qualify as an applicant for a recreational or student license for five (5) years from the date of the second finding.

(d) The marine resource committee shall, after notice and hearing, suspend any and all licenses issued under this article, if the license holder refuses to allow inspection or seizure under section 11-138. This suspension may not exceed two (2) years.

(e) Length of suspension where otherwise not specified. The suspension of a license may not exceed the following:

- (1) ~~Thirty (30)~~ Ninety (90) days for the first conviction.
- (2) The remainder of the license year for the second conviction.

In addition, a harvester with a second conviction in a twelve (12) month period arising out of separate events shall not qualify as an applicant for a license for one (1) year.

(f) Applicable standards. Any conviction for violations occurring more than five (5) years before the most recent date of violation resulting in a conviction shall not be counted in determining lengths of suspension. (Ord. of 3-6-89, § 311; Ord. of 2-5-90, § 311; Ord. of 3-4-91; Ord. of 2-18-92; Ord. of 4-5-93, Ord. of 2-22-94, Ord. of 8-15-94; Emergency Ord. of 1-13-97; Emergency Ord. of 2-3-97; Ord. of 2-3-97; Ord. of 3-16-99; Ord. of 1-18-00(1); Ord. of 2-6-01(1))

Sec. 11-142. Aiding and abetting.

A harvester holding a commercial license who aids or abets the harvest of shellfish in violation of this Article shall be subject to the same penalties as the person he has assisted. (Ord. of 3-6-89, § 312; Ord. of 2-5-90, § 312; Ord. of 2-18-92; Ord. of 4-5-93; Ord. of 3-16-99; Ord. of 1-18-00(1))

Sec. 143. Suspension based on state shellfish license being suspended.

The marine resource committee shall, after notice and hearing, suspend any and all licenses issued by this article when the license holder's State of Maine Department of Marine Resources Shellfish License is suspended. The suspension shall remain in effect until the license holder's State of Maine Department of Marine Resources Shellfish License is reinstated. (Ord. of 3-6-89, § 313; Ord. of 2-5-90, § 313; Ord. of 3-4-91; Ord. of 2-18-92, Ord. of 4-5-93, Ord. of 8-15-94;

Ord. of 3-16-99)

Sec. 11-144. Hearing.

If the certified municipal shellfish conservation warden presents to the marine resource committee evidence that any licensee has been convicted of violating this article or the licensee's State of Maine Department of Marine Resources Shellfish License has been suspended, the marine resource committee shall give the licensee seven (7) days notice of the suspension of the license, stating the reason for the suspension. The licensee has the right to meet with the marine resource committee during that seven-day period to review the evidence of convictions or suspension in the marine resource committee's possession and to present any evidence showing the licensee does not have the convictions or the suspension.

(Ord. of 3-4-91; Ord. of 2-18-92; Ord. of 4-5-93; Ord. of 3-16-99)

Sec. 11-145. Expiration.

Resident commercial shellfish and nonresident commercial licenses issued under authority of this article shall expire on the ~~fourth Friday of April~~ ~~third Friday of March~~ in the following calendar year. Resident student shellfish and nonresident student shellfish licenses issued under the authority of this article shall expire September 1. Resident recreational and nonresident recreational licenses issued under authority of this article shall expire on the day before the first Monday of April.

Ord. of 3-6-89, § 306; Ord. of 2-5-90, § 306; Ord. of 2-18-92, Ord. of 8-15-94; Ord. of 3-16-99; Ord. of 12-2-02; Ord. of 11-3-03)

Secs. 11-146--11-160. Reserved.

DIVISION 5.

REGULATIONS

Sec. 11-161. Opening and closing of coastal waters.

(a) The marine resource committee, with the approval of the commissioner of marine resources, and the direct consent of the town council, and this consent to be given by the town council on an annual basis at their first regular meeting after the organization meeting, may open and close coastal waters. Except for emergency closures, or openings, the marine resource committee shall call a public hearing and shall send a copy of the notice to the Department of Marine Resources. At the hearing, the staff shall present evidence obtained from its survey and other sources, and members of the public may present evidence in support or refutation of the evidence presented by the staff. In the event of an emergency closure, or openings, the marine resource committee shall hold a public hearing as soon as practical, considering the need for adequate public notice and participation.

The chair may determine that an opening or closing shall be placed on the agenda and shall direct staff to give notice of the hearing. Notice shall be posted at the town office, ~~placed on the marine resource's recording,~~ and published in a newspaper of general circulation no less than seven (7) days before the date of the hearing.

(b) After the hearing is closed, the marine resource committee shall make findings of fact on the relevant evidence presented. They shall then make a conclusion based on those findings of fact as to whether opening of coastal waters as requested is warranted by the recovery of the resource; or the freedom from predation, competition or other resource problem. If so, the marine resource committee with the concurrence of the department of marine resources shall order the coastal waters opening and shall set such time limitations and other harvesting conditions as are consistent with good conservation practices. If the request is to close the coastal waters, the marine resource committee shall make a conclusion based on their findings of fact as to whether closing the coastal waters is warranted by depletion of the shellfish, destruction of existing seed; or predation, competition or other resource problem. If so, the marine resource committee shall order the coastal waters closed until further request for opening by the staff. Any proposal for opening or closing of coastal waters shall be approved by the commissioner of marine resources prior to enactment.

(c) When the marine resource committee opens or closes the coastal waters, the committee's action may be reviewed at a regularly or specially scheduled town council meeting. The town council may uphold, reverse or amend the opening or closing decision of the marine resource committee.
(Ord. of 3-6-89, § 203; Ord. of 2-5-90, § 203; Ord. of 2-18-92, Ord. of 4-5-93, Ord. of 2-22-94; Ord. of 3-16-99; Ord. of 1-18-00(1); Ord. of 2-6-01(1))

Sec. 11-162. Shellfish size and tolerance of harvest.

A person shall not harvest or possess softshell clams which are less than two (2) inches in the longest diameter to the amount of more than ten (10) percent of any lot; quahogs which are less than one (1) inch in width; or oysters which are less than three (3) inches in length.
(Ord. of 3-6-89, § 302; Ord. of 2-5-90, § 302; Ord. of 2-18-92; Ord. of 3-16-99; Ord. of 1-18-00(1))

Sec. 11-163. Method of determining tolerance.

The tolerance of ten (10) percent must be determined by a numerical count of not less than one (1) nor more than four (4) pecks taken at random from various parts of the lot. If the entire lot contains less than one (1) peck, the tolerance must be determined by numerical count of the entire lot.
(Ord. of 3-6-89, § 303; Ord. of 2-5-90, § 303; Ord. of 2-18-92; Ord. of 3-16-99)

Sec. 11-164. Night shellfish harvesting prohibited.

It is unlawful to harvest, take or possess shellfish from one (1) hour after sunset until one (1) hour before sunrise. The time table prepared by the Nautical Almanac Office of the U.S. Navy for Augusta, Maine will be the official time.
(Ord. of 1-16-96; Ord. of 3-16-99)

Sec. 11-165. Reserved.

Editors Note: An ordinance adopted on Oct. 24, 2005, repealed § 11-165 in its entirety. Formerly, said section pertained to Sunday shellfish harvesting prohibited, as enacted by an ordinance adopted March 18, 1996; as amended.

Sec. 11-166. Automatic Closures and Openings.

Upon notification by the Maine Department of Marine Resources that a shellfish growing area within the town's jurisdiction is placed in a prohibited or restricted status, an automatic conservation closure shall be

go into effect immediately and shall stay in effect until two weeks after legal notification by the Maine Department of Marine Resources that the shellfish growing area has returned to approved standards and is open for public harvest or until the Brunswick Marine Resources Committee holds a public hearing to open the area, whichever is sooner. The exception to this rule is that the Brunswick Marine Resources Committee can designate an area that is in a restricted status for depuration harvest only. This section does not apply to seasonal openings and closings.

ITEM 169

BACK UP MATERIALS

From Councilor Watson:

I am pleased to offer this Resolution to accept a \$5,000 grant from the Department of Economic and Community Development. This was technically an unsolicited grant. It is an outgrowth of a meeting Town staff, representatives from Bowdoin College and I had with Commissioner Richardson.

The Town and Bowdoin College presented the US Track and Field Association with a proposal to Host the Region I Junior Olympics. We were awarded the event to be held on the weekend of June 26th, 2010. Our Economic Development Director and I took a broader view and recognized this as an economic development activity. We presented our concept of promoting the three day event as a regional economic development project. We recognized that an anticipated 3,000 athletes, families and friends could have a significant economic positive impact on Town business as well as business in our sister communities. Our Economic Development Director presented the concept to Counterparts at the Brunswick Downtown Association, Freeport, Topsham and Bath. Our goal is to encourage visitors to stay, play and experience our Town and Midcoast region. Commissioner Richardson and his Tourism staff were impressed by our modest efforts and have offered their support in the form of this grant and assistance of the tourism office to market the region. Funds will be used for website development to the extent we can, and to print collateral marketing materials in the form of regional welcome packets inviting guest to partake in the Town and regional restaurants, retail, hospitality and tourism. We anticipate using this as model of regional cooperation and marketing Brunswick as a tourism destination.

STATE OF MAINE
DEPARTMENT OF ECONOMIC & COMMUNITY DEVELOPMENT
Grant Agreement

THIS AGREEMENT, made this 26th day of October, 2009, is by and between the State of Maine, Office of Tourism, hereinafter called "Department," and Town of Brunswick, located at 28 Federal Street, Brunswick, ME 04011, telephone number 207-721-0292, hereinafter called "Provider", for the period of October 26, 2009 to June 30, 2010.

The Employer Identification Number of the Provider is VC12DBRNSWKT

WITNESSETH, that for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the Department, the Provider hereby agrees with the Department to furnish all qualified personnel, facilities, materials and services and in consultation with the Department, to perform the services, study or projects described in Rider A, and under the terms of this Agreement. The following riders are hereby incorporated into this Agreement and made part of it by reference:

- Rider A - Specifications of Work to be Performed
- Rider B - Payment and Other Provisions
- Rider C - Exceptions to Rider B
- Rider D, E, and/or F - (At Department's Discretion)
- Rider G - Identification of Country in Which Contracted Work will be Performed

WITNESSETH, that this contract is consistent with Executive Order 01 FY 08/09 or a superseding Executive Order, and complies with its requirements.

IN WITNESS WHEREOF, the Department and the Provider, by their representatives duly authorized, have executed this agreement in 4 original copies.

DEPARTMENT OF ECONOMIC & COMMUNITY DEVELOPMENT

By: _____
John Richardson, Commissioner

or

Thaxter Trafton, Deputy Commissioner

By: _____
David S. Markovchick, Director of Economic & Community Development, Town of Brunswick

Total Agreement Amount: \$5,000.00

Approved: _____
Chair, State Purchases Review Committee
BP54 (Rev 6/04)

RIDER A
SPECIFICATIONS OF WORK TO BE PERFORMED

The purpose of this grant is to provide financial support of regional marketing effort for the USA Track and Field 2010 Region 1 Junior Olympic Championships at Bowdoin College June 25-27th. The marketing effort is to encourage competitors and their families to extend their stay and experience the area beyond the actual dates and location of the event. Funds will be earmarked specifically for regional tourism promotion.

Website development, radio & print advertising - \$5,000.00

RIDER B
METHOD OF PAYMENT AND OTHER PROVISIONS

1. **AGREEMENT AMOUNT** \$ 5,000.00

2. **INVOICES AND PAYMENTS** The Department will pay the Provider as follows:

Single payment to be paid on or before January 31, 2010. Grantee must submit invoice upon its usual billing forms or business letterhead.

Payments are subject to the Provider's compliance with all items set forth in this Agreement and subject to the availability of funds. The Department will process approved payments within 30 days.

3. **BENEFITS AND DEDUCTIONS** If the Provider is an individual, the Provider understands and agrees that he/she is an independent contractor for whom no Federal or State Income Tax will be deducted by the Department, and for whom no retirement benefits, survivor benefit insurance, group life insurance, vacation and sick leave, and similar benefits available to State employees will accrue. The Provider further understands that annual information returns, as required by the Internal Revenue Code or State of Maine Income Tax Law, will be filed by the State Controller with the Internal Revenue Service and the State of Maine Bureau of Revenue Services, copies of which will be furnished to the Provider for his/her Income Tax records.

4. **INDEPENDENT CAPACITY** In the performance of this Agreement, the parties hereto agree that the Provider, and any agents and employees of the Provider shall act in the capacity of an independent contractor and not as officers or employees or agents of the State.

5. **DEPARTMENT'S REPRESENTATIVE** The Agreement Administrator shall be the Department's representative during the period of this Agreement. He/she has authority to curtail services if necessary to ensure proper execution. He/she shall certify to the Department when payments under the Agreement are due and the amounts to be paid. He/she shall make decisions on all claims of the Provider, subject to the approval of the Commissioner of the Department.

6. **AGREEMENT ADMINISTRATOR** All progress reports, correspondence and related submissions from the Provider shall be submitted to:

Name: _____
Title: _____
Address: _____

who is designated as the Agreement Administrator on behalf of the Department for this Agreement, except where specified otherwise in this Agreement.

7. **CHANGES IN THE WORK** The Department may order changes in the work, the Agreement Amount being adjusted accordingly. Any monetary adjustment or any substantive change in the work shall be in the form of an amendment, signed by both parties and approved by the State Purchases Review Committee. Said amendment must be effective prior to execution of the work.

8. **SUB-AGREEMENTS** Unless provided for in this Agreement, no arrangement shall be made by the Provider with any other party for furnishing any of the services herein contracted for without the consent and approval of the Agreement Administrator. Any sub-agreement hereunder entered into subsequent to the execution of this Agreement must be annotated "approved" by the Agreement Administrator before it is reimbursable hereunder. This provision will not be taken as requiring the approval of contracts of employment between the Provider and its employees assigned for services thereunder.

9. **SUBLETTING, ASSIGNMENT OR TRANSFER** The Provider shall not sublet, sell, transfer, assign or otherwise dispose of this Agreement or any portion thereof, or of its right, title or interest therein, without written request to and written consent of the Agreement Administrator. No subcontracts or transfer of agreement shall in any case release the Provider of its liability under this Agreement.

10. **EQUAL EMPLOYMENT OPPORTUNITY** During the performance of this Agreement, the Provider agrees as follows:

a. The Provider shall not discriminate against any employee or applicant for employment relating to this Agreement because of race, color, religious creed, sex, national origin, ancestry, age, physical or mental disability, or sexual orientation, unless related to a bona fide occupational qualification. The Provider shall take affirmative action to ensure that applicants are employed and employees are treated during employment, without regard to their race, color, religion, sex, age, national origin, physical or mental disability, or sexual orientation.

Such action shall include but not be limited to the following: employment; upgrading, demotions, or transfers; recruitment or recruitment advertising; layoffs or terminations; rates of pay or other forms of compensation; and selection for training including apprenticeship. The Provider agrees to post in conspicuous places available to employees and applicants for employment notices setting forth the provisions of this nondiscrimination clause.

b. The Provider shall, in all solicitations or advertising for employees placed by or on behalf of the Provider relating to this Agreement, state that all qualified applicants shall receive consideration for employment without regard to race, color, religious creed, sex, national origin, ancestry, age, physical or mental disability, or sexual orientation.

c. The Provider shall send to each labor union or representative of the workers with which it has a collective bargaining agreement, or other agreement or understanding, whereby it is furnished with labor for the performance of this Agreement a notice to be provided by the contracting agency, advising the said labor union or workers' representative of the Provider's commitment under this section and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

d. The Provider shall inform the contracting Department's Equal Employment Opportunity Coordinator of any discrimination complaints brought to an external regulatory body (Maine Human Rights Commission, EEOC, Office of Civil Rights) against their agency by any individual as well as any lawsuit regarding alleged discriminatory practice.

e. The Provider shall comply with all aspects of the Americans with Disabilities Act (ADA) in employment and in the provision of service to include accessibility and reasonable accommodations for employees and clients.

f. Contractors and subcontractors with contracts in excess of \$50,000 shall also pursue in good faith affirmative action programs.

g. The Provider shall cause the foregoing provisions to be inserted in any subcontract for any work covered by this Agreement so that such provisions shall be binding upon each subcontractor, provided that the foregoing provisions shall not apply to contracts or subcontracts for standard commercial supplies or raw materials.

11. **EMPLOYMENT AND PERSONNEL** The Provider shall not engage any person in the employ of any State Department or Agency in a position that would constitute a violation of 5 MRSA § 18 or 17 MRSA § 3104. The Contractor shall not engage on a full-time, part-time or other basis during the period of this Agreement, any other personnel who are or have been at any time during the period of this Agreement in the employ of any State Department or Agency, except regularly retired employees, without the written consent of the State Purchases Review Committee. Further, the Provider shall not engage on this project on a full-time, part-time or other basis during the period of this Agreement any retired employee of the Department who has not been retired for at least one year, without the written consent of the State Purchases Review Committee. The Provider shall cause the foregoing provisions to be inserted in any subcontract for any work covered by this Agreement so that such provisions shall be binding upon each subcontractor, provided that the foregoing provisions shall not apply to contracts or subcontracts for standard commercial supplies or raw materials.

12. **STATE EMPLOYEES NOT TO BENEFIT** No individual employed by the State at the time this Agreement is executed or any time thereafter shall be admitted to any share or part of this Agreement or to any benefit that might arise therefrom directly or indirectly that would constitute a violation of 5 MRSA § 18 or 17 MRSA § 3104. No other individual employed by the State at the time this Agreement is executed or any time thereafter shall be admitted to any share or part of this Agreement or to any benefit that might arise therefrom directly or indirectly due to his employment by or financial interest in the Provider or any affiliate of the Provider, without the written consent of the State Purchases Review Committee. The Provider shall cause the foregoing provisions to be inserted in any subcontract for any work covered by this Agreement so that such provisions shall be binding upon each subcontractor, provided that the foregoing provisions shall not apply to contracts or subcontracts for standard commercial supplies or raw materials.

13. **WARRANTY** The Provider warrants that it has not employed or contracted with any company or person, other than for assistance with the normal study and preparation of a proposal, to solicit or secure this Agreement and that it has not paid, or agreed to pay, any company or person, other than a bona fide employee working solely for the Provider, any fee, commission, percentage, brokerage fee, gifts, or any other consideration, contingent upon, or resulting from the award for making this Agreement. For breach or violation of this warranty, the Department shall have the right to annul this Agreement without liability or, in its discretion to otherwise recover the full amount of such fee, commission, percentage, brokerage fee, gift, or contingent fee.

14. **ACCESS TO RECORDS** The Provider shall maintain all books, documents, payrolls, papers, accounting records and other evidence pertaining to this Agreement and make such materials available at its offices at all reasonable times during the period of this Agreement and for such subsequent period as specified under Maine Uniform Accounting and Auditing Practices for Community Agencies (MAAP) rules. The Provider shall allow inspection of pertinent documents by the Department or any authorized representative of the State of Maine or Federal Government, and shall furnish copies thereof, if requested.

15. **TERMINATION** The performance of work under the Agreement may be terminated by the Department in whole, or in part, whenever for any reason the Agreement Administrator shall determine that such termination is in the best interest of the Department. Any such termination shall be effected by delivery to the Provider of a Notice of Termination specifying the extent to which performance of the work under the Agreement is terminated and the date on which such termination becomes effective. The Agreement shall be equitably adjusted to compensate for such termination, and modified accordingly.

16. **GOVERNMENTAL REQUIREMENTS** The Provider warrants and represents that it will comply with all governmental ordinances, laws and regulations.

17. **GOVERNING LAW** This Agreement shall be governed in all respects by the laws, statutes, and regulations of the United States of America and of the State of Maine. Any legal proceeding against the State regarding this Agreement shall be brought in State of Maine administrative or judicial forums. The Provider consents to personal jurisdiction in the State of Maine.

18. **STATE HELD HARMLESS** The Provider agrees to indemnify, defend and save harmless the State, its officers, agents and employees from any and all claims, costs, expenses, injuries, liabilities, losses and damages of every kind and description (hereinafter in this paragraph referred to as "claims") resulting from or arising out of the performance of this Agreement by the Provider, its employees, agents, or subcontractors. Claims to which this indemnification applies include, but without limitation, the following: (i) claims suffered or incurred by any contractor, subcontractor, materialman, laborer and any other person, firm, corporation or other legal entity (hereinafter in this paragraph referred to as "person") providing work, services, materials, equipment or supplies in connection with the performance of this Agreement; (ii) claims arising out of a violation or infringement of any proprietary right, copyright, trademark, right of privacy or other right arising out of publication, translation, development, reproduction, delivery, use, or disposition of any data, information or other matter furnished or used in connection with this Agreement; (iii) Claims arising out of a libelous or other unlawful matter used or developed in connection with this Agreement; (iv) claims suffered or incurred by any person who may be otherwise injured or damaged in the performance of this Agreement; and (v) all legal costs and other expenses of defense against any asserted claims to which this indemnification applies. This

indemnification does not extend to a claim that results solely and directly from (i) the Department's negligence or unlawful act, or (ii) action by the Provider taken in reasonable reliance upon an instruction or direction given by an authorized person acting on behalf of the Department in accordance with this Agreement.

19. **NOTICE OF CLAIMS** The Provider shall give the Contract Administrator immediate notice in writing of any legal action or suit filed related in any way to the Agreement or which may affect the performance of duties under the Agreement, and prompt notice of any claim made against the Provider by any subcontractor which may result in litigation related in any way to the Agreement or which may affect the performance of duties under the Agreement.

20. **APPROVAL** This Agreement must have the approval of the State Controller and the State Purchases Review Committee before it can be considered a valid, enforceable document.

21. **LIABILITY INSURANCE** The Provider shall keep in force a liability policy issued by a company fully licensed or designated as an eligible surplus line insurer to do business in this State by the Maine Department of Professional & Financial Regulation, Bureau of Insurance, which policy includes the activity to be covered by this Agreement with adequate liability coverage to protect itself and the Department from suits. Providers insured through a "risk retention group" insurer prior to July 1, 1991 may continue under that arrangement. Prior to or upon execution of this Agreement, the Provider shall furnish the Department with written or photocopied verification of the existence of such liability insurance policy.

22. **NON-APPROPRIATION** Notwithstanding any other provision of this Agreement, if the State does not receive sufficient funds to fund this Agreement and other obligations of the State, if funds are de-appropriated, or if the State does not receive legal authority to expend funds from the Maine State Legislature or Maine courts, then the State is not obligated to make payment under this Agreement.

23. **SEVERABILITY** The invalidity or unenforceability of any particular provision or part thereof of this Agreement shall not affect the remainder of said provision or any other provisions, and this Agreement shall be construed in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

24. **INTEGRATION** All terms of this Agreement are to be interpreted in such a way as to be consistent at all times with the terms of Rider B (except for expressed exceptions to Rider B included in Rider C), followed in precedence by Rider A, and any remaining Riders in alphabetical order.

25. **FORCE MAJEURE** The Department may, at its discretion, excuse the performance of an obligation by a party under this Agreement in the event that performance of that obligation by that party is prevented by an act of God, act of war, riot, fire, explosion, flood or other catastrophe, sabotage, severe shortage of fuel, power or raw materials, change in law, court order, national defense requirement, or strike or labor dispute, provided that any such event and the delay caused thereby is beyond the control of, and could not reasonably be avoided by, that party. The Department may, at its discretion, extend the time period for performance of the obligation excused under this section by the period of the excused delay together with a reasonable period to reinstate compliance with the terms of this Agreement.

26. **SET-OFF RIGHTS** The State shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to, the State's option to withhold for the purposes of set-off any monies due to the Provider under this Agreement up to any amounts due and owing to the State with regard to this Agreement, any other Agreement, any other Agreement with any State department or agency, including any Agreement for a term commencing prior to the term of this Agreement, plus any amounts due and owing to the State for any other reason including, without limitation, tax delinquencies, fee delinquencies or monetary penalties relative thereto. The State shall exercise its set-off rights in accordance with normal State practices including, in cases of set-off pursuant to an audit, the finalization of such audit by the State agency, its representatives, or the State Controller.

27. **ENTIRE AGREEMENT** This document contains the entire Agreement of the parties, and neither party shall be bound by any statement or representation not contained herein. No waiver shall be deemed to have been made by any of the parties unless expressed in writing and signed by the waiving party. The parties expressly agree that they shall not assert in any action relating to the Agreement that any implied waiver occurred between the parties which is not expressed in writing. The failure of any party to insist in any one or more instances upon strict performance of any of the terms or provisions of the Agreement, or to exercise an option or election under the Agreement, shall not be construed as a waiver or relinquishment for the future of such terms, provisions, option or election, but the same shall continue in full force and effect, and no waiver by any party of any one or more of its rights or remedies under the Agreement shall be deemed to be a waiver of any prior or subsequent rights or remedy under the Agreement or at law.

RIDER C
EXCEPTIONS TO RIDER B

RIDER D

Not Required: For use at Department's Discretion

RIDER E

Not Required: For use at Department's Discretion

RIDER F

Not Required: For use at Department's Discretion

RIDER G
IDENTIFICATION OF COUNTRY
IN WHICH CONTRACTED WORK WILL BE PERFORMED

Please identify the country in which the services purchased through this contract will be performed:

United States. Please identify state: _____

Other. Please identify country: _____

Notification of Changes to the Information

The Provider agrees to notify the Division of Purchases of any changes to the information provided above.

ITEM 170

BACK UP MATERIALS

TOWN OF BRUNSWICK
TOWN MANAGERS OFFICE
MEMORANDUM

TO: Brunswick Council

FROM: Gary Brown, Town Manager

DATE: November 12, 2009

RE: People Plus relocation and renovation

This memo provides background information regarding a proposal to finance renovations at the former Superintendent of School's office on Union Street. The intention of these renovations is to provide a long-term facility for People Plus and the Teen Center.

As you may recall, a significant component of the Maine Street Station Site Remediation and Joint Development Agreement (the "JDA") between the Town and JHR Development ("JHR") required the Town to transfer the Noble Street property currently utilized by People Plus. The JDA was executed in January 2007. In the subsequent months, the Town and representatives of People Plus explored several alternatives to relocate the organization. While those efforts focused on temporary facilities to meet the immediate need created by the JDA, there were also discussions about a longer-term solution for People Plus. Consideration was also given to locating a portion People Plus operations at NASB in shared space at Neptune Hall with the Recreation Department. Even if the Town proceeds with this concept, there would still be a need for interim facilities since NASB properties are not likely to be available prior to July 2011. With the relocation of the Superintendent's Office to Hawthorne School, the Union Street facility emerged as a viable option for a temporary facility. A temporary facility became the basis for the modest renovation funding request approved earlier this year by the Town Council.

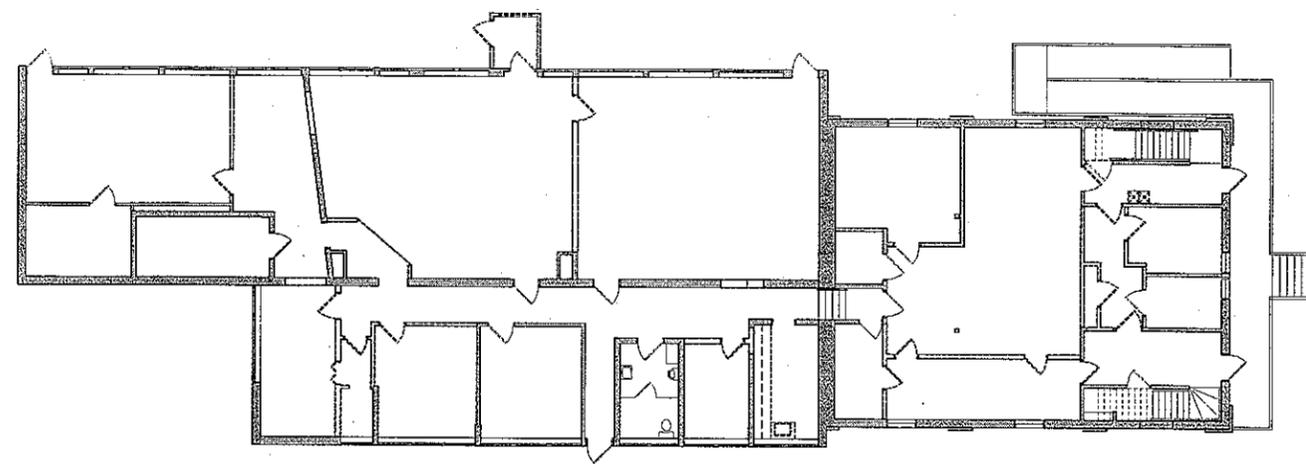
As Town staff and People Plus leadership examined the opportunities at Union Street, enthusiasm and support grew for Union Street as a long-term location for the facility. The in-town location combined with adequate off-street parking has resulted in this facility being the preferred location for the long-term rather than a temporary location.

Although there may still be a need for additional programming at other locations, the Board and Executive Director have clearly communicated that the Union Street facility is where they want to be for the next decade and beyond. It is with this vision that

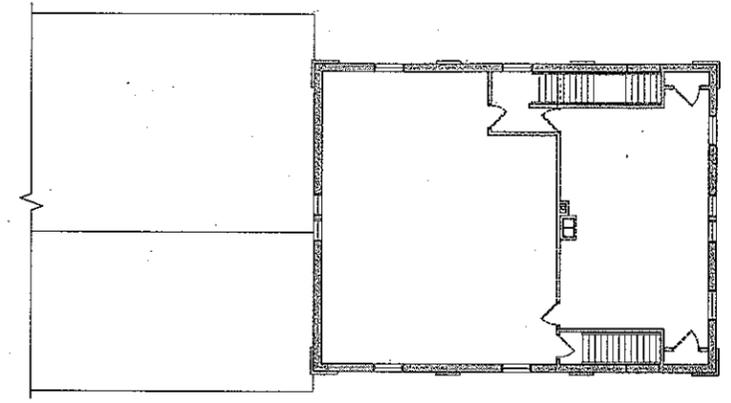
the level of renovations to the facility is now been considered. Preliminary estimates for the renovations, including professional services, cost, are in the range of \$600,000 to \$650,000. We have early estimates for most of the work but before floor plans were developed by Portland Design Team ("PDT"). John Eldridge has prepared a draft bond ordinance for the Project. The draft is written at \$1,000,000 but we have no reason to expect it to cost that amount. We hope to have a more detailed project budget prior to the public hearing and will ask you to reduce the amount of bonds at the public hearing.

PDT has provided some pro-bono services to assist in the design and the review of the renovations. People Plus leadership has been very actively involved in this process. This has resulted in an agreed-to floor plan for both stories of the building. A copy of the plan is enclosed. PDT would be engaged on a fee basis to continue work on the project should the project go forward.

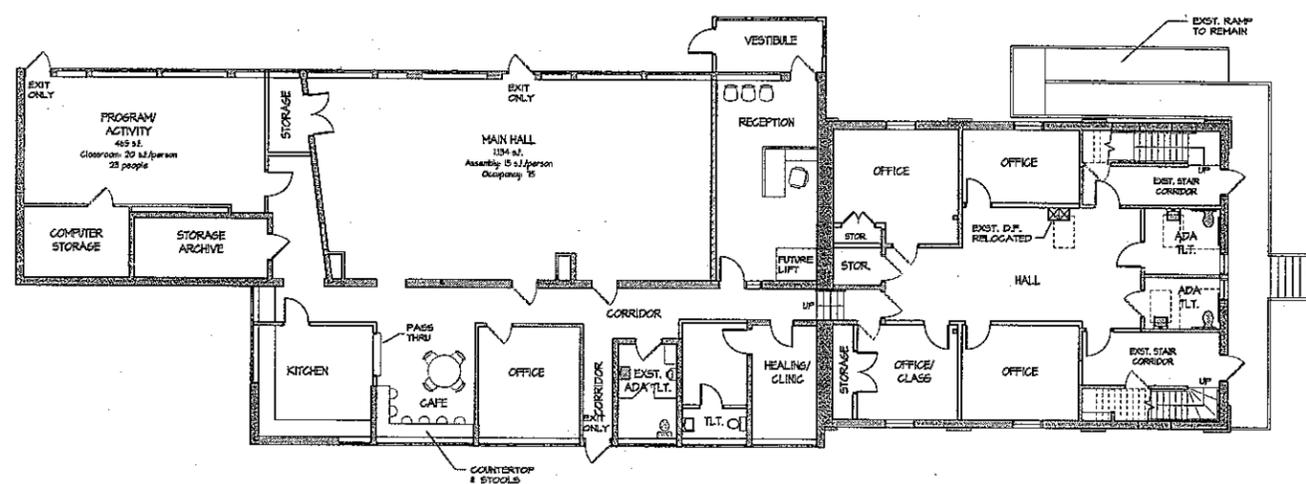
Our discussions with People Plus, JHR, PDT and others involved in the planning of this project suggest that we utilize a construction management process in order to complete this project in an expedited manner. We would solicit proposals from qualified entities to manage the renovations using plans provided by PDT and oversight provided by PDT and Town staff. We hope to select a construction management firm by early December.



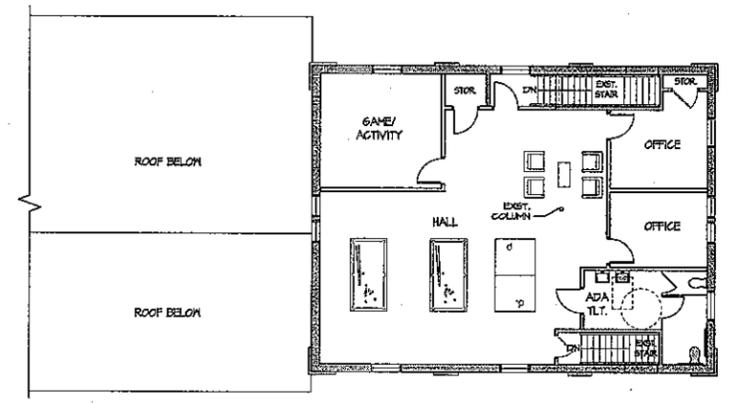
EXISTING FIRST FLOOR
 18' x 110'



EXISTING SECOND FLOOR
 18' x 110'



PROPOSED FIRST FLOOR - OPTION 1
 18' x 110'



PROPOSED SECOND FLOOR - OPTION 1
 18' x 110'

18' x 110'

18' x 110'

FLOORING CODE ANALYSIS

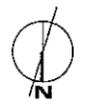
Total Occupant Load determination (separate buildings):
 Office or Public Building, Public use - 150 sq. ft. per person
 Separate Buildings:
 Area (from stair walls), 6512 sq. ft.
 Occupant load 66 (55 men, 93 women)
 Fixture counts:
 W.C. men - 1
 women - 3
 Lav. men - 1
 women - 1
 Urinal men - 1

INSULMINARY CODE ANALYSIS

MEPA 101, 2006, 2a
 Classification of Occupancy: Existing Business
 Building is to be fully sprinklered
 Min. Corridor width 44 in.
 Min. number of means of egress from any floor or story: 2
 Dead end corridors shall not exceed 50 ft.
 Common path of travel shall not exceed 100 ft.
 Travel distance to exits shall not exceed 300 ft.
 Stair enclosures shall be 1 hr. rated.
 Min. door width in existing buildings shall not be
 less than 20 in., T-21, 2-4 (I)
 Existing stairs: max. riser ht. - 7 in.
 min. tread depth - 11 in.
 risers less than 6 in. wide are not permitted.

LEGEND

	EXISTING WALL TO REMAIN
	WALL TO BE DEMOLISHED
	NEW WALL
	EXISTING DOOR TO REMAIN
	EXISTING DOOR TO BE DEMOLISHED
	NEW DOOR



JOB NO. 00-000
DRWN. CHK EJR
SCALE: 1/8"=1'-0"
ISSUE SCHEMATIC 16 OCTOBER 2009
TITLE DEMOLITION PLANS PROPOSED PLANS
SHEET A1

**TOWN OF BRUNSWICK
NOTICE OF PUBLIC HEARING**

In accordance with 30-A M.R.S.A. and Section 211 of the Charter of the Town of Brunswick, Maine, notice is hereby given that the Municipal Officers for the Town of Brunswick will hold a Public Hearing in the Municipal Meeting Room (Room 217), Maine Street Station, 16 Station Avenue, Brunswick, Maine, at 7:00 p.m. on Monday, December 7, 2009 to consider the following:

**Ordinance Authorizing Issuance of Bonds and Notes in an Amount not to Exceed
\$1,000,000 to Finance Improvements at 35 Union Street**

All interested person are invited to attend the public hearing and will be given the opportunity to be heard.

The text of the proposed ordinance is too extensive to be included with this notice. Anyone having questions about the proposed ordinance or wishing to obtain copies of it should contact the Brunswick Town Clerk's or Town Manager's Office during regular office hours Monday through Friday from 8:30 a.m. to 4:30 p.m.

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

Frances M. Smith
Town Clerk of Brunswick, Maine

TOWN OF BRUNSWICK, MAINE

ORDINANCE

Ordinance Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$1,000,000 to Finance Improvements at 35 Union Street

WHEREAS, the Town owns land and buildings in Brunswick, Maine at 35 Union Street formerly occupied by the Brunswick School Department (the "Union Street Property"); and

WHEREAS, the Town desires to make improvements to the property to become a new headquarters for the People Plus Center;

WHEREAS, pursuant to the Site Remediation and Joint Development Agreement dated January 31, 2007, relating to the Maine Street Station Project (the "JDA"), the building currently housing the People Plus Center has been deeded by the Town to JHR Development; and

WHEREAS, the People Plus Center must relocate its operations and headquarters;

NOW, THEREFORE, following a public hearing the following Ordinance is hereby enacted:

Section 1. The issue and sale of the Town's general obligation bonds (and notes in anticipation thereof) be and hereby is authorized in the aggregate principal amount not to exceed One Million Dollars (\$1,000,000), and the proceeds of said bonds and notes be and hereby are appropriated to finance improvements at 35 Union Street in order to convert the property to use as the People Plus Center and other related or ancillary uses (the "Project"), to reimburse the Town for any prior expenditures on the Project or to refinance the notes, as the case may be.

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

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

execution thereof, such bonds to be signed by the Treasurer and to be countersigned by the Chairman of the Town Council, to have the seal of the Town affixed thereon and attested by its Clerk.

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

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

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

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

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

agreement or understanding necessary or, in his opinion, appropriate in order to qualify the bonds for and participate in the Depository Trust Company Book-Entry Only System.

Section 9. The Treasurer and Chairman of the Town Council from time to time shall execute such bonds as may be required to provide for exchanges or transfers of bonds and notes hereinbefore authorized, all such bonds and notes to bear the original signature of the Treasurer and Chairman of the Town Council, and in case any officer of the Town whose signature appears on any bond or note shall cease to be such officer before the delivery of said bond or note, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery thereof.

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

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

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

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

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

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

Section 16. The term “cost” or “costs” as used herein and applied to the Project, or any portion thereof, includes all items reflected in the estimated project budget provided to the Council and included with the minutes of this meeting, and also includes: (1) the purchase price or acquisition cost of all or any portion of the Project; (2) the cost of demolition and removal, construction, building, alteration, enlargement, reconstruction, renovation, improvement, and equipping of the Project; (3) the cost of all appurtenances and other facilities either on, above, or under the ground which are used or usable in connection with the Project; (4) the cost of landscaping, site preparation and remodeling of any improvements or facilities; (5) the cost of all labor, materials, building systems, machinery and equipment; (6) the cost of land, structures, real property interests, rights, easements, and franchises acquired in connection with the Project; (7) the cost of all utility extensions and site improvements and development; (8) the cost of planning, developing, preparation of specifications, surveys, engineering, feasibility studies, legal and other professional services associated with the Project; (9) the cost of environmental studies and assessments; (10) the cost of financing charges and issuance costs, including premiums for insurance, interest prior to and during construction and for a period not to exceed three years from the issue date of the bonds, underwriters' fees and costs, legal and accounting fees and costs, application fees, and other fees and expenses relating to the financing transaction; and (11) the cost of all other financing authorized hereunder, whether related or unrelated to the foregoing.

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

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

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

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

sealed on behalf of the Town by those persons who, at the actual date of the execution of such bonds and notes, shall be the proper officers and officials of the Town, although at the nominal date of such bonds and notes any such person shall not have been such officer or official.

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

Section 21. The Town Manager is authorized to accept contributions for the Project and to make applications for federal and state grant funds, said contributions and grants to be used in lieu of or in addition to bond proceeds authorized hereunder. The Town Manager is authorized to accept contribution and grants on behalf of the Town and said amounts are hereby appropriated to fund any portion of the Project. The total amount appropriated under this Ordinance shall not be greater than the amount of bond proceeds plus any contributions and grants.

Proposed to Town Council:
Public Hearing:
Adopted by Town Council:

November 16, 2009
December 7, 2009

ITEM 171

BACK UP MATERIALS

Included:

Minutes of April 16, 2002 – #63

List of Committee Members

Minutes of August 5, 2002 - #145

63. The Town Council will discuss the criteria used in the Road Acceptance policy, and will take any appropriate action.

Councilor Sartoris stated that this item was mostly for discussing a Road Acceptance Policy. She has a problem voting for acceptance of a street/road. The Council, in the past, has used engineering standards before accepting a road. Ms. Sartoris requested suggestions for a Road Acceptance Policy from Director of Planning & Development Theo Holtwijk. She would like to link road acceptance to other benefits that the Town would like to see and avoid problems that the Town would not want to see. Past practice for road acceptance has been subsidizing, inadvertently, kinds of developments that later cost the Town money. Ms. Sartoris suggested that the Council consider a Road Acceptance Policy to cut the cost for the Town and to be used as an incentive program for development that would be beneficial to the Town, and which has a lower cost for long term maintenance. Ms. Sartoris reviewed the memorandum with the Council. *(A copy of the memorandum will be attached to the Official Minutes.)*

Attorney Chris Vaniotis from Bernstein, Shur, Sawyer, and Nelson explained that the decision on whether or not to accept a streets/roads or under what conditions to accept a street/road as a general proposition was exclusively a policy decision for the Town Council, acting as the Town's legislative body. Mr. Vaniotis also urged that if a policy was adopted that the Council leave a little discretion in appropriate circumstances to accept street/road even if they do not meet the strict letter of the policy.

Councilor Sartoris stated that she would not vote for a sprawling subdivision road acceptance because it costs Taxpayers' money.

Councilor Sartoris moved, Councilor Galloupe seconded, to establish a sub-committee of two Councilors, two Planning Board Members, Planning Staff, two representatives from Public Works, and two citizens to discuss a Road Acceptance Policy to be completed by September. The motion carried with seven (7) yeas. Opposed Councilor McCausland.

Chair Priest appointed Councilors Sartoris and Rice to this sub-committee.

145. The Town Council will hear a report from the Road Acceptance Policy Committee and will take any appropriate action.

Manager Gerrish said a memo from Theo Holtwijk outlines the recommendation from the Road Acceptance Policy Committee concerning how to handle roads already approved by the Planning Board and also how to handle new proposals that come in before a new policy is adopted.

(A copy of memos from Theo Holtwijk and John Foster will be attached to the official minutes.)

Councilor Sartoris, member of the Road Acceptance Policy Committee, said the Committee decided that they did not want to apply any new policy retroactively to approved developments; although, the Council can still choose not to accept a road. They cannot give a level of certainty to developments that their roads will be accepted under the current Council practice. The Committee hopes to have a policy between November and the end of the year. It may include a “to do list” for possible zoning changes.

Councilor Rice, member of the Committee, said they have made a statement that those approved developments listed in Mr. Holtwijk’s memo of July 12, 2002, will come before the Council for road acceptance and will be exempt from the new policy.

Councilor Sartoris added by doing this, the Committee was not changing what the town is currently doing, and there has never been a guarantee of Council acceptance of a road.

Chair Priest said the Committee’s recommendation provides those approved developments that are listed with the same level of certainty as previous ones have had.

M E M O R A N D U M

Date: 2003
To: Planning Board
From: Theo Holtwijk, Director of Planning & Development
Re: Proposed Zoning Ordinance Amendments concerning Roads

In July the Board conducted a public hearing on the above issue. Staff compiled the public comments by section and offered comments in response. On September 2, the Board reviewed these and made a number of changes.

Attached are three documents:

1. Revised draft amendments. We have made the 9/2 changes, reviewed them with Geoff Hole and have highlighted them for you **in bold**.
2. We have also taken out the public comments and staff commentary and have put that in a separate document. This is really FYI.
3. Lastly, we have made two example sketches to help you with the interpretation of section II.1.3.1 on how to measure the end of a dead end road. Does this approach make sense?

I will not be able to attend the 10/7 PB workshop, but I hope that things are a good enough order that the revisions are clear and that you are in a position to make a recommendation to the Town Council.

Thank you.

**PUBLIC COMMENTS TO PLANNING BOARD ON
PROPOSED AMENDMENTS TO ZONING ORDINANCE
CONCERNING ROADS**

July 1, 2003

511

- Add after “recommendations,” “based on the standards of this ordinance.”*

Staff: We support this change.

801

- Town should commit ahead of time to accept roads that comply.*

Staff: We are unsure what “ahead of time” exactly means. Indication of commitment by the Town Council ahead of actual construction can be arranged (conditioned upon actual compliance with the plans, of course). Commitment ahead of Planning Board review is not recommended.

- Know at start of project whether a project will have public or private road.*

Staff: This is already declared by applicant during PB review.

- Include option for Town to waive road standards (such as 1500 feet dead end length).*

Staff: Any waiver options should be clearly defined and have criteria associated with them. See also II.2.1.7. No specific recommendation is made. We suggest feedback should be provided to staff upon review of all amendments to this draft. Do you want waiver options?

804.2

- Abutters are frequently opponents to projects next door. Now I need to leave a ROW to their property*

Staff: This will be looked at on a case by case basis.

- Cul de sacs are desired by homeowners. Lots on cul de sacs have shortest road frontage.*

Staff: Cul de sacs have indeed positive, but also negative aspects to them. According to ULI’s *Residential Streets*: “Because of the lack of internal street connections, all traffic – even for the most local of destinations – is funneled out onto the surrounding arterial street system. Consequently, the surrounding street system becomes congested even at low levels of development, undermining the small-town or rural atmosphere sought by developers and homebuyers.” (p.19)

- Don’t require sidewalk connection if there is no sidewalk to connect to.*

Staff: This will be looked at on a case by case basis. The pedestrian connection may be a trail. Secondly, off-site connections to be made by a developer may be appropriate depending on the scale of a proposed project. Thirdly, the Bicycle Pedestrian Advisory Committee is finalizing an update to its Master Plan that identifies desired extensions of the sidewalk network for future Town or private construction.

804.3

- Replace “both sides” with “one side” and strike second paragraph as that widens road appearance, and adds cost to developer, buyer and town. It is one of few opportunities to make homes more affordable.*
Staff: A waiver option has been provided for.
- Sidewalk on both sides in unrealistic, especially as the Town does not take care of the grass esplanades.*
Staff: A waiver option has been provided for. Esplanade maintenance needs typically consist of grass mowing. In most case, homeowners have no problem with mowing the esplanade in front of their home while they take care of mowing their own lawn.
- Planning Board should not require sidewalks but only make suggestions for them. Do this on case by case basis. Having sidewalks on both sides of road will remove tree canopy.*
Staff: If no standard is set by the Town, an inconsistent, haphazard sidewalk network may result, which will not benefit the maximum number of people. Mapping of trees to be saved, marking them in the field, and providing for the proper construction specifications may help to save trees, while allowing for sidewalk construction and location adjustments, where needed.

804.4

- Don’t agree with requiring bicycle improvements on private streets.*
Staff: The needs for safe bicycle travel is no less on private streets than it is on public streets.

804.5

- An applicant should not be required to do road improvements, if the same project is part of the CIP. At most the applicant should assist with this.*
Staff: Road improvement requirements for applicants are proportional to the share of the impact of a particular project, so, in that sense, applicants would only “assist.” It is not uncommon for projects in the CIP have multiple funding sources, including private contributions. Applicants can always choose to wait with their projects for the Town to first finish its road projects.

805.1

- Strike this requirement and accept road once it is properly built. Town collects taxes on empty lots that require only limited services. Potential negative impacts on buyers, developers and public access. Town has funds from developer for two years to make fixes if required.*
Staff: Developers are currently already doing this. The Town wants to encourage development of the street system concurrent with the subdivision. Subdivision construction adds wear and tear to new roads and this should be minimized if a Town is to accept a new road.

805.2.2

- Replace “shall” with “may.”*

Staff: We believe that the words “satisfactorily completed” provides for sufficient room for the Town Engineer to deal with minor discrepancies on a case by case basis. We recommend against this change.

805.2.4

- Flush granite monuments makes them useless. Granite monuments are dinosaur technology as frost heaves them and snow plows clip their tops.*

Staff: This requirement is the norm with at least a dozen other Maine communities. The Town intends to provide a detail for such installations, which will show that in certain cases non-flush installation is appropriate.

805.2.5

- This requires an as-built survey. What are “appurtenances”? Need more detail here.*

Staff: We recommend to strike “and its appurtenances” and to add an “s” to “lie.” The required certification is appropriate as roads do get build in the wrong location.

805.2.7

- Require only Council Chair to sign deed, not all councilors.*

Staff: Town Attorney’s opinion is that Town Council chair or Town Manager signature may be specified in lieu of full council, of course, only upon Town Council vote of acceptance. Geoff Hole notes that having all signatures would make it immediately clear in future cases that the acceptance was done on Town Council authority. Note: Having all signatures has been the way it has always been done and it has not proven to be a problem. Suggested revision of last sentence: “The deed shall include a signature space for the Town Manager, indicating signature date and date of Town Council vote of acceptance.”

805.2.8

- What is “satisfactory”? May mean different things to different people. What is the purpose of this paragraph?*

Staff: The Town needs to have clear title to property it acquires to indicate that all construction bills have been paid and the property is unencumbered. Such opinion is standard practice.

805.2.10

- One year security is standard, not two.*

Staff: The Public Works Director has checked this with a few other Towns. It looks like the 2 year requirement is high. Gorham has a 1 year requirement, but does require the developer to post a 15% maintenance guarantee. Staff does not have a problem with reducing the Town’s requirement to one year, given our other incentives to get build out going before offering a road for acceptance. One year is what the Town typically requires on road construction contracts.

806.2

- Delete granite monument requirement. Rebar is acceptable. Use larger grade rebar? Now up to 1" is available. Length can be long. This would be better than granite. Use them for all purpose with different cap text. This would be 10-20% of the cost of granite.*

Staff: As noted at 805.2.4, this requirement is the norm in at least a dozen other Maine communities.

- Revise to say "under direction of" "State of Maine Professional Surveyor."*

Staff: We support this change.

806.3

- This is not good time to install street signs.*
- Change timing to "prior to issuance of the first occupancy certificate."*

Staff: We do not support this change as deliveries will happen, and fire calls may happen, during construction and people need to be properly directed.

806.4

- 2% inspection fee is blank check to Town. Contractors use quality control and there is no need to hire engineering firm to do inspections. Since most road work is done in winter, Town has staff to inspect the work.*

Staff: The 2% amount is standard practice with Maine municipalities and has typically proven to be adequate.

- Add requirement to deliver inspections report also to developer.*

Staff: We support this change, but note that this is already done currently.

806.5

- Have concern with give up private information. Submission of electronic road plan should be enough.*

Staff: The Town does not need a submission of the road details, all other plans are still needed.

807.2.1.1

- Increase the frontage percentage to provide a range of housing opportunities. Large homes won't fit. Trees will have to be cut.*

Staff: A range of housing, including large homes, can still be provided as this requirement stipulates an average lot width: some can be larger, while others are smaller.

- Make provision for unusable land such as wetlands, streams, steep slopes as there is no there place to incorporate this land [other than on private lots].*

Staff: Unusable land can be, and often is, set aside and incorporated in "open space" land and put in common ownership or deeded to the Town. Public ownership would allow for the greatest amount of protection of these fragile resources. Frontage is only calculated on the actual lots.

- Provide empirical evidence that maximum lot frontages would be fiscally beneficial to the Town.*

Staff: No empirical evidence has been developed by the committee. Snow plowing costs, for example, are less to the Town if X number of houses are located on 1 mile stretch of road instead of on 3 miles of road.

- 125% cannot be done as road curves add to frontage. Include an exception for radii and cul-de-sacs.*

Staff: Again, it is an average that is stipulated. The outside curve will add frontage; the inside curve will provide for less frontage. Cul de sacs provide for relatively large lots for little frontage (as noted by public comment in 804.2.)

- Too much zoning.*

Staff: These are proposed amendments to the Zoning Ordinance that seek greater efficiency in the roads that the Town should accept, and not just technical specifications identifying thickness of pavement, etc.

- How are corner lots dealt with, as they will twice as much frontage?*

Staff: We agree and propose that the total frontage of corner lots (fronting two streets) be divided by two and that this is incorporated in this section so it is clear to all.

807.2.1.2

- Increase lot area percentage to provide for a range of housing opportunities. Large homes won't fit. Trees will have to be cut.*

Staff: A range of housing, including large homes, can still be provided as this requirement stipulates an average lot area: some can be larger, while others are smaller.

- Make provision for unusable land such as wetlands, streams, steep slopes as there is no there place to incorporate this land [other than on private lots]. Don't count it to lot area.*

Staff: Unusable land can be, and often is, set aside and incorporated in "open space" land and put in common ownership or deeded to the Town. Public ownership would allow for the greatest amount of protection of these fragile resources. Such approach would exclude these areas from lot area calculation. Another option is that conservation easements can be placed on private land and are these areas are excluded from the calculation.

- Maximum lot size limits are proposed without empirical evidence that such limits would be fiscally beneficial to the Town.*

Staff: No empirical evidence has been developed by the committee. Snow plowing costs, for example, are less to the Town if X number of houses are located on 1 mile stretch of road instead of on 3 miles of road.

- Lots include wetlands and steep slopes, and including those in the calculation does not work.*

Staff: Conservation easements can be placed on such lands and are thereby excluded from the calculation.

807.2.2

- This is unnecessary.*

Staff: Again, this requirement is aimed at producing more efficient Town roads and at making a more efficient use of our total land, which is a limited resource.

807.2.4

- This requirement adds unnecessary cost.*

Staff: As ULI's *Residential Streets* states: "Residential streets should not only provide for safe, efficient circulation of vehicles and pedestrians, but also should create positive aesthetic qualities for the residents and the community." (p.37)
Placing electric utilities underground after a street is built is significantly more expensive than doing it during initial construction. Note: these requirements apply only to the Growth Area.

807.2.5

- What safety issues would make one minor street need sidewalks, but not another?*

Staff: For instance, the volume and speed of traffic on that street.

807.2.6

- Provide clear understanding of what is expected for trees. Include what was used for Mere Point Village (1 tree with 2.5" caliper for every 50 feet road frontage with allowance for existing trees preserved between ROW line and front setback line).*

Staff: The Mere Point Village approach may be appropriate, but as this was the first time this was used and the project still is in construction, its final result has not yet been evaluated. Staff is therefore not prepared to include this recommendation.

807.3.1

- Ease the open space requirement in rural areas from 50% currently to 30 or 40%.*

Staff: We recommend a separate and comprehensive evaluation of all existing Open Space Development rules by the Town. In part, such work is currently underway through the Rural Brunswick Smart Growth Project.

- Encourage open space developments, don't mandate them.*

Staff: Open space developments are not mandated. Developers may choose a conventional development option as long as it has a private road system.

808.1

- House construction should not have to wait until the entire development is done.*

- Road is typically not completed before first building permit is issued.*

Staff: We propose to replace the last sentence to provide a second option with this one: "Prior to issuance of a building permit for any lot with access on a private road, either a performance guarantee in accordance with section 812 shall be provided or all infrastructure shall be completed."

811.2

- Don't encourage common driveways as such deed restrictions require attorneys. Practical issues such as yard sales exist. Common driveways make sense for condo situations.*

Staff: Common driveways may be appropriate in certain single family cases.

812.2.B

- Performance bonds go down over time, but Town asks for more.*

Staff: As construction is being completed, the value of the work remaining does go down and the developer can substitute performance guarantees with ones for less value. The 10% add-on applies in either one of these cases.

812.2.C

- Allow guarantee to exceed two years. State of Maine allows five years. What happens if economy is not right and projects do not get completed quickly?*

Staff: Allowance for an extension is made in section D below.

812.2.D

- Staff: We propose to replace this with “The Town Manager has the authority to approve a performance security extension upon request beyond the two year period for up to two years. Requests for extensions beyond four years shall be submitted to and approved by the Planning Board, upon notice to existing subdivision property owners.”

812.2.E

- Replace “construction” with “infrastructure.”*

Staff: We support this change.

- Asphalt in Phase 1 gets damaged if doing phase 2 later and drive over that finished road.*

Staff: The Public Works Director does not see this as an issue. The same construction vehicles for Phase 1 were traveling over Town roads to build it, and we have not seen road damage issues with future phases being developed after an initial phase was accepted. The bigger problem we see is residents in Phase 1 not having a finished road, while the developer works at extending the subdivision. Residents usually indicate a preference to see their subdivision phase fully completed before the next phase begins.

- Change “shall” to “may.”*

Staff: We recommend against this change as it would make the rule superfluous.

812.3

- Staff: We propose to eliminate “and Director of Planning & Development” as the Town Engineer typically makes that recommendation, and may seek the Director’s advice, if needed.

812.3.C

- State of Maine requires only one pin to be set before a lot is sold. Requiring all pins to be set is too broad brush. This won’t be the case in phased development anyway.*

Staff: The one pin requirement is correct, but this section does not deal with selling lots, but with releasing the project’s performance guarantee. Without this guarantee, the Town has no ability to ensure that all monuments have been or will be set.

APPENDIX II:

- This talks about “guidelines” for private roads. But are these guidelines? That would be good.*

Staff: We recommend substituting “guidelines” with “standards” as the appendix title indicates.

II.1.3

- People like dead end roads.*

Staff: This was addressed in response to 804.2 comment.

II.1.3.1

- Staff: We propose to add a clarification as the end point of a dead end road: “The point of terminus to determine the length of a dead end road is that point in the associated road or driveway system that is furthest removed from the point of departure. The start point of a driveway or road loop system shall not be considered the point of terminus.”

<p>II.2.1.7</p>	<ul style="list-style-type: none"> <input type="checkbox"/> <i>Replace “and” with “or”</i> <p>Staff: We support this change for all three road types</p> <ul style="list-style-type: none"> <input type="checkbox"/> <i>Relate dead end road length to traffic impact, not absolute length of road.</i> <p>Staff: Both aspects come into play. Having few lots on a road that exceeds 1500 feet, but is no longer than X feet and provides Y public benefits and/or</p>	<ul style="list-style-type: none"> <input type="checkbox"/> <i>Replace “and” with “or”</i> <input type="checkbox"/> <i>Relate dead end road length to traffic impact, not absolute length of road.</i> 	<ul style="list-style-type: none"> <input type="checkbox"/> <i>Replace “and” with “or”</i> <input type="checkbox"/> <i>Relate dead end road length to traffic impact, not absolute length of road.</i>
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	<p>minimizes Z impacts, may be grounds for a road waiver. These criteria need to be carefully articulated.</p>		
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<p><u>II.2.1.13. Driveway culverts (min. size)</u></p>	<p><input type="checkbox"/> <i>Don't mandate minimum size culvert if it is not required for flow reasons as that may create too big a ditch.</i></p> <p>Staff: Minimum culvert sizes are stipulated for maintenance reasons, not flow reasons. This is also State requirement.</p>	<p><input type="checkbox"/> <i>Don't mandate minimum size culvert if it is not required for flow reasons as that may create too big a ditch.</i></p>	<p><input type="checkbox"/> <i>Don't mandate minimum size culvert if it is not required for flow reasons as that may create too big a ditch.</i></p>
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<p><u>Closed Storm Drain Piping</u></p>	<p><input type="checkbox"/> <i>SDR 35 is too expensive. Town uses N12 when rebuilding roads. Just require PVC.</i></p> <p>Staff: We propose to</p>	<p><input type="checkbox"/> <i>SDR 35 is too expensive. Town uses N12 when rebuilding roads. Just require PVC.</i></p>	<p><input type="checkbox"/> <i>SDR 35 is too expensive. Town uses N12 when rebuilding roads. Just require PVC.</i></p>
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	delete this standard in its entirety.		
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II.3.1.8	<input type="checkbox"/> <i>Replace “and” with “or”</i> Staff: We support this change.	<input type="checkbox"/> <i>Replace “and” with “or”</i>	n/a
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II.3.2

- Is there a recommended frequency for such turnouts?*
Staff: No, there is not. Frequency shall be determined by the Town Engineer on a case by case basis.

General comments:

- If “fiscal impact” is a concern, the issue should be examined by looking at both revenue and expense side.*
Staff: No fiscal impact study was conducted by the committee.
- The road acceptance criteria should not be used as a zoning ordinance tool to shape growth.*
Staff: This has also been addressed in section 807.2. Road acceptance criteria are one of several tools that are available to the community to use to shape growth. The community needs to choose if it wants to use it.
- Suggestions that developments with public roads should meet a higher standard and that road acceptance is a “privilege” appear biased. Should residents living on public roads expect to receive a higher standard of service from the Town? Should residents on private roads expect to see tax discounts for municipal services they do not receive?*
Staff: Certainly residents living on public roads will get a higher rate of service from the Town as they get snow plowing, trash pick-up, and school bus service. Unfortunately, on the flip side, there are no tax discounts for residents living on private roads, unless the Assessor were to find that these properties have less value. Getting less services does not entitle one to less tax payments, just like families without children in the Brunswick school system do not get a break on their taxes, even they don’t get the benefit of that service.
- Include references in Appendix 1: Planning Areas to reflect the intent of these amendments.*

Staff: That is a good suggestion.

- *These requirements are not helping affordable housing.*

Staff: Costs of public infrastructure are only one component of total housing cost, and, likewise, housing cost is only one aspect of total living cost. In some cases there is a direct cost trade-off for individual homeowners. By having a more efficient use of land, land costs, for example, may be reduced as compared to having larger lots. By having sidewalks and bicycle connections, transportation costs may be reduced. In other cases, there may be a seeming savings in cost for an individual homeowner, that may be offset by a tax increase as public needs have increased (for example, due to more schoolbuses are needed because people live out of town and further apart, more road costs as length of roads and dead end roads proliferate, a need for second fire station, etc.). Affordable housing is probably best helped by allowing well-designed, dense developments (reducing land costs per unit), and not by eliminating standards for road construction.

- *It is important to have public roads as they allow public access. This proposal will push development onto private roads.*

Staff: An example was cited of two boys who wanted to fish in pond, but were turned back. If there are public amenities off private roads, the Town may pursue public access to those amenities. Some developers may like private roads for exactly that reason: to exclude others from coming there. That is the developer's choice.

This proposal does not seek to create more private roads, rather better public roads. Homeowners who choose to live off private roads should have the freedom to do so. If such roads result in higher costs for those residents that seems like a fair price to pay, rather than pushing such costs onto the community at large.

DRAFT 2003

CHAPTER FIVE: DEVELOPMENT REVIEW PLAN STANDARDS

511 Development of New Streets

Streets shall be designed to move traffic safely. Any new street or road approved through the Development Review process must be based upon the standards of this ordinance and written recommendations, **based on the standards of this ordinance,** of the Town Engineer, ~~Fire Chief, Police Chief~~ and Director of Planning & Development, and, as requested by the Director of Planning & Development, from the Fire Chief and Police Chief, who shall review the project for safety. Design of streets must address pedestrian and bicycle safety and movement. Any applicable requirements in chapter 8 Street Standards shall also be met.

~~**511.1 Street Classification.** The size and design needs of new streets shall be based upon the projected number of vehicles they are to carry. All streets shall be classified in the development review process according to the following criteria:~~

- ~~A. Collector/Commercial Serves over 150 units.~~
- ~~B. Local Serves 25 to 150 units.~~
- ~~C. Minor Serves less than 25 units.~~
- ~~D. Lane A secondary access that services housing lots from the rear lot line.~~

~~**511.2 Street Design and Dedication Standards.** Roads intended for public dedication must satisfy the Public Works Roadway Dedication Standards found in Appendix A. The Planning Board may approve private roadways for subdivisions; however if they do not conform with these standards they may not be considered for dedication. Applicants proposing private roadways shall apply the Alternative Roadway Standards also found in Appendix II to the greatest extent practicable.~~

~~**511.3 Interconnectedness**~~

~~The street design must allow for proper continuation of streets from other adjacent subdivisions and built up areas. Dead ends are to be avoided unless based on site constraints and there are no other feasible alternatives. For the purposes of this section, pedestrian or bicycle connections to adjacent lands may be sufficient to satisfy this requirement. This requirement may be waived in cases where interconnectedness would result in the disruption of community character.~~

~~**511.4 Sidewalks**~~

~~It is the intention of this Ordinance to provide sidewalks within all growth districts, with the exception of residential developments containing less than 25 units on dead end streets. Sidewalks shall be at least 5 feet wide.~~

~~**511.5 Street Impact**~~

~~The applicant is responsible for the assessing the impact of the proposed development on street systems, and shall be responsible for any associated improvements. If the~~

Planning Board deems it necessary, the applicant shall undertake to improve, repair or reconstruct such street systems. If this is required by the Planning Board, the applicant shall be responsible only for the degree of improvement necessary to mitigate the impact of the proposed development.

511.6 Private Road Requirements for Subdivisions

A. The design of all private roads shall be reviewed by the Fire Chief, Police Chief and Town Engineer prior to final approval by the Planning Board. Roadways shall be built according to the final plan, as determined by the Town Engineer, prior to the issuance of a building permit for any lot with access on a private road.

B. The Final Subdivision Plan shall show the road clearly labeled "PRIVATE ROAD."

C. A home owners association shall be established to own and provide for the perpetual care and maintenance of the private road. Such home owners association shall satisfy all standards for home owners associations found in Section 522.

511.7 Driveway Access to Subdivision Lots

A. The Planning Board may require the applicant to show planned driveway entrances onto streets on Subdivision Plans.

B. Driveways on adjoining lots may be combined as common driveways where necessary to reduce the number of curb cuts and/or provide safe road access points.

C. The Planning Board shall require the execution of a satisfactory maintenance agreement for common driveways which shall be recorded in the registry of Deeds. Such maintenance agreement shall provide that the common driveway may not be dedicated to the Town unless the owners bring it into compliance with applicable Town road standards.

D. Common driveways may be unpaved in residential developments.

521 Performance Guarantee

Where applicable, a performance guarantee shall be filed in accordance with final plan approval and this Section.

521.1 When Required

The performance guarantee may be required prior to the construction of infrastructure that is intended for dedication to the Town of Brunswick, The Brunswick Topsham Water District or Brunswick Sewer District or of infrastructure that will be privately owned but will function as the equivalent of public improvements, including, but not limited to, private roads, private sewer systems and private water systems. No Certificate of Occupancy may be issued unless a written approval is granted by the Town

~~Engineer which states that the occupancy of the project or project phase can accommodate occupants without posing a threat to the public's safety. A performance guarantee will also be required prior to initiation of work within an existing public right of way.~~

~~The Planning Board may also require security for a period of two years to ensure the replacement of any plantings shown on the landscaping plan which have failed to grow normally, are diseased or have died.~~

~~521.2 Certified Check, Performance Bond or Letter of Credit~~

~~A. The performance guarantee may be a performance bond, irrevocable letter of credit, or an escrow agreement. Such performance guarantee shall be in a form acceptable to the Town Manager, based upon the recommendations of the Town Engineer, Director of Planning & Development and Town Attorney.~~

~~B. The performance guarantee shall be for the full amount of the cost of the subject work, as determined by the Town Engineer, plus an additional 10% to account for inflation and contingencies.~~

~~C. The time for performance under the performance guarantee shall not exceed two years and the full amount secured by the performance guarantee shall remain available to the Town for the entire term of the performance guarantee unless reduced by written agreement between the Town Manager and the applicant.~~

~~521.3 Release of Performance Guarantee~~

~~The developer may request, at any time, that the performance guarantee be released, in whole or in part. Within 60 days of receiving such a request, the Town Manager, based upon the recommendation of the Town Engineer and Director of Planning & Development, may release all or part of the performance guarantee. In making a determination on the request, the Town Manager shall consider, and the applicant shall provide, evidence of satisfactory completion of the required improvements such as, but not limited to:~~

~~A. A statement by the Town Engineer that all street and storm drain systems have been constructed and completed in compliance with the Final Plan.~~

~~B. A statement from the Brunswick Sewer District Superintendent that all sewage disposal systems have been constructed and completed in conformity with the Final Plan.~~

~~C. A statement by a professional land surveyor, that all permanent boundary monuments _____ have been set in accordance with the final plan and current guidelines and standards of _____ the State of Maine Board of Licensure for Professional Land Surveyors, Rules at all _____ street corners and angles of all street lines and along with intersections, corners or _____~~

~~_____ breaks in a straight lot line. The cost of obtaining this statement shall be borne by _____ the applicant. (Amended 12/1/97 R)~~

~~D. _____ In releasing the performance guarantee, the Town shall provide the applicant with a certificate of compliance signed by the Town Manager.~~

CHAPTER EIGHT: STREET STANDARDS

801 Statement of Purpose

The purpose of this Chapter is to establish minimum standards for streets which may be accepted as Town Ways and for streets which shall remain Private Roads. Nothing in this chapter shall be interpreted to mandate road acceptance by the Town Council. The terms street, road and way are used interchangeably in this chapter.

802 Authority

802.1 This Chapter is enacted pursuant to Title 30-A, M.R.S.A., § 3001.

803 Applicability

803.1 This Chapter shall apply to all streets which shall remain Private Roads and to all streets within the Town to be accepted as Town Ways after the effective date of the amendments to this Ordinance.

803.2 Nothing in this Ordinance shall be construed to prevent the design and construction of streets which meet higher standards, use improved methods or higher quality materials. The determination of the acceptability of other standards, methods or materials shall be made by the Town Council with advice of the Planning Board and Town Engineer.

803.3 Roads in projects or phases of projects that received final Planning Board approval as of October 22, 2002 shall be processed by the Planning Board, Public Works Department, and Town Council in the same manner as roads presented for acceptance prior to October 22, 2002 were processed. The Planning Board proceedings of projects or phases of projects that received final Planning Board approval as of October 22, 2002 must show a clear intent by the applicant and the Planning Board to present the roads to the Town Council for acceptance.

804 General Street Standards

804.1 Street Classification

The size and design needs of new streets shall be based upon the projected number of vehicles they are to carry. All streets shall be classified in the development review process according to the following criteria that include a consideration of residential or mixed use development potential of any future road extensions. Streets with mixed use developments shall be classified by the Town Engineer based on peak hour trip equivalents:

- A. Collector – Street that has the capacity to serve over 150 units.
- B. Local - Street that has the capacity to serve 26 to 150 units.
- C. Minor - Street that has the capacity to serve 25 units or less.
- D. Lane - A secondary access that serves house lots from the rear lot line.

804.2 Interconnectedness

Dead-end streets are to be avoided. Street design shall allow for proper continuation of streets to adjacent lands **and connection to the existing street network.** The Planning Board may require one or more right-of-way connections reserved for future road extensions. If this is required, the number of such connections shall be proportional to the magnitude of the proposed development. Dead ends are allowed only if pedestrian or bicycle connections to adjacent lands are provided, and only if:

- a) i. the economic burden of street continuation to the applicant,
ii. the environmental impact, or
iii. site constraints that need to be overcome,
will not be offset by corresponding benefits of street continuation to the community; or
- b) street continuation would result in disruption of community character of an adjacent neighborhood.

The Planning Board may waive the requirement for pedestrian and bicycle connections where topographic limitations prevents the construction or functionality of such connections.

804.3 Sidewalks

Sidewalks within all growth districts shall be provided, with the exception of minor streets ~~residential streets containing 25 units or less on dead end streets.~~ Sidewalks shall be provided on both sides of the street.

The Planning Board may waive the requirement of sidewalks on both sides of the street and reduce it to one side of the street:

- a) to maintain community character;
- b) to minimize environmental impacts, or
- c) if the road has been designed to limit speed to no more than 25 mph.

804.4 Bicycle Facilities

The following bicycle facilities shall be provided for new public and private streets on both sides of the street:

Collector Road: Bike Lanes

Local Road: Paved Shoulders

Minor Road: Shared Lanes

These facilities are described and illustrated in the *Brunswick Bicycle & Pedestrian Improvements Plan*, dated October 13, 1998.

The Planning Board may waive this requirement:

- a) to maintain community character;
- b) to minimize environmental impacts; or
- c) if the road has been designed to limit speed to no more than 25 mph.

804.5 Street Impact

The applicant is responsible for assessing the impact of the proposed development on street systems through traffic studies or other means accepted by the Planning Board, and shall be responsible for any associated improvements. If the Planning Board deems it necessary, the applicant shall undertake to improve, repair or reconstruct such street systems. If this is required by the Planning Board, the applicant shall be responsible only for the degree of improvement necessary to mitigate the impact of the proposed development.

805 Street Acceptance & Application Requirements

805.1 Streets can be offered for Town acceptance only if they meet the requirements detailed in sections 806 and 807 of this Ordinance and if more than 30% of the proposed homes on the street are occupied. The Town Council may approve exceptions in the occupancy rate in cases where the street connects to a public open space or other public amenity.

805.2 An application shall be submitted to the Town Council for acceptance of a new or extended Town Way upon satisfactory completion of all public improvements. The application submission and review process shall be as follows:

805.2.1 The application shall contain a letter from the Town Engineer certifying he/she has made a final inspection of the street and found all work has been satisfactorily completed in accordance with the approved subdivision plans and the requirements of this Ordinance.

805.2.2 If the Town Engineer finds that all work has not been satisfactorily completed in accordance with the approved subdivision plans and the requirements of this ordinance, the Town Engineer shall recommend against approval until the ordinances and standards are met.

805.2.3 The application shall contain a Boundary Survey Plan, which shall be recorded in the Cumberland County Registry of Deeds prior to the time of acceptance, and the plan book and page reference shall be provided in the application.

805.2.4 The Project Surveyor, shall provide a certificate that all monuments have been set and they have replaced any monuments disturbed during construction i.e. all

monuments exist and are in good condition as of the acceptance date. Disturbed or high monuments along the road and public easements need to be re-set flush with grade prior to any offer for acceptance.

805.2.5 The Project Surveyor shall certify that the **roadway as-built lies** within the bounds of the roadway being conveyed, and similarly any drainage structures or other improvements as-built lie within their respective easements.

805.2.6 The Project Surveyor shall provide a metes and bounds legal description of the bounds encompassing the proposed Town Way and any associated public easements for review and approval by the Town Engineer.

805.2.7 Once the proposed legal description has been reviewed and approved by the Town Engineer, the applicant's Attorney shall prepare a Warranty Deed conveying the parcel of land encompassing the roadway in "Fee Simple" suitable for recording at the registry of deeds. The deed shall include a signature block for Town Council acceptance listing each of the current Town Councilors.

805.2.8 The application shall contain a title opinion or title insurance satisfactory to the Town Manager and Town Attorney. Executed "Lien Waivers" shall be provided from all contractors, subcontractors and material suppliers involved with the street improvements with the request for street acceptance.

805.2.9 The application shall contain a letter from each public utility in the roadway, including the Brunswick Sewer District and Brunswick & Topsham Water District, indicating all work has been completed in a satisfactory manner for their acceptance and operation of the respective utility.

805.2.10 The landowner conveying the road parcel with improvements shall warrant all such public improvements for a period of two (2) years from the date of acceptance. For this warranty, a Performance Security in an amount equal to five (5) percent of the total value of the roadway improvements, as determined by the Town Engineer, shall be submitted in a form acceptable to the Town Manager. The Performance Security shall be available for Town use and remain in effect for two (2) years from the date of acceptance to guarantee all completed work is free from defects in labor or material.

806 Town Street Design Standards

806.1 All roads offered for Town acceptance shall meet the design standards detailed in Appendix II, Street Standards, Section A-II.1, Public Dedication Roadway Standards as well as the following standards.

806.1.1 For any streets to be offered that have not been reviewed by the Planning Board in accordance with Appendix II, Section A-II.1, the applicant must submit full plans and information to the satisfaction of the Town Engineer indicating compliance with these requirements for review and approval.

806.2 Permanent survey monumentation (4 inch by 4 inch by 4 foot granite monument or approved equal) is to be provided and set **under direction of** a State of Maine Professional Land Surveyor along the road at all changes in direction (including Point of Curvature & Point of Tangency for curves) on both sides of the road parcel. Monument location and type at all other points is to conform to standard State of Maine survey practices.

806.3 The street developer shall provide and install, prior to issuance of the first building permit for the development, street name signs of the type, size and location as approved by the Town Engineer.

806.4 Construction Inspection and Administrative Escrow Fee:

Prior to the start of construction, the street developer shall deposit in a Town-held escrow account an amount equal to 2% of the street construction value. These funds are to be used to fund an engineering consultant to be hired by the Town Engineer to inspect project construction and report all findings, tests and recommendations to the Town Engineer. **Town shall provide copies of inspections reports to street developer.** Any of the escrowed funds not used for construction administration will be returned to the developer.

806.5 An electronic drawing file of the complete final Planning Board approved plans, in an approved format, must be furnished to the Town Engineer.

806.5.1 An "as-built" or set of record drawings shall be submitted in a form acceptable to the Town Engineer upon completion of each phase of the project prior to any acceptance offer.

807 Community Planning Standards for Town Streets

807.1 Town-wide Roads

807.1.1 Any right-of-way connections that are reserved for future road extensions shall be conveyed to the Town at the same time the street is offered for acceptance.

807.2 Roads in Growth Area

807.2.1 In single-family developments:

1. Frontage: Proposed Town Ways in the Growth Area shall be accepted only if the average lot width on the street is no more than 125% of the minimum lot width required in that zone. Lot width is measured on the developed lots only and excludes open space. **Frontage on corner lots is determined by dividing total frontage of such lots by two.**

2. Lot area: Proposed Town Ways in the Growth Area shall be accepted only if the average lot area is no more than 125% of the minimum lot area required in that zone. Lot area is measured on the developed lots only and excludes open space, conservation easements, **and areas covered by deed restrictions and enforceable by the Town.**

807.2.2 In multi-family developments:

Residential Density: Proposed Town Ways in the Growth Area shall be accepted only if the residential density on the street is at least 75% of the maximum density allowed in that zone.

807.2.3 Sewer and Water Service: Proposed Town Ways in the Growth Area shall only be accepted with public water and sewer service provided.

807.2.4 Electric utilities: Proposed Town Ways in the Growth Area shall only be accepted with underground utilities provided.

807.2.5 Sidewalks & Curbing: Proposed Town Ways in the Growth Area that are designated as local or collector roads are required to have sidewalks and curbing. Minor streets shall be required to have sidewalks and curbing, if necessary, for

- a) connectivity; or
- b) safety.

807.2.6 Street trees: Street trees shall be provided along all roads in the Growth Area with curbing and sidewalks and along all roads designated as local or collector roads. Trees can be either new or existing trees in the Right-Of-Way or the front setback area of each lot.

807.3 Roads in Rural Area

807.3.1 Proposed Town Ways in Rural Areas shall only be accepted if they are part of an approved Open Space Development.

807.3.2 Existing trees shall be preserved in the Right-Of-Way and in the front setback area of each lot to the extent practical.

808 Requirements for New Private Roads

The Planning Board may approve private roadways for subdivisions; however if they do not conform to these standards they may not be considered for dedication. Applicants proposing

private roadways shall apply the Alternative Roadway Standards also found in Appendix II to the greatest extent practicable.

808.1 The design of all private roads shall be reviewed by the ~~Fire Chief, Police Chief and~~ Town Engineer, and, as requested by the Town Engineer, by the Fire Chief and Police Chief, prior to final approval by the Planning Board. Roadways shall be built according to the final plan, as determined by the Town Engineer, prior to the issuance of a building permit for any lot with access on a private road.

808.2 The Final Subdivision Plan shall show the road clearly labeled "PRIVATE ROAD."

808.3 A home-owners association shall be established to own and provide for the perpetual care and maintenance of the private road. Such home-owners association shall satisfy all standards for home-owners associations found in Section 522.

809 Existing Private Roads Offered as Town Way

Existing Private Roads offered for acceptance as a Town Way shall meet the Town Way requirements of this Ordinance and shall be approved by Town Council. The Town Engineer shall provide an opinion on such requests to the Town Council. Road acceptance is a discretionary decision by the Town Council.

810 Acceptance Exceptions

The Town Council has the prerogative to accept any Private Road if there are compelling reasons for it that benefit the public good. Considerations may include potential future development, connectivity, safety, and maintenance cost to the Town.

811 Driveway Access to Subdivision Lots

811.1 The Planning Board may require the applicant to show planned driveway entrances onto streets on Subdivision Plans to assure safe road access points.

811.2 The Planning Board may require that driveways on adjoining lots be combined into a common driveway to reduce the number of curb cuts or provide safe road access points.

811.3 The Planning Board shall require the execution of a satisfactory maintenance agreement for common driveways which shall be recorded in the Cumberland County Registry of Deeds. Such maintenance agreement shall provide that the common driveway may not be dedicated to the Town unless the owners bring it into compliance with applicable Town road standards.

811.4 Common driveways may be unpaved in residential developments.

812 Performance Guarantee Prior to Construction

A performance guarantee shall be filed in accordance with final plan approval and this Section.

812.1 When a Performance Guarantee is Required

The A performance guarantee shall be required prior to the construction of all infrastructure, including streets, sanitary sewer and stormwater management systems, water and electrical systems, and trees. ~~that is intended for dedication to the Town of Brunswick, The Brunswick-Topsham Water District or Brunswick Sewer District or of infrastructure that will be privately owned but will function as the equivalent of public improvements, including, but not limited to, private roads, private sewer systems and private water systems.~~ No Certificate of Occupancy may be issued unless a written approval is granted by the Town Engineer which states that the occupancy of the project or project phase can accommodate occupants without posing a threat to the public's safety. A performance guarantee will also be required prior to initiation of work within an existing public right of way.

The Planning Board may require security for a period of one year to ensure the replacement of any plantings shown on the landscaping plan which have failed to grow normally, are diseased or have died.

812.2 Certified Check, Performance Bond or Letter of Credit

- A. The performance guarantee shall be a performance bond, irrevocable letter of credit, or an escrow agreement. Such performance guarantee shall be in a form acceptable to the Town Manager, based upon the recommendations of the Town Engineer, Director of Planning & Development and Town Attorney.
- B. The performance guarantee shall be for the full amount of the cost of the work, as determined by the Town Engineer, plus an additional 10% to account for inflation and contingencies.
- C. The time for performance under the performance guarantee shall not exceed two years and the full amount secured by the performance guarantee shall remain available to the Town for the entire term of the performance guarantee unless reduced by written agreement between the Town Manager and the applicant.
- D. The Town Manager has the authority to approve a performance security extension upon request beyond the two year period for up to two years. Requests for extensions beyond four years shall be submitted to and approved by the Planning Board, upon notice to existing subdivision property owners.**
- E. Projects that are proposed in phases shall have the **infrastructure** of prior phases completed before commencing construction of subsequent phases.

812.3 Release of Performance Guarantee

The developer may request, at any time, that the performance guarantee be released, in whole or in part. Within 60 days of receiving such a request, the Town Manager, based upon the recommendation of the Town Engineer, may release all or part of the performance guarantee. In making a determination on the request, the Town Manager shall consider, and the applicant shall provide, evidence of satisfactory completion of the required improvements such as, but not limited to:

- A. A statement by the Town Engineer that all street and storm drain systems have been constructed and completed in compliance with the Final Plan.
- B. A statement from the Brunswick Sewer District Superintendent that all sewage disposal systems have been constructed and completed in conformity with the Final Plan.
- C. A statement by a professional land surveyor, that all permanent boundary monuments have been set in accordance with the final plan and current guidelines and standards of the *State of Maine Board of Licensure for Professional Land Surveyors Rules* at all street corners and angles of all street lines and along with intersections, corners or breaks in a straight lot line. The cost of obtaining this statement shall be borne by the applicant. (Amended 12/1/97 R)
- D. In releasing the performance guarantee, the Town shall provide the applicant with a certificate of compliance signed by the Town Manager.

APPENDIX II: STREET STANDARDS

This Appendix outlines street standards necessary for dedication to the Town, and also provides standards for the development of private roads.

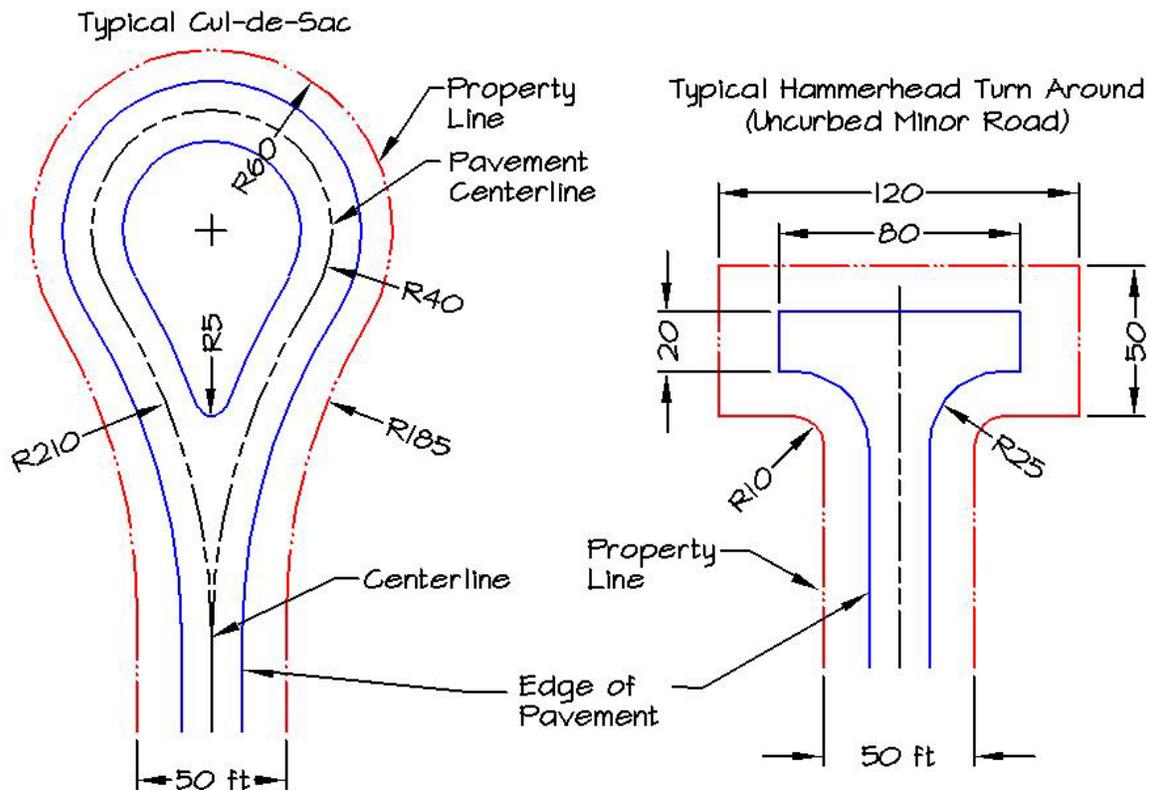
II.1 General Standards

II.1.1 Sight Distances

The minimum sight distance at intersections shall be determined according to the most current edition of "A Policy on Geometric Design of Highways and Streets" published by the American Association of State Highway and Transportation Officials (A.A.S.H.T.O)

II.1.2 Turnarounds

A suitable means for reversing direction shall be provided at the end of a dead-end street in the form of a center-island cul-de-sac or a hammerhead "T" turnaround. No lot may be accessed from any part of a hammerhead turnaround. Turnarounds shall meet the minimum design dimensions as shown below unless otherwise approved by the Town Engineer. Town Engineer may require larger dimensions for turnarounds that get commercial use.



II.1.3 Dead End Roads

II.1.3.1 Definition

Dead end roads are defined as roads that have a single outlet for vehicular traffic. The point of departure to determine the length of a dead end road is that point where there are two or more outlets to the road system of the rest of the community. **The point of terminus to determine the length of a dead end road is that point in the associated road or driveway system that is furthest removed from the point of departure, and that serves three units or more,**

The point where a driveway or road loop system starts shall not be considered the point of terminus of a dead end road.

II.1.3.2 New Dead Ends off Long-Established Public Streets

The following roads are long-established public streets that exceed 1500 feet:

1. Bracket Road
2. Bridge Road
3. Collins Brook Road
4. Meadow Road
5. Mere Point Road
6. Moody Road
7. Prince's Point Road.

Long-established is defined as before the establishment of the subdivision process and Brunswick Planning Board.

The point of departure to determine the length of a new dead end street off the long-established streets listed in this section is the centerline intersection of the new road with that of the long-established street.

II.1.3.3. Waivers to maximum dead end road length

The Planning Board may waive the maximum length requirement for a dead end road as stipulated in II.2.1 and II.3.1, if it finds that:

- a. ten units or less are served by that road;**
- b. the road has a maximum length of 2000 feet; and**
- c. the applicant has demonstrated that overall environmental impact by the development will be reduced by building a longer road.**

II.2 Public Acceptance Roadway Standards

The following additional road standards shall be met for Town Dedication. All workmanship, methods of construction and materials for the public road improvements shall have been completed in compliance with the Maine Department of Transportation, Standard Specifications, latest edition unless otherwise specifically approved by the Town Engineer.

All streets in a proposed subdivision must be designed to comply with the following minimum standards, and must be constructed according to the specifications of the Brunswick Public Works Department.

In no case shall such a street qualify for acceptance as a Town road, unless and until it is paved with bituminous concrete in accordance with the specifications of the Brunswick Public Works Department. The cost of all road construction, including the upgrading of a private way for public acceptance, must be paid by the applicant.

All new streets shall comply with ~~Section 511~~Chapter 8.

II.2.1 Road Standards for Town Dedication

	Collector Commercial	Local	Minor
1a. Minimum Right of Way Width, Curbed	66 feet	50 feet	50 feet
1b. Minimum Right of Way Width, Uncurbed	66 feet	60 feet	50 feet
2a. Minimum Pavement Width, Curbed	34 30 feet	28 feet	24 feet
2b. Minimum Pavement Width, Uncurbed	30 34 feet	24 feet	20 feet
3. Maximum Grade	8%	8%	12%
4. Minimum Centerline Radius	200 feet	175 feet	125 feet
5. Minimum Tangent Between Reverse Curves	100 feet	75 feet	50 feet
6. Minimum Shoulder Width	4 feet	4 feet	4 feet
7. Maximum Length of Dead End Street	1,500 feet or <u>1,500 feet or serving up to 25 units whichever comes first</u>	1,500 feet or <u>1,500 feet or serving up to 25 units whichever comes first</u>	1,500 feet or <u>1,500 feet or serving up to 25 units whichever comes first</u>
8. Minimum Braking Sight Distance for Vertical and Horizontal Curves 200 feet	150 feet	150 feet	n/a
9. Road Base Total, minimum Sub-Base (MDOT Grade D)	<u>24 inches</u> <u>18 inches</u>	<u>18 inches</u> <u>15 inches</u>	<u>18 inches</u> <u>15 inches</u>

<u>Base (MDOT Grade A)</u>	<u>6 inches</u>	<u>3 inches</u>	<u>3 inches</u>
<u>10. Pavement Courses (Total)</u>	<u>4.0 inches</u>	<u>3.5 inches</u>	<u>3.00 inches</u>
<u>Binder Course</u>	<u>2.5 inches</u>	<u>2.0 inches</u>	<u>1.75 inches</u>
<u>Top Course</u>	<u>1.5 inches</u>	<u>1.5 inches</u>	<u>1.25 inches</u>
<u>11. Sidewalk Construction</u>			
<u>Width (minimum)</u>	<u>5 feet</u>	<u>5 feet</u>	<u>5 feet</u>
<u>Gravel Base (MDOT Grade A)</u>	<u>12 inches</u>	<u>12 inches</u>	<u>12 inches</u>
<u>Surface Material</u>	<u>Asphalt</u>	<u>Asphalt</u>	<u>Asphalt</u>
<u>Pavement Courses</u> <u>(2 passes, MDOT D Mix)</u>	<u>3.0 inches</u>	<u>2.5 inches</u>	<u>2.5 inches</u>
<u>Comply w/ 28 CFR Part 36 (ADA</u> <u>Standards for Accessible Design)</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>12. Curbing Material (if curbs are</u> <u>provided)</u>			
<u>Straight Sections</u>	<u>Bit. Concrete</u> <u>Type 3, Mold 5</u>	<u>Bit. Concrete</u> <u>Type 3, Mold 5</u>	<u>Bit. Concrete</u> <u>Type 3, Mold 5</u>
<u>Radius Sections (< 50 feet R)</u>	<u>Granite, Type 5</u>	<u>Granite, Type 5</u>	<u>Granite, Type 5</u>
<u>13. Storm Drainage</u>			
<u>Road Culverts (minimum size)</u>	<u>18 inches</u>	<u>18 inches</u>	<u>18 inches</u>
<u>Driveway culverts (min. size)</u>	<u>15 inches</u>	<u>15 inches</u>	<u>15 inches</u>
<u>Culvert Material</u>	<u>Aluminum Alloy</u>	<u>Aluminum Alloy</u>	<u>Aluminum Alloy</u>
<u>14. Street Lighting (if required)</u> <u>CMP Acceptable Rentals:</u>			
	<u>GE M-250R2 Cutoff or</u> <u>equivalent fixture approved</u> <u>by the Town on a 35 foot</u> <u>wooden pole</u>	<u>Yes</u>	<u>Yes</u>
	<u>GE Town & Country</u> <u>Series or equivalent fixture</u> <u>approved by the Town on a</u> <u>15 foot fiberglass pole</u> <u>w/concrete base</u>	<u>Yes</u>	<u>Yes</u>
	<u>All Wiring Runs in</u> <u>Conduit for underground</u> <u>installations</u>	<u>Yes</u>	<u>Yes</u>
<u>15. Vertical Clearance</u>	<u>Min. 16 feet</u>	<u>Min. 16 feet</u>	<u>Min. 16 feet</u>

II.2.2 Intersection Standards for Roads Proposed for Dedication

	Collector Commercial	Local	Minor
1. Minimum/ Maximum Angle	90 degree	90 degree	90 degree

2. Maximum Grade within 100 feet of Centerline Intersection	3%	3%	3%
3. Minimum Curb Radius	30 feet	30 feet	25 feet
4. Minimum Property Line Radius	20 feet	20 feet	20 feet
5. Minimum Centerline Distance Between Intersections, Same Side of Street	300 feet	250 feet	250 feet
6. Minimum Centerline Distance Between Intersections, Opposite Side of Street	150 feet	150 feet	150 feet
7. Minimum Tangent Length from Intersection Centerlines	50 feet	50 feet	50 feet

C. Sight Distances

~~The minimum sight distance at intersections shall be determined according to the most current edition of "A Policy on Geometric Design of Highways and Streets" published by the American Association of State Highway and Transportation Officials (A.A.S.H.T.O)~~

D. Turnaround

~~A suitable means for reversing direction shall be provided at the end of a dead end street in the form of a center island cul-de-sac or a hammerhead "T" turnaround. A center island cul-de-sac shall have a minimum island radius of 35 feet, a minimum outside pavement radius of 55 ~~50~~ feet and a minimum property line radius of 75 feet. A hammer head turnaround shall be constructed to comply with the applicable standards of this section, except that the perpendicular cross piece of the "T" shall have a minimum pavement width of 14 feet, and shall extend a minimum of 40 feet to either side of the centerline of the dead end street. The cross piece of the "T" shall be located within a 50 feet wide right of way that shall extend at least 20 feet beyond the ends of the pavement. No lot may be accessed from any part of a hammerhead turnaround.~~

II.3 Private Street Standards

The following standards are an alternative to be used for roadways not proposed for public dedication. These requirements relate only to Local and Minor Streets, as defined in Chapter 8 Section 511. All private streets shall comply with Chapter 8 Section 511.

II.3.1 Private Street Standards

STREETS	Local	Minor	Lane
1. Minimum Right of Way	50 feet	40 feet	25 feet
2. Minimum pavement width of <u>travel way</u> , curbed roads	20 feet	20 feet	20 feet
3. Minimum pavement width of <u>travel way</u> , uncurbed roads	18 feet	12 feet	12 feet
4. Maximum grade	12%	12%	12%
5. Design Speed; does not apply to "L" turns in a street.	20 mph	20 mph	n/a
6. Minimum tangent between reverse curves	n/a	n/a	n/a
7. Minimum shoulder width	2 feet	n/a	n/a
8. Maximum length of dead-end street	1,500 feet or <u>serving up to 25</u> <u>units whichever</u> <u>comes first</u>	1,500 feet or <u>serving up to 25</u> <u>units whichever</u> <u>comes first</u>	n/a
9. Minimum braking sight distance for vertical and horizontal curves	100 feet	75 feet	75 feet
<u>10. Road Base Total, minimum</u> <u>Sub-Base (MDOT Grade D)</u> <u>Base (MDOT Grade A)</u>	<u>15 inches</u> <u>12 inches</u> <u>3 inches</u>	<u>15 inches</u> <u>12 inches</u> <u>3 inches</u>	<u>12 inches</u> <u>9 inches</u> <u>3 inches</u>
<u>11. Pavement Courses</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>
12. Sidewalks (if provided), minimum width	5 feet	5 feet	5 feet
<u>13. Vertical Clearance</u>	<u>Min. 13.5 feet</u>	<u>Min. 13.5 feet</u>	<u>Min. 13.5 feet</u>
INTERSECTIONS			
14. Minimum/ maximum angle of intersecting streets	60-120 degrees	60-120 degrees	80-100 degrees
15. Maximum grade within 100 feet of intersection	5%	5%	5%
16. Minimum curb radius	15 feet	n/a	n/a
17. Minimum center-line distance between intersections (excludes lanes); does not apply to "L" Turns in a Street	Same Side 150 feet Opposite Side 100 feet	n/a	n/a
18. Minimum tangent length from intersection centerlines	n/a	n/a	n/a

II.3.2 Turnouts

Private dead end streets with a width of 18 feet or less shall provide turnouts as approved by the Town Engineer. Such turnouts shall be plowed and kept free of snow.

II.3.3 Bridges

Bridges required for private roads or driveways shall be designed to accommodate the load of the largest apparatus operated by the Brunswick Fire Department.

CONSENT AGENDA - A BACK UP MATERIALS

BRUNSWICK TOWN COUNCIL
Minutes
November 2, 2009
Municipal Meeting Room
Maine Street Station
16 Station Avenue

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

Councilors Absent: Karen J. Klatt

Town Staff Present: Gary Brown, Town Manager; Deb Blum, Administrative Assistant; Tom Farrell, Director of Parks and Recreation; David Markovchick, Economic Development Director; Anna Breinich, Planning and Development Director; Kris Hultgren, Town Planner; Clark Labbe, Fire Chief; Fran Smith, Town Clerk; and TV video crew

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

Executive Session: Real Estate Discussion Per 1 M.R.S.A. § 405(6)(C)

Councilor Watson moved, Councilor Favreau seconded, to go into Executive Session to discuss the Real Estate Discussion Per 1 M.R.S.A. § 405(6)(C). The motion carried with (8) yeas. Councilor Klatt arrived after the vote.

MEETING RESUMED

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

Public Comment:

Mike Dooley, 168 Smith Union, Bowdoin College, spoke about creating a liaison between Bowdoin student government and Town government.

Greg Farr, BDA Director, spoke about a BDA survey on downtown improvements and priorities, and requested donations for Holiday Tree Lighting events.

Correspondence:

Councilor Atwood spoke on donations from the community gardens and Brunswick Boatworks made to the Mid Coast Hunger Prevention. The Council provided a chance for the public to meet with the public prior to tonight's meeting. This will also be done in the future.

Town Council Minutes

November 2, 2009

Page 2

Councilor Favreau spoke on the following: the Halloween window painting design winners and the annual Goblins Parade.

Councilor Pols spoke on the following: a survey that Brunswick School Department is doing regarding reconfiguring grades; there will be a neighborhood meeting at Thornton Oaks on November 13, 2009, at 3:30 pm; and the annual Ski & Skate sale will be on Sunday, November 8, 2009, from 1:00 pm – 4:00 pm at the Recreation Center.

Adjustments to the Agenda:

To add Item 167 to authorize the Town Manager to sign a purchase and sale agreement on Town-owned property on Thomas Point Road.

MANAGER'S REPORT:

(a) MRRA Update

Manager Brown gave this update.

(b) Council Committee Updates

A report was given on the Downtown Master Plan Committee.

(c) Election Reminders

Fran Smith, Town Clerk, provided election reminders, and responded to a question from Chair Daughtry.

(d) (ADDED) New equipment at Fire Department

Chief Labbe spoke about their new equipment, including a Compressed Air Foam System.

Chair Daughtry spoke on this item.

(e) (ADDED) Comcast Communication

Manager Brown reported that Comcast asks that anyone that lost cable/internet service last week call Comcast for a \$10.00 credit.

(f) (ADDED) Veterans Day

Manager Brown spoke on this item.

(g) (ADDED) School funding

Town Council Minutes

November 2, 2009

Page 3

Manager Brown spoke on this item, indicating there will be a loss of \$700,000 for school funding.

PUBLIC HEARINGS:

None

NEW BUSINESS:

164. The Town Council will hear a report on the Maine Bike Rally, and determine if any further action is necessary.

Councilor Watson spoke on this item and introduced Kirk Kennedy.

Mr. Kirk Kennedy, representing BikeMaine.org, made a presentation.

Councilor Favreau asked a question, which Mr. Kennedy answered.

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

(A copy of information on this item will be attached to the official minutes.)

165. The Town Council will set a public hearing for November 16, 2009, regarding amending the General Assistance Ordinance Maximums, and will take any appropriate action.

Manager Brown spoke on this annual item.

Councilor King moved, Councilor Pols seconded, to set a public hearing for November 16, 2009, to amend the General Assistance Ordinance Maximums, to be enacted on an emergency and regular basis. The motion carried with (9) yeas.

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

Councilor Knight nominated the following people to serve on Committees:

Joan Viles to serve on the Cable TV Advisory Committee

Richard Brautigam to serve on the People Plus Board of Trustees

The Council voted 9-0 to appoint these nominees.

167. (ADDED) The Town Council will authorize the manager to sign a purchase and sale agreement on town-owned property on Thomas Point Road, and will take any appropriate action.

Town Council Minutes

November 2, 2009

Page 4

Councilor Klatt spoke on this item.

Councilor King moved, Councilor Atwood seconded, to allow the Manager to sign a purchase and sale agreement on town-owned property on Thomas Point Road. The motion carried with eight (8) yeas. Councilor Klatt was opposed.

Councilor Favreau, Councilor Pols, Councilor King, Chair Daughtry, Councilor Atwood, Councilor Knight, and Councilor Watson all spoke on this item.

Manager Brown spoke on this item.

CONSENT AGENDA

- (a) **Approval of the Minutes of October 19, 2009**
- (b) **Approval of Utility Permit for Maine Natural Gas for lines relative to Bowdoin College**
- (c) **Accept Station Avenue as a Town Way**

Councilor Favreau and Councilor King spoke on item (c).

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

Councilor Daughtry, Councilor Favreau, and Councilor Pols spoke before adjournment.

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

The meeting adjourned at 8:14 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.

*Debra Blum
Executive Administrative Secretary
November 4, 2009*

November 16, 2009
Date of Approval

Council Chair

CONSENT AGENDA - B BACK UP MATERIALS

STATE OF MAINE
DEPARTMENT OF PUBLIC SAFETY GAMING & WEAPONS SECTION
 164 STATE HOUSE STATION, AUGUSTA, MAINE 04333-0164
 (207) 624-7210

Application for a License to Operate Beano/Bingo or a Game of Chance

The application you are requesting is for: **BEANO/BINGO** OR **GAME OF CHANCE**

(PLEASE CHECK ONE)

Organization Name is: Knights of Columbus
Sekegger Council 1947

IF YOU CHECKED GAMES OF CHANCE:
 Name of Game: Sealed Tickets
 Number of Games: 1
 Open to Public? Yes No

Beano/Games Organization Number is: 5008

Business Address: 2 Columbus Drive, Brunswick, Maine 04011

Mailing Address: Same Phone: (207) 729-6552

3. Date of Founding March 16, 1919 Place of Founding Brunswick, Maine

4. Current Officers:

NAME & TITLE	ADDRESS	CITY/ZIP	PHONE	DATE TERM EXPIRES
Douglas Phinney (Grand Knight)	9 Spruce Lane	Topsham 04086	729-7912	6/30/10
Bruce Talbot (Deputy GK)	2 Melden Drive	Brunswick 04011	729-6426	6/30/10
Antoine G. Coulombe (Treasurer)	579 Meadow Rd.	Topsham 04086	729-4741	6/30/10
Patrick J. Lyons Jr. (Advocate)	21 Tarratine Dr.	Brunswick 04011	729-7572	6/30/10

5. Location of Beano/Bingo or Game of Chance:

2 Columbus Drive, Brunswick, Maine
 BUILDING ADDRESS CITY

6. Person responsible for operation of Beano/Bingo or Game of Chance:

Name: Antoine G. Coulombe 729-6552 729-4741
 Name & Address where Licenses will be sent: 2 Columbus Drive, Brunswick, ME
 E-Mail Address: kcbruns@suscom-maine.net
 DAYTIME PHONE & EVENING PHONE

7. Circle the days of the week you expect to operate: Mon Tue Wed Thu Fri Sat Sun

8. For Beano/Bingo Only: How many times per month do you plan to run Beano/Bingo? _____
 What time do doors open for Beano/Bingo? _____

9. Dates to be licensed - Please specify weeks (Monday through Sunday) or full months. You may apply for up to six months of licenses in advance. See back of this form for yearly rates.

January 2010 _____ February 2010 _____ March 2010 _____
 April 2010 _____ May 2010 _____ June 2010 _____

Complete this application - both front & back. Sign, date, and return it to the Gaming & Weapons Section at the address shown above.

FOR OFFICE USE ONLY
 Check # _____
 Amount \$ _____

10. Does the organization own all the equipment used in operating this amusement? Yes No
If "NO", please explain the circumstances under which the equipment is to be used: _____

11. Has any current officer of this organization or association ever been convicted of violating the gambling or lottery laws of the United States or of the State of Maine? Yes No
If "YES", give name and address of the person and the date and place of conviction: _____

12. If the Applicant is a Fair Association, attach a list of the names and home addresses of the persons operating or assisting in the licensed activity. Please write your organization name and number on the list.
_____ APPLICANT SIGNATURE _____

13. The applicant agrees to obey the laws of the State of Maine and of the United States. The applicant agrees to obey the rules and regulations governing Beano/Bingo or Game of Chance promulgated by the Chief of the State Police. The applicant warrants the truth of the foregoing statements on penalty of perjury.

Signed: *Douglas J. Phinney*
Name: Douglas Phinney Title: Grand Knight Date: 11/03/2009
(Please print - must be duly authorized officer of this organization - title is required)

The Licensing Unit must receive this application at least eight days prior to first day on which you plan to conduct Beano/Bingo or a Game of Chance.
_____ BLANKET LETTER _____

14. The following consent must be completed by the municipal officers of the city or town where the Beano/Bingo or Game of Chance will take place unless a separate "Blanket Letter of Approval" is filed with the Chief of the State Police.

- Check here if you have previously filed a "Blanket Letter of Approval" with us, which is still valid
- Check here if you have attached a "Blanket Letter of Approval".

_____ CONSENT _____
The undersigned being municipal officers of the (City)(Town) of _____ hereby certify that we consent to this application for a license to operate Beano/Bingo or a Game of Chance in accordance with the provisions of 17 M.R.S.A. Chapter 13-A (Beano) or Chapter 14 (Games of Chance) and in accordance with the Rules and Regulations promulgated by the Chief of the State Police governing the operating of Beano/Bingo or Games of Chance.

Name: _____ Date: _____
Name: _____ Date: _____
Name: _____ Date: _____
Name: _____ Date: _____
Name: _____ Date: _____

----- FEES -----
Beano \$12.00/week or \$36.00/month. Yearly license - \$400.00
Games \$15.00/week or \$60.00/month. Video Poker \$15.00/week or \$60.00/month. Yearly License - \$700.00
Card / Cribbage - \$30.00 Per Calendar Year. Tournament Game - \$200.00

Make checks payable to "Treasurer, State of Maine"



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DEPARTMENT OF PUBLIC SAFETY GAMING & WEAPONS SECTION
164 STATE HOUSE STATION, AUGUSTA, MAINE 04333-0164
(207) 624-7210

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5. Location of Beano/Bingo or Game of Chance:

Main Hall, 2 Columbus Drive, Brunswick, Maine
BUILDING ADDRESS CITY

6. Person responsible for operation of Beano/Bingo or Game of Chance:

Name: Robert J. Rainville 729-6552 725-1398
DAYTIME PHONE & EVENING PHONE

Name & Address where Licenses will be sent: 2 Columbus Drive, Brunswick, ME

E-Mail Address: kcbruns@suscom-maine.net

7. Circle the days of the week you expect to operate: Mon Tue Wed Thu Fri Sat Sun

8. For Beano/Bingo Only: How many times per month do you plan to run Beano/Bingo? 4
What time do doors open for Beano/Bingo? 5 PM

9. Dates to be licensed - Please specify weeks (Monday through Sunday) or full months. You may apply for up to six months of licenses in advance. See back of this form for yearly rates.

January 2010

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April 2010

May 2010

June 2010

Complete this application - both front & back. Sign, date, and return it to the Gaming & Weapons Section at the address shown above.

FOR OFFICE USE ONLY

Check # _____

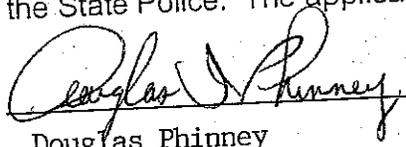
Amount \$ _____

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