

BRUNSWICK TOWN COUNCIL
Agenda
December 17, 2012
7:00 P.M.
Municipal Meeting Room
Brunswick Station
16 Station Avenue

Pledge of Allegiance

Roll Call

Public Comment:

Correspondence:

Adjustments to the Agenda:

MANAGER'S REPORT:

- (a) Council Committee Updates
- (b) Update on the Police Station Project
- (c) Holiday Schedule

PUBLIC HEARINGS

131. The Town Council will hear public comments on an amendment to the Town Zoning Ordinance, Chapter 2, Section 216, relating to the review of demolitions in the Village Review Overlay Zone, and will take any appropriate action. (Manager)

HEARING/ACTION

NEW BUSINESS

132. The Town Council will consider setting a public hearing for January 22, 2013, on parking ordinance changes in the downtown area, as recommended by the Downtown Master Plan Implementation Committee's Parking Subcommittee, and will take any appropriate action. (Councilor Knight and Councilor Perreault)

ACTION

133. The Town Council will consider adopting a new Boards, Commissions and Committees Policy, and will take any appropriate action. (Appointments Committee)

ACTION

CONSENT AGENDA

- (a) Approval of the Minutes of December 3, 2012
- (b) Approval of the Minutes of December 6, 2012
- (c) Approve of games of chance for Brunswick Lodge of ELKS #2043

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

Brunswick Town Council
Agenda
December 17, 2012
Council Notes and Suggested Motions

MANAGER'S REPORT:

- (a) Council Committee Updates: Councilors with information on the Committees they are involved with will share information with the Council and public. A copy of a report from the CIP Committee will be included in your packet.

Suggested Motion: No motion is required.

- (b) Update on the Police Station Project: Manager Brown will give this update.

Suggested Motion: No motion is required.

- (c) Holiday Schedule: The Town Offices will be closing at noon on December 24th, Christmas Eve. It will be open the full business day of December 31st and will be closed on January 1st. Trash and recycling pick-up for Christmas and New Years Days will be collected on the following Saturday.

Suggested Motion: No motion is required.

PUBLIC HEARINGS

131. This item is the required public hearing on Zoning Ordinance amendments regarding the Village Review Board and demolition of buildings. At the request of the Council, the Planning Board drafted and reviewed the proposed amendment to the Zoning Ordinance relating to the review of demolitions in the Village Review Overlay District. After holding a joint workshop with the Village Review Board and a public hearing, the Planning Board proposed an "interim" amendment, which advocates Certificates of Appropriateness for demolition or relocation be approved by the Planning Board, with recommendation provided by the Village Review Board. Copies of a revised memo from the Planning Department and draft amendments are included in your packet.

Suggested Motion:

Motion to adopt an amendment to the Town Zoning Ordinance, Chapter 2, Section 216, relating to the review of demolitions in the Village Review Overlay Zone.

NEW BUSINESS

132. This item, sponsored by Councilor Knight and Councilor Perreault, is to consider setting a public hearing for January 22, 2013, on parking ordinance changes in the downtown area, as recommended by the Downtown Master Plan Implementation Committee's Parking Subcommittee. Copies of a summary of changes from Captain Waltz, the draft changes, and a parking fine comparison are included in your packet.

Suggested Motion:

Motion to set a public hearing for January 22, 2013, on parking ordinance changes in the downtown area, as recommended by the Downtown Master Plan Implementation Committee's Parking Subcommittee.

133. This item, sponsored by the Appointments Subcommittee, asks the Council to consider adopting a new Boards, Commissions and Committees Policy to update and replace policies adopted in 1993, another adopted in 1994, and the removal policy adopted in 1998. This policy has been discussed and worked on over the past few years and is now ready for adoption. A copy of the proposed policy and the previous version are included in your packet.

Suggested Motion:

Motion to adopt a new Boards, Commissions and Committees Policy, which will replace previously adopted policies.

CONSENT AGENDA

- (a) Approval of the Minutes of December 3, 2012: A copy of the minutes is included in your packet.
- (b) Approval of the Minutes of December 6, 2012: A copy of the minutes is included in your packet.
- (c) Approval of games of chance for Brunswick Lodge of ELKS #2043: This is the semi-annual renewal for games of chance. A copy of their letter of request is included in your packet.

Suggested Motion:

Motion to approve the Consent Agenda.

Suggested Motion:

Motion to adjourn the meeting.

MANAGER REPORT A BACK UP MATERIALS

MEMORANDUM

TO: Town Council
Town of Brunswick, Maine

FROM: Capital Improvement Program (CIP) Committee
Suzan Wilson, Chair; Sarah Brayman; John Perreault

DATE: December 12, 2012

RE: CIP Committee Summary Report

The Committee is pleased to present this summary of its work. The Committee's goal was to establish policies and procedures that would produce a more streamlined CIP document, that would focus on the Town's most significant capital projects, and which would be delivered to the Town Council in advance of its deliberations on the annual budget. The Committee also determined that a new CIP process should provide specific opportunities for public and stakeholder participation. What follows is a summary of the most significant issues and concerns the Committee identified and the Committee's recommendations. We anticipate discussing, in a January meeting, these issues along with our recommended policies and procedures.

Issues and Concerns

Issue: There is need for clearly written policies and procedures to guide the development of the Town's capital improvement program.

Recommendation: The Committee developed a CIP policy and procedures to guide the development of the CIP document and its integration with the annual budget.

Issue: The definition of a CIP capital project needs to be changed so that the focus of the CIP is on large, significant projects. There should be a more systematic approach to the replacement of vehicles and equipment, funded through the operating budget. The cost of implementing a replacement fund needs to be phased to minimize the impact on property taxes. Any system should employ a consistent methodology across departments.

Recommendation: Items included in the CIP should have a cost of at least \$100,000 and a useful life of at least five years. Most vehicle replacements, with the exception of the more costly vehicles used by the Fire Department, should be funded with an annual appropriation to vehicle replacement funds. The annual appropriations should be based on the anticipated vehicle replacement costs. In at least the first year of implementation, any funding that is greater than the amount currently funded from taxation should be from reserves or surpluses from completed projects.

Issue: The CIP document has not been clear in its identification of which projects are most likely to be financed versus those that are included as placeholders for planning purposes. It is difficult to expect the Council to adopt a bona-fide CIP without clearly distinguishing which projects are very likely to be financed from those that are included for planning purposes.

Recommendation: The new document should present projects in at least four categories:

- I. *CIP Projects Recommended for Funding* - Projects and acquisitions included shall have been sufficiently developed and defined as to clearly identify the scope and cost of the project and the recommended funding sources. It is highly likely that projects in this class will eventually be authorized for completion and funding.
- II. *CIP Projects In Development* - Projects and acquisitions of this class are under active consideration but have not been sufficiently developed or defined to clearly identify the scope or cost of the project. Typically, projects in this category are being evaluated from several alternatives, or there is not sufficient confidence in the cost estimates to determine whether the project should be recommended for funding. These projects are typically referred to as “placeholders”.
- III. *CIP Projects Not Recommended* - Projects and acquisitions of this class have been identified or requested by departments or others but are either insufficiently developed or defined, or have been deemed to be beyond the funding capacity of the Town. These projects may receive consideration at a future date should circumstances warrant.
- IV. *CIP Projects Non-Town Funded* - Projects to be completed and funded solely by entities other than the Town, with an estimated operational cost impact to the Town of less than \$25,000, are of interest to the Town in its planning efforts. However, as they have a minimal, or no, impact on Town finances, they are shown separately from Town funded projects.

Issue: Debt should not be issued to finance small projects.

Recommendation: Projects eligible for debt financing should be limited to those with a cost equivalent to a 1% change in the tax rate, currently \$325,000, and that have a life expectancy of five years or more.

Issue: Public and stakeholder participation is critical to the development and adoption of the CIP.

Recommendation: The CIP policy and procedures encourages citizen involvement. The CIP committee will explore and experiment with mechanisms to ensure adequate participation.

Conclusion

The Committee’s recommended policies and procedures, along with the changes proposed for the CIP document will address many of the concerns raised by our colleagues and will allow for the development and adoption of a credible CIP. We expect to present a complete package of our recommendations in January. We thank the Council for entrusting us with this important work and look forward to presenting our findings and receiving your feedback and questions.

cc: Town Manager

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

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

ITEM 131

BACK UP MATERIALS



TOWN OF BRUNSWICK, MAINE

INCORPORATED 1739

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

ANNA M. BREINICH, AICP
DIRECTOR OF PLANNING & DEVELOPMENT

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

December 13, 2012

To: Brunswick Town Council
Gary Brown, Town Manager
From: Anna Breinich, AICP
Subject: Request to schedule public hearing: Proposed zoning ordinance amendment, Chapter 2, Section 216, relating to the review of demolitions in the Village Review Overlay Zone.

At the request of the Town Council on October 1, 2012, the Brunswick Planning Board drafted and reviewed a proposed zoning ordinance amendment Chapter 2, Section 216, relating to the review of demolitions in the Village Review Overlay Zone. The Planning Board held a joint workshop with the Village Review Board on October 16th. A small subcommittee was suggested to draft changes to the Overlay Zone for further consideration by the Planning Board.

Following the meeting, the Planning Board Chair, Charlie Frizzle, requested that an additional Planning Board workshop be held on November 6th to discuss another approach. Chair Frizzle suggested and Planning Board agreed to draft an “interim” amendment to address the immediate request of Town Council, recognizing that more time will be needed to complete a comprehensive reworking of Village Review Zone criteria related to demolitions and other standards. The “interim” amendment proposes Certificates of Appropriateness for demolition or relocation be approved by the Planning Board with recommendation provided by the Village Review Board.

The Planning Board held a public hearing on November 27, 2012 to consider and make recommendation to Town Council regarding said amendments. The attached amendment was unanimously recommended to be forwarded for Town Council’s consideration by Planning Board members present.

During Town Council consideration to set the public hearing, a request was made to explain the benefits for shifting demolition approvals from Village Review Board to Planning Board as an interim measure. As stated by Planning Board Chair Frizzle, his rationale to propose the change was to, first, be responsive to Town Council’s request to review and offer recommended changes to Section 216 related to the review of demolitions, but recognizing that much more needs to be done to address Section 216 as a whole. Chair Frizzle also noted that the Planning Board provides a broader, more diverse, range of opinions, as he stated “7 sets of additional eyes”. Lastly, the Village Review Board would still provide their expertise as advisory to the Planning Board, allowing for VRB site visits and review to take place.

Staff has considered Council's comments and offers the following observations regarding proposed amendments to Section 216:

- The Zoning Ordinance needs a comprehensive rewrite evidenced by the constant need for piecemeal amendments taking place.
- Section 216 was amended in its entirety on April 18, 2006. At that time, amendments made were considered by staff and Board to be primarily administrative in nature. Although presented as an administrative change, a significant revision made at that time affected the composition of the Board as established in 1986 when the Overlay Zone was designated. It was proposed and adopted by Town Council to change membership requiring a mix of professionals and citizens to one that could include professionals but not required as in the past.
- The VRB is principally charged with maintaining the traditional historic and architectural character of the designated Village Review Zone and encourage building preservation and enhancement.
- The Board has had the authority to approve demolitions in the VRZ since its establishment. Although initially proposed by staff/Village Review Board, no substantive changes to demolition criteria were adopted as part of the 2006 revision. The current Board has requested staff to review and suggest revision of demolition criteria to allow for better interpretation and this task was to be part of the comprehensive rewrite of the zoning ordinance.

In conclusion, the Village Review Board requests are generally design review in nature for alterations and new construction. Few demolition requests are made and those must include a review of structural and economic conditions not commonly assessed by the Board when reviewing design-based requests. On the other hand, the Planning Board is charged with detailed comprehensive reviews and actions on diverse development review applications, taking into account design elements, land use compatibility, ordinance requirements as well as financial implications. Their charge requires objective reviews of all applications, considering all facets of a given proposal as well as public and advisory comments from our town boards, commissions and committees.

With the present composition of both Boards, it is recommended by staff to shift decisions on VRZ demolition applications from the Village Review Board to Planning Board until a comprehensive review and rewrite of Section 216 is completed. Staff had already begun researching other municipal design review and historic districts/best practices prior to Council's request and is prepared to proceed in drafting ordinance language for consideration.

I will be in attendance at the Council meeting to answer any questions.

**PROPOSED AMENDMENTS TO BRUNSWICK ZONING ORDINANCE
AS APPROVED BY THE PLANNING BOARD, NOVEMBER 27, 2012
Section 216 Village Review Zone (VRZ)**

216.1 Purpose

The purpose of the Village Review Zone is to promote the economic, cultural, educational, and general welfare of the Town of Brunswick by:

- A. Applying design standards in a reasonable and flexible manner in order to maintain Brunswick's traditional features and to ensure compatible construction and rehabilitation in the Village Review Zone without stifling change and development or forcing modern recreations of historic styles.
- B. Developing administrative methods and objective standards that identify, and encourage the preservation and enhancement of buildings, sites, and structures that have historic or architectural or significance in the town.
- C. Promoting economic development by enhancing the attractiveness of the Town to businesses, shoppers, home-buyers and home-owners, residents, tourists and other visitors to Brunswick.
- D. Fostering civic pride in the Town's history and development patterns as represented in distinctive sites, structures, and objects.
- E. Promoting and protecting neighborhood character.
- F. Providing a review mechanism to ensure that new construction and alterations in the Village Review Zone are compatible with the zone's traditional development patterns and building styles.
- G. Promoting and protecting significant features of the historic patterns of development, including traditional landscaping, densities, street widths and public amenities.
- H. Stabilizing and improving property values through design review and historic preservation.

216.2 Duties of the Village Review Board

The Duties of the Village Review Board are to:

- A. Review new construction, additions; or alterations; ~~relocations or demolitions~~ within the Village Review Zone, and issue a Certificate of Appropriateness where the requirements of this Section are satisfied.
- B. Develop, regularly update, and apply the Board's Design Guidelines in review of applications for Certificates of Appropriateness for proposed new construction, additions; or alterations; ~~relocations or demolitions~~ on properties within the Village Review Zone.
- C. Act in an advisory role to the Town Council, Planning Board and other Town bodies regarding proposed demolitions or relocations of structures within the Village Review Zone and the protection of historic sites, structures, and artifacts within the Town.
- D. Review and comment upon proposed National Register nominations for properties within the Town.
- E. Conduct or cause to be conducted a continuing survey of architectural resources in the community using guidelines established by the Maine Historic Preservation Commission.
- F. Work toward the continuing education of Brunswick residents regarding historic preservation issues and concerns.

G. Provide a resource of information and expertise to help those interested in building or rehabilitating structures in the Village Review Zone and elsewhere.

216.3 Village Review Board Membership

- A. The Village Review Board shall consist of seven members.
- B. All members shall be appointed by the Town Council for three year terms except that, for the first board constituted under this ordinance, the initial terms shall be staggered so that no more than two vacancies are opened during any given year.
- C. Annually, on or about February 22, the Village Review Board shall choose a Chair and Vice-Chair from its membership.
- D. A quorum shall consist of four members.
- E. The Village Review Board shall adopt its own rules of procedure and shall establish appropriate meeting times.
- F. The membership should include Brunswick citizens with interest, expertise or experience in the fields of architecture, history, architectural history, planning, law, construction or other related fields. At least one member shall be a representative from the Pejepscot Historical Society and another resident of the Village Review Zone.

216.4 Certificate of Appropriateness

A. A Certificate of Appropriateness is required for any of the following in the Village Review Zone:

1. Construction of a new structure.
2. Addition to an existing structure.
3. An alteration to the exterior appearance of any structure with the exception of normal maintenance and painting. This includes, but is not limited to, any construction requiring a building permit, the creation of new impervious surfaces, the construction of fences, changes in windows or façade materials, or the elimination or addition of any ornamentation. This does not include replacement of windows, facades and building ornamentation with articles that are identical in design and materials.
4. Relocation of any structure, or portions thereof.
5. Demolition of any structure or portions thereof.
6. Construction, installation or alteration of any sign, with the exception of directional signage with an area of less than three square feet.

B. The power to grant a Certificate of Appropriateness for new construction, additions, ~~or alterations, relocations or demolitions~~ under this Section is vested in the Village Review Board; however that power is hereby delegated in accordance with the following provisions:

1. The Director of Planning and Development shall have the power to grant a Certificate of Appropriateness for new construction, additions or alterations in cases where, in her/his judgment, the impact of the proposed activities will be minor and in keeping with the review standards of the Ordinance.

2. The Director of Planning and Development shall regularly apprise the Village Review Board of Certificates of Appropriateness granted in accordance with paragraph 1, above, so that the Board may provide guidance to the Director regarding the exercise of its delegated authority.

3. Notwithstanding the authority delegated to the Director of Planning and Development, the applicant and the Village Review Board Chair each has the right to require review of an application by the Village Review Board.

4. The Director of Planning and Development may find proposed changes to an approved certificate of appropriateness or related materials to be a minor modification in which case approval by the Village Review Board shall not be necessary.

C. The power to grant a Certificate of Appropriateness for demolitions or relocations is vested in the Planning Board, except for minor demolitions or relocations as set forth in Section 216.10 of this Ordinance.

CD. If a structure or property has been damaged by fire, flood, storm or other natural disaster, and emergency temporary repairs are required in order to protect health or safety, or to prevent further damage to the structure or property, the Codes Enforcement Officer may waive temporarily the requirements of this Article for a Certificate of Appropriateness and issue a building permit for such emergency temporary repairs, including demolition or partial demolition. No later than 30 days after the issuance of the permit, the permit applicant must apply for a Certificate of Appropriateness if the repairs already made or any planned permanent repairs or additional demolition work require a Certificate of Appropriateness under Section 216.~~54~~ paragraphs A, B or C.

216.5 Limitation on Granting of Other Permits

No building permit or final development review approval may be issued until a Certificate of Appropriateness is granted. Where an application requires both a Certificate of Appropriateness and Development Review, the application for Development Review may be submitted prior to the granting of the Certificate of Appropriateness; however, should the Certificate of Appropriateness not be granted, the application for Development Review shall be denied. If the Certificate of Appropriateness is granted with conditions, those conditions may be added to the Development Review approval as a minor modification pursuant to Section 403.3B.

216.6 Application for Certificate of Appropriateness

Applications for Certificates of Appropriateness shall be available on a form provided by the Department of Planning and Development, which will forward completed applications to the Village Review Board and/or the Planning Board as appropriate. The applicant shall provide the following information:

A. Name, address and interest in the property.

B. Location and nature of the proposed change.

C. A brief description of the proposed construction, reconstruction, alteration, demolition and proposed re-use, or other change. The description shall include the reason for the change, and will demonstrate how the proposal is in compliance with Section 216.9.

D. A drawing illustrating the design, texture, and location of any construction, alteration, or demolition for which a certificate is required. The drawing shall include plans and exterior elevations drawn to scale, with sufficient detail to show their relation to exterior appearances and the architectural design of the building. Proposed materials and textures shall be described, including samples where appropriate. Drawings need not be prepared by an architect or engineer, but shall be clear, complete, and specific.

E. Photographs of the building(s) involved and of immediately adjacent buildings. The Pejepscot Historical Society may be contacted for information about the building(s).

F. A Site Plan showing the relationship of proposed changes to walks, driveways, signs, lighting, landscaping, and adjacent properties.

G. The Village Review Board or Planning Board may grant a waiver of submission requirements if it finds that the submission of that information is not relevant to a determination that the proposal will satisfy the applicable review standards.

216.7 Section Skipped

216.8 Application Review Process

A. Village Review Board

With the exception of demolition or relocation requests, ~~An~~ application for a Certificate of Appropriateness from the Village Review Board shall be filed at least 14 days before the meeting at which it will be discussed. The Town shall notify the owners of all property within a 200-foot radius of the boundaries of the property under review, giving a general description of the project and specifying its location. Notifications shall be mailed via first class mail, at least 10 days prior to a scheduled review, stipulating the time and place of the Board's meeting. At the meeting, the Village Review Board shall determine whether to accept the application as complete, accept the application with the condition that additional materials or information be provided prior to decision, or return the application to the applicant as incomplete. Within 30 days after accepting the application, the Village Review Board shall decide whether to grant a Certificate of Appropriateness. The Village Review Board shall set forth the reason or reasons for its decision and make findings of fact, in writing, sufficient to apprise the applicant and any interested member of the public of the basis for the decision. Appeals of decisions by the Village Review Board are decided by the Zoning Board of Appeals.

B. Department of Planning and Development

When the Department of Planning and Development reviews the Certificate of Appropriateness, it shall either render its decision or refer the application to the Village Review Board or the Planning Board within 10 days of receipt of complete application materials. Appeals of decisions by the Department are decided by the Village Review Board or the Planning Board, as applicable.

216.9 Standards for Review of Application of Certificate of Appropriateness

A. Buildings and Other Structures

1. In approving applications for a Certificate of Appropriateness, the Village Review Board, or in the case of demolitions or relocations, the Planning Board shall make findings that the following principles have been complied with:
 - a. To the greatest practical extent, structures that contribute to the character of the Village Review Zone shall remain unaltered.
 - b. Any alteration of existing properties shall be compatible with their historic character, as well as with any surrounding properties.
 - c. New construction shall be compatible with surrounding historic properties.
 - d. All Certificates of Appropriateness for new construction, alterations or demolition shall be in accordance with applicable requirements of both this Ordinance and the U.S. Secretary of Interior's Standards for Rehabilitating Historic Buildings.
 - e. The ~~Village Review Board's~~ application of the U.S. Secretary of Interior's Standards will be in accordance with the Village Review Board's Design Guidelines.

B. Signs

Signs shall comply with the requirements of Chapter 6 (Sign Regulations).

C. Specific Standards for New Buildings and Major Additions in the TC1 (Maine Street) and TC2 (Fort Andross) Districts

The following provisions apply only to new buildings located within the TC1 and TC2 Districts, and do not apply to renovations of, or major additions to, pre-existing structures:

1. Parking lots shall be prohibited in side and front yards, except if the application involves the renovation of existing structures where such a configuration currently exists. In cases where such parking configurations exist, the parking area shall be screened from Maine Street with landscaping or fencing.
2. Site plans shall identify pedestrian ways and connections from parking areas to roads. Clearly identified pedestrian paths to, from and across parking lots to Maine Street shall be required.
3. All dumpsters and mechanical equipment shall be located 25 feet away from a public street and shall be screened from view of a public road.
4. Where a side-setback exists it shall be at least 10 feet wide. Side yards of more than 10 feet shall be landscaped and may be used as driveways, pedestrian pathways and semi-public spaces, such as restaurant patios.
5. All new buildings and additions on Maine Street may not be set back from the property line. This may be waived if at least 60% of the building's front facade is on the property line, and the area in front of the setback is developed as a pedestrian space.
6. Parapets, projecting cornices or decorative roof hangs are encouraged. Flat roofs without cornices are prohibited.
7. Heating, ventilation, and air conditioning equipment on the roof shall be screened from the view of any public street.
8. On Maine Street, all new buildings, or additions that add more than 50% new floor area to a structure, shall be at least two stories high and not less than 20 feet tall at the front lot line.
9. Awnings and overhangs are permitted.

10. The first floor facade of any portion of a building that is visible from Maine Street shall include a minimum of 50% glass. Upper floors shall have a higher percentage of solid wall with between 15% and 40% glass.
11. No building shall have a horizontal expanse of more than 40 feet without a pedestrian entry.
12. No building facing or visible from a public street shall have more than 15 feet horizontally of windowless wall.
13. Building Materials:
 - a. The use of cinder-block, concrete and concrete block is prohibited on any portion of a structure that is visible from the building's exterior, with the exception of use in the building's foundation.
 - b. The use of vinyl and/or aluminum siding must be in accordance with the Board's Design Guidelines. Asphalt and asbestos siding are prohibited.
 - c. Buildings with advertising icon images built into their design ("trademark buildings") are prohibited.

216.10 Certificate of Appropriateness for Demolition or Relocation

- A. No permit for demolition or ~~removal~~relocation of a structure or a portion of a structure in the Village Review Zone shall be issued without a Certificate of Appropriateness approved by the Planning Board.
- B. An application for a Certificate of Appropriateness for demolition or relocation from the Planning Board shall be filed at least 40 days before the meeting at which it will be discussed. Within 3 days of application receipt, the Director of Planning and Development shall review the application for completeness, and if complete provide notification to owners of all property within a 200-foot radius of the boundaries of the property under review in accordance with Section 216.8.A. and forward the application to the Village Review Board for their review and recommendation to the Planning Board. At their next regularly scheduled meeting, the Village Review Board shall review the application, make recommendation and provide said recommendation to the Planning Board no less than 5 days prior to the scheduled Planning Board review of the application.
- C. The Planning Board, after receiving the recommendation of the Village Review Board, has the power to approve, approve with conditions or deny a Certificate of Appropriateness for a proposed demolition or relocation of a structure or portion of a structure. In the case of a minor demolition, such as the relocation or demolition of a small accessory structure, the Director of Planning and Development shall have the power to grant a Certificate of Appropriateness if, in her/his judgment, the impact of the proposed demolition or relocation will be minor and in keeping with the review standards of the Ordinance. The Director of Planning and Development shall notify the Planning Board Chair of applications for approval of a minor demolition or relocation. Notwithstanding the authority delegated to the Director of Planning and Development, the applicant and the Planning Board Chair each has the right to require review of the minor demolition or relocation application by the Planning Board.
- D. Where the demolition or ~~removal~~relocation is proposed in connection with development of the property, the ~~Village Review Board~~Director of Planning and Development or the

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Planning Board may require that the developer demonstrate binding financial commitments or provide performance guarantees to ensure that any approved development on the site is properly completed.

~~AE.~~ Within 30 days of the later of issuance of the recommendation of the Village Review Board or receipt of a complete application, the ~~Planning Board Village Review Board~~ shall either grant the certificate, grant the certificate with conditions attached, deny the certificate, or declare a 90-day moratorium for the proposed demolition. The purpose of the 90-day moratorium is to provide time for the applicant:

1. To relocate the structure.
2. To produce photographs and/or scale drawings to document the structure (in which case two copies of all such materials are to be provided to the Town), and/or
3. To examine, with the Planning Board, alternative ways for the applicant's needs to be met.

~~B.~~ If at the end of the 90-day period, no satisfactory solution has been found, then the ~~Village Review Planning~~ Board shall either grant or deny a Certificate of Appropriateness to demolish the structure.

~~CE.~~ Any grant or denial of a Certificate of Appropriateness for demolition shall be based upon the criteria in Section 216.9 as well as findings based on the following three criteria:

1. The significance of the structure proposed for demolition, as evidenced by its status as listed or eligible for listing on the National Register of Historic Places
2. The condition of the structure provided that the applicant has not contributed significantly to the deterioration of the structure.
3. The availability of permitted alternative uses of the structure that would maintain its economic viability.

In acting on the application, the Planning Board shall consider the recommendation of the Village Review Board.

~~DG.~~ A written notice of the determination ~~of the Village Review Board~~, including findings of fact, shall be sent by regular mail to the applicant ~~and to the Planning Board~~ within 10 days of the ~~Village Review Board's determination~~ decision of the Director of Planning and Development or the Planning Board.

216.11 Appeal to Zoning Board of Appeals

A. Applicability

1. Any applicant whose application for Certificate of Appropriateness has been denied, or approved with conditions unacceptable to the applicant, may, within 30 days of such denial, file an appeal with, or make application for a Certificate of Economic Hardship from, the Zoning Board of Appeals.
2. The Zoning Board of Appeals shall approve an application for a Certificate of Economic Hardship to allow the proposed activity or demolition only if it finds that the denial of approval will result in the loss of the reasonable use of the property.

B. Standards to be Applied with Certificate of Economic Hardship

In determining loss of reasonable use, the Zoning Board of Appeals shall consider among other things any information presented concerning the following:

1. Any opinions from a licensed engineer or architect with experience in renovation, restoration, or rehabilitation as to the structural soundness of the structure and its suitability for continued use, renovation, restoration, or rehabilitation.
2. Any estimates of the cost of the proposed new construction, additions, alterations, relocations or demolitions, and an estimate of any additional cost that would be incurred to comply with the recommendations of the Village Review Board or Planning Board for changes necessary for it to be approved.
3. Any estimates of the market value of the property:
 - a. In its current condition.
 - b. After completion of the proposed alteration, construction, demolition, or ~~removal~~relocation.
 - c. After any expenditures necessary to comply with the recommendations of the Village Review Board or Planning Board for changes necessary for it to approve a Certificate of Appropriateness.
 - d. In the case of a proposed demolition, after renovation of the existing structure for continued use.
4. In the case of a proposed demolition, any estimates from architects, developers, real estate consultants, appraisers, or other real estate professionals experienced in rehabilitation as to the economic feasibility of restoration, renovation, or rehabilitation of any existing structures or objects.
5. The cost to relocate the structure, object or artifact as determined by a written estimate(s) from professional(s) in the field.

C. Information to be Supplied by the Applicant with Certificate of Economic Hardship.

The applicant shall submit the following information for an application to be considered complete. The applicant may request that certain information below be confidential to the extent permitted by State Law.

1. The assessed value of the property and/or structure for the two most recent assessments.
2. The real property taxes paid for the previous two years.
3. The amount paid for the property by the owner, the date of purchase, and the party from whom the property was purchased (seller), including a description of the relationship, if any, between the owner and the seller.
4. The current balance of any mortgages or any other financing secured by the property and the annual debt service, if any, for the previous two years.
5. All appraisals obtained within the previous two years by the owner or applicant in connection with purchase, offerings for sale, financing, or ownership of the property, or statement that none were obtained.
6. All listings of the property for sale or rent, price asked, and offers received, if any, within the previous four years, or a statement that none were obtained.
7. All studies commissioned by the owner as to profitable renovation, rehabilitation, or utilization of any structures or objects on the property for alternative use, or a statement that none were obtained.
8. For income-producing property, itemized income and expense statements from the property for the previous two years.

9. Estimate of the cost of the proposed new construction, additions, alterations, relocations or demolitions, and an estimate of any additional cost that would be incurred to comply with the recommendations of the Village Review Board or Planning Board for changes necessary for it to approve a Certificate of Appropriateness.

10. Form of ownership or operation of the property, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture, or other.

D. Lack of Information Made Available

In the event that the information required to be submitted by the applicant is not reasonably available, the applicant shall submit a written statement indicating which information is unavailable, and shall describe the reasons such information is unavailable.

E. Public Hearing

The Zoning Board of Appeals shall hold a public hearing on the application within 30 days of receipt of the complete application. Notice of the public hearing shall conform to the requirements found in Chapter 4 of this ordinance for public hearings.

1. When the applicant requests the demolition of a landmark or a contributing structure within the Village Review Zone, the applicant will, at the time of submission of the appeal, place a notice supplied by the Codes Enforcement Officer in a prominent place on the structure and maintain it there at all times during the pendency of the demolition application. The notice shall be substantially in the following form:

This structure has been proposed to be demolished by its owner. For further information, contact the Brunswick Codes Enforcement Officer at 725-6651.

216.12 Expiration of Certificate of Appropriateness

If two years after issuance of a Certificate of Appropriateness, the approved work is not found to be complete by the Codes Enforcement Officer, the approval shall lapse. The applicant may, at any time before the date of approval expiration, make a written request to the Village Review Board or the Planning Board for an approval time extension. This request shall explain the reasons why the improvements have not been completed and indicate how the applicant expects to complete the project if the Board grants an extension. The Village Review Board or Planning Board may consider any changes to the Zoning Ordinance or any other new information relevant to the application when considering an extension request.

ITEM 132

BACK UP MATERIALS

Excerpt from email from Captain Waltz:

The changes made do the following:

- Create two 30 minute spaces per block in an attempt to free up more spaces on Maine Street for customers;
- Forbid “space hopping” within spaces in the same block in timed zones – so someone doesn’t use two-hour spaces all day by just moving back and forth between nearby spaces;
- Makes the ordinance match what currently exists on the face of the earth on Lincoln Street and at Bath RD/Maine Street after the reconstructions in 2011-12;
- Addresses special requests by:
 - Library for enforcement of 5 minute spaces on Middle Street;
 - Loading zone at Spindleworks on Lincoln Street
 - Neighbor of 76 Pleasant Street concerned with egress near crest of Pleasant Street hill due to poor visibility created by parked cars;
 - Request from Bowdoin College for parking on Pine Street near Whittier Field
- Increase of fines as suggested by parking committee so they are high enough to matter;
- Streamlining of enforcement process – once tickets over \$75.00 are outstanding, a letter is sent and if tickets are not paid off within 14 days – or an agreement is reached with the PD – the car is subject to tow.
- Creation of a permit to use the all day parking at Bank Street so its use can be limited to residents/employees who live/work in the area between School/ Pleasant to the River and Union to Federal. If accepted, I can create a Gravity Forms plugin to the PD portion of the Town website which will allow for easy online application for the permit (fill in a few questions and attach a .pdf of a document such as driver’s license, lease, letter from employer or utility bill, etc.) , or people can come into the PD and apply in person. PEO Warner will give them a bright colored paper permit to display on their dashboard when they park in the spaces.

Here’s what I attached:

A MS Word version of the changes as requested by Town Clerk Smith with only underlining, strikeouts and highlighting in the areas of the changes.

A copy of the parking fine survey of area municipalities that was used by the parking committee to come up with their recommended fines; and

A version of the changes with commentary in the area of each change explaining the purpose of the change for ease review.

Chapter 15

TRAFFIC AND VEHICLES*

* **Cross References:** Animals, Ch. 4; dogs, § 4-26 et seq.; fire prevention and protection, Ch. 7; housing, Ch. 8; vehicles for hire, § 10-96 et seq.; solid waste, Ch. 13; streets, sidewalks and other public places, Ch. 14; zoning and subdivision of land, App. A; traffic impact analysis required in certain circumstances, App. A, § 409.3, L; subdivision regulations, App. A, § 501 et seq.

Art. I. In General, §§ 15-1--15-25

Art. II. Traffic-Control Devices, §§ 15-26--15-45

Art. III. Specific Street Regulations, §§ 15-46--15-70

Art. IV. Stopping, Standing, Parking, §§ 15-71--15-100

Art. V. Rules for Operation of Vehicles, §§ 15-101--15-120

Art. VI. Pedestrians, §§ 15-121--15-140

Art. VII. Bicycles and Skateboards, §§ 15-141--15-144

ARTICLE I.

IN GENERAL

...

Sec. 15-8. Parking penalty.

A person who parks a motor vehicle in violation of Article IV Sections 15-71 and 15-73 will be subject to a penalty fine of ~~ten dollars (\$10.00)~~ **twenty-five dollars (\$25.00)**.

Comment [2P1]: Raises fines for parking in a prohibited space from \$10.00 to \$25.00

Any person who parks a motor vehicle in violation of article IV, section 15-78 will be subject to a penalty fine as set forth in Title 30A M.R.S.A., Section 3009, Subsection 1, paragraph D. With the exception of improper or failure to display a disability parking placard which will be subject to a penalty fine of ten dollars (\$10.00).

Any person who parks a motor vehicle in violation of Article IV Sections 15-76 and 15-77 will be subject to a penalty fine of **\$15.00 for each violation**.

Comment [2P2]: Raises fines for time limit violations from \$5.00 to \$15.00

- ~~Five dollars (\$5.00) for the first violation within a seven (7) consecutive day period.~~
- ~~Ten dollars (\$10.00) for the second violation within a seven (7) consecutive day period.~~
- ~~Fifteen dollars (\$15.00) for the third violation within a seven (7) consecutive day period.~~
- ~~Twenty five dollars (\$25.00) for the fourth violation within a seven (7) consecutive day period.~~
- ~~Thirty dollars (\$30.00) each for the fifth or more violation within a seven (7) consecutive day period.~~
- ~~Ten dollars (\$10.00) for each violation over ten and not more than nineteen (19) in any one calendar year.~~

• Twenty five dollars (\$25.00) for each violation of twenty (20) or more in one calendar year.

Payments for all violations must be made at the office of the chief of police tax collector's office. The chief of police shall give the violator shall be given a receipt for each payment, and shall send a copy of it to the town treasurer. If payment is not made at the office of the chief of police within fourteen (14) seven (7) days after the notice of violation, an additional penalty of ten dollars (\$10.00) the penalty provided by Article I, section 15-9 shall be imposed for each outstanding ticket. (Ord. of 5-2-88, § 35; Mo. of 1-7-91; Ord. of 9-16-96; Emergency/Regular Ord. of 7-21-97; Ord. of 5-1-00; Ord. of 5-31-06(2))

Comment [2P3]: Additional \$10.00 penalty for each ticket not paid within 14 days of issue. Previous "additional penalty only after 7 days, but not clearly defined ("up to \$100") and never imposed

ARTICLE IV.

STOPPING, STANDING, PARKING*

* **Cross References:** Streets, sidewalks and other public places, Ch. 14.

Sec. 15-71. Rules governing stopping and parking.

The following rules govern the stopping and parking of vehicles:

- (1) *Prohibited in certain places.* Except in compliance with a statute or with this chapter, a person shall not stop or park a vehicle on any public way in any of the following places:
 - a. On a sidewalk.
 - b. In front of a public or private driveway.
 - c. Within an intersection.
 - d. Within seven (7) feet of a fire hydrant, except as otherwise designated by the chief of police.
 - e. On a crosswalk.
 - f. Alongside or opposite any excavation or obstruction when stopping or parking would obstruct traffic.
 - g. On the roadway side of any vehicle stopped or parked at the edge or curb of a public way.
 - h. On any bridge or other elevated structure or in a tunnel.
 - i. At any place where official signs or yellow striped areas or yellow curbing indicates a

restricted, no-stopping or no-parking area. Except however, on Maine Street, a moped as defined by 29-A M.R.S.A. Sec. 101(36) may park in a yellow striped restricted area which is not adjacent to a disabled parking stall. No more than one (1) moped may park in a single restricted area and any restricted time limit applicable to the section of street still applies.

j. Within twenty (20) feet of a marked crosswalk.

k. Within twenty (20) feet of the near corner of the curbs at an intersection unless otherwise designated.

- (2) *Public ways.* A person shall not stop or park a vehicle on any public way except on the right-hand side of the way, in the proper direction of travel and with the curbside wheels of the vehicle within twelve (12) inches of the edge of the roadway, except upon those streets which have been marked or signed for angle parking upon which vehicles shall be parked at the angle to the curb indicated by such marks or signs, except that motorcycles will have one (1) wheel within twelve (12) inches of the curb. On one-way streets, stopping and parking is permitted on both sides of the street where not otherwise prohibited by this chapter.
- (3) *Not to obstruct traffic.* A person shall not park any vehicle on a public way so as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicular traffic.
- (4) *Parking within lines.* Where parking places are marked by painted lines, a person must park a vehicle within the lines.
- (5) *Oversize vehicles.* A driver of a vehicle having an overall length of twenty (20) feet or more shall not stop or park diagonally on any public way, but may park parallel with the curb, where parallel parking is permitted, for not more than thirty (30) minutes.
- (6) *Parking for certain purposes prohibited.* A person shall not park a vehicle on any public way for the principal purpose of washing, lubricating or displaying it for sale, or repairing it, except for changing tires or making other emergency repairs.
- (7) *Owner liable.* A person shall not allow any vehicle registered in his name to be parked on any public way in violation of this chapter.
- (8) *Temporary parking restrictions.* When he believes circumstances require it, the chief of police may temporarily prohibit the parking of vehicles at the entrance to any place of public assembly and install signs so indicating. This restriction remains effective until the need for it no longer exists. A person shall not park a vehicle in an area in which parking is temporarily prohibited.
- (9) *Interfering with snow removal and/or plowing.* A person shall not park a vehicle at any time on any public way so as to interfere with plowing or the removal of snow from it by the town. The chief of police may remove any such vehicle and place it in a suitable parking space, at the expense of the owner. For the purpose of facilitating snow removal, the chief of police may place temporary signs along any public way from which the snow is about to be removed, indicating that parking a vehicle is prohibited. A person shall not park a vehicle within the area indicated by the signs.

(10) *Abandoned vehicle.*

- a. For the purposes of this section, a vehicle parked or stopped on any public way, private way or public property, in a time restricted parking zone or designated restricted zone as described by Sections 15-71(5), 15-73, 15-76, 15-77, 15-81 and 15-84 and which the police have determined has not been moved within a twenty-four (24) hour period, may be ordered removed by the police chief or his/her designee, and placed in a suitable location at the expense of the owner, after reasonable attempts have been made by the police to contact the owner or operator.
- b. For the purposes of this section, a vehicle parked or stopped on any public way, private way or public property, other than a time restricted parking zone or designated restricted zone as described by Sections 15-71(5), 15-73, 15-76, 15-77, 15-81 and 15-84 and which the police have determined has not been moved within a seventy-two (72) hour period, may be ordered removed by the police chief or his/her designee, and placed in a suitable location at the expense of the owner, after reasonable attempts have been made by the police to contact the owner or operator.

(11) *Obstructing certain ways.* A person shall not park a vehicle on any public way, private way, alley, fire lane, bridge, private drive or private road, in such a way as to obstruct any other public way, private way, alley, fire lane, bridge, private drive or private road, unless in the case of a private drive or private road the person has permission of the owner of the private drive or private road. The chief of police or his designee, at the vehicle owner's expense, may order the immediate removal of said vehicle.

(12) *Diagonal parking.* A person shall not stop or park a vehicle, excluding motorcycles, on any public way in an area designated for diagonal parking with the vehicle facing any direction other than with the front of the vehicle facing away from the traveled portion of the public way consistent with the diagonal parking markings.

(13) *Permit parking.* A person shall not stop or park a vehicle in any town owned or leased parking area designated as "parking by permit only" without a proper or valid permit displayed. Any vehicle parked in violation will be subject to a fine as defined under section 15-8. The chief of police or his designee, at the vehicle owner's expense, may order the immediate removal of said vehicle.

(Ord. of 5-2-88, § 28(1)--(9); Ord of 8-21-95; Ord. of 5-19-97; Ord. of 9-2-97; Emergency and Regular Ord. of 3-1-04; Ord. of 12-4-07; Ord. of 1-17-12)

Sec. 15-72. Restricted parking area legend.

Restricted parking areas of any type must be indicated by yellow curbing, yellow striped areas or by appropriate signs.

(Ord. of 5-2-88, § 29; Ord. of 1-17-12)

Sec. 15-73. Overnight parking restricted.

(a) A person shall not park a vehicle on either side of the easterly portion of Maine Street, known as Park Row, running from School Street southerly to the Maine Central Railroad tracks, between the hours of 11:00 p.m. and 5:00 a.m.

(b) No person shall park a vehicle in the Mill Street parking lot between the hours of 9:00 p.m. to 5:00 a.m.

(c) No person shall park a vehicle on Maine Street in the parking area which is located north of the mall for a distance of one hundred twenty (120) feet, more or less, between the hours of 11:00 p.m. and 5:00 a.m.

(d) A person shall not park a vehicle on Maine Street, commencing at Fitch Place and extending northerly to School Street, between the hours of 11:00 p.m. and 5:00 a.m.

(e) A person shall not park a vehicle on Park Row, east side, commencing at Bath Road and extending southerly to College Street between the hours of 1:00 a.m. and 6:00 a.m.

(f) A person shall not park a vehicle on South Street, north side, commencing at Coffin Street and extending westerly to Maine Street between the hours of 1:00 a.m. and 6:00 a.m.

(g) A person shall not park a vehicle on Longfellow Avenue, both sides, commencing at Harpswell Road and extending westerly to Maine Street between the hours of 1:00 a.m. and 6:00 a.m.

(h) A person shall not park a vehicle on Maine Street, west side, commencing at Noble Street and extending southerly to Boody Street between the hours of 1:00 a.m. and 6:00 a.m.

(i) A person shall not park a vehicle on Park Row, east side, commencing at Longfellow and extending northerly to a point one hundred thirty-five (135) feet north of South Street between the hours of 1:00 a.m. and 6:00 a.m.

(j) A person shall not park a vehicle on Potter Street, south side, commencing at Maine Street and extending westerly to Union Street between the hours of 1:00 a.m. and 6:00 a.m.
(Ord. of 5-2-88, §§ 19, 19B, 28(10); Ord. of 3-21-94, Regular and Emergency Ord. of 11-21-94; Ord. of 10-18-99(2); Ord. of 9-18-00(1); Ord. of 12-4-07; Ord. of 10-20-08(2))

Sec. 15-74. No-parking areas.

The following areas are designated as no-parking areas:

Armory Street, west side, commencing at Weymouth Street and extending southerly to end.

Bank Street, both sides.

Baribeau Drive, westerly side, commencing twenty (20) feet north of the entrance of Mallard Pond, to twenty (20) feet south of the exit to Mallard Pond.

Basswood Road, east side, commencing two hundred and forty (240) feet south of the intersection of Wildwood Drive and extending southerly for sixty (60) feet.

Basswood Road, west side, commencing at Wildwood Drive and extending southerly to Aspen Drive.

Bath Road, both sides, commencing from the Brunswick/West Bath Boundary westerly to a point one thousand (1,000) feet past Sawyer Road.

Bath Road, both sides, commencing at Cook's Corner and extending easterly three hundred (300) feet.

Bath Road (Route 24), both sides, commencing at Cook's Corner and extending westerly three hundred (300) feet.

Bath Road, north side reverse direction loop located across from the main entrance to Brunswick Naval Air Station, both sides, commencing at the east side entrance to the turn around and extending to the west side exit.

Bath Road, north side, commencing at Federal Street and extending westerly five hundred eighty (580) feet.

Bath Road, south side, commencing at Bowdoin College Campus Drive so-called and extending westerly one hundred forty (140) feet.

Bath Road, south side, commencing at Sills Drive and extending westerly forty (40) feet.

Bath Road, south side, commencing at Sills Drive and extending easterly one hundred fifty (150) feet.

Boody Street, both sides, commencing at Maine Street and extending westerly four hundred ten (410) feet Monday a.m. through Friday p.m. except holidays.

Bowker Street, south side.

Cedar Street, south side.

Center Street, Both sides.

Church Road, east side, commencing at Pleasant Street and extending southerly to Paul Street, and on the westerly side of Church Road commencing at Pleasant Street and extending southerly three hundred forty (340) feet.

Cleveland Street, south side.

Coffin Street, both sides.

College Street, both sides.

Columbus Drive, both sides.

Columbus Drive, east side, commencing at the intersection of Cressey Road and extending southerly one hundred twenty (120) feet.

Cressey Road, both sides.

Cumberland Street, north side, commencing at Cushing Street and extending easterly one hundred twenty (120) feet.

Cumberland Street, north side, commencing at Cushing Street and extending westerly one hundred thirty (130) feet.

Cumberland Street, north side, commencing at Maine Street and extending two hundred twenty (220) feet in a westerly direction.

Cumberland Street, north side, commencing at Union Street in an easterly direction sixty-five (65) feet.

Cumberland Street, north side commencing at a point of three hundred twenty-five (325) feet from Maine Street and extending westerly one hundred forty (140) feet.

Cumberland Street, southerly side, from Maine Street to Cushing Street.

Cushing Street, west side, commencing at Pleasant Street and extending northerly one hundred twenty (120) feet.

Dunlap Street, south side.

Dunlap Street, north side commencing one hundred forty six (146) feet east of Maine Street for a distance of twenty (20) feet in an easterly direction.

Dunning Street, south side.

Elm Street, south side, commencing at Maine Street and extending westerly three hundred seventy (370) feet; and on the north side commencing one hundred eighteen (118) feet westerly of Maine Street and extending westerly to Union Street.

Everett Street, south side.

Federal Street, west side, commencing at Bath Road and extending northerly one thousand fifty (1,050) feet.

Federal Street, west side, commencing at Mason Street and extending southerly to Center Street.

Federal Street, west side, commencing at Center Street to a point three hundred eighty (380) feet

extending southerly sixteen (16) feet.

Federal Street, west side, commencing at Center Street extending southerly thirty (30) feet.

Federal Street, west side, commencing at School Street extending southerly three hundred seventeen (317) feet.

Federal Street, east side, commencing at Bath Road and extending northerly three hundred sixty-five (365) feet.

Federal Street, east side, commencing at Jordan Avenue extending northerly to a point four hundred (400) feet north of Franklin Street.

Federal Street, east side, commencing at Mason Street and extending southerly one hundred thirteen (113) feet.

Fitch Place, both sides.

Franklin Street, both sides.

Gilman Avenue, north side.

Green Street, both sides.

Grover Lane, north side.

Gurnet Road, (Route 24), both sides, commencing at Cook's Corner and extending southerly nine hundred (900) feet.

Gurnet Road (Route 24), east side, within ten (10) feet from the edge of pavement, commencing at Princes Point Road and extending southerly to the Gurnet Bridge.

Harding Road, both sides, commencing at Bath Road and extending southerly five hundred (500) feet.

Harpwell Road, east side, commencing at College Street and extending southerly to Bowker Street.

Harpwell Road, west side, commencing at Bath Road and extending southerly forty (40) feet.

Harpwell Road, westerly side, commencing at College Street and extending southerly to Hambleton Avenue.

Harriet Beecher Stowe School Access Roadi>, north side, commencing at Spring Street extending westerly one hundred (100) feet west of the intersection with Armory Street, except between 2:45 p.m. and 4:00 p.m. Monday through Friday, when parking is permitted from one hundred and ten (110) feet west of Spring Street, westerly to Armory Street.

Harriet Beecher Stowe School Access Road Loopi>, north side, commencing at the western intersection with the Harriet Beecher Stowe School Access Road easterly to the eastern intersection with the Harriet Beecher Stowe School Access Road.

Harriet Beecher Stowe School Access Road Loop, i>south side, commencing at the western intersection with the Harriet Beecher Stowe School Access Road easterly forty-eight (48) feet.

High Street, south side, commencing at Union Street and extending westerly one hundred eighty (180) feet.

High Street, north side, commencing at Union Street and extending westerly to Cushing Street.

Jordan Avenue, north and south sides, commencing at Federal Street and extending easterly under the railroad overpass to Wadsworth Road.

~~*Lincoln Street*, north side commencing one hundred ninety (190) (100) feet west of Maine Street and extending in a westerly direction to Union Street or a distance of three hundred sixty-seven (367) feet from November 15 to April 15.~~

Comment [2P4]: Bans parking on north side of Lincoln Street because after 2011 reconstruction not enough space

Lincoln Street, south side commencing at Maine Street and extending westerly for a distance of forty-three (43) feet.

Longfellow Avenue, south side, commencing at Maine Street and extending easterly three hundred (300) feet.

Longfellow Avenue, north side, commencing at Maine Street and extending easterly one hundred seventy-two (172) feet.

Magean Street, north side, commencing at Maine Street and extending westerly one hundred twenty-five (125) feet.

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

Comment [2P5]: These four Maine Street changes all make ordinance match what exists on face of the earth after Bath RD/Maine St. reconstruction

Maine Street, east side, commencing at Bath Road and extending southerly to Longfellow Avenue.

Maine Street, east side, commencing at its intersection with Bath Road and continuing north twenty-five (25) feet;

Maine Street, east side, commencing one hundred eighty-five (185) feet north of the intersection with Bath Road and continuing north to the intersection with No Name Street;

Maine Street, east side, commencing one hundred (100) feet south of the intersection with the Maine Eastern Railroad tracks and continuing north one hundred (100) feet to the Maine Eastern Railroad tracks;

Maine Street, east side, commencing at a point ninety (90) feet northerly from School Street and extending

northerly sixty (60) feet.

Maine Street, east side, commencing at School Street extending southerly ninety-seven (97) feet.

Maine Street, north side, commencing at Pleasant Street and extending southerly one hundred fifty (150) feet.

Maine Street, west side, commencing at Potter Street and extending southerly forty six (46) feet.

Maine Street, west side, commencing eighty seven (87) feet southerly of the intersection of Potter Street, and extending southerly forty eight (48) feet.

Maine Street, west side, commencing two hundred twenty two (222) feet southerly of the intersection of Potter Street, and extending southerly one hundred eighty (180) feet.

Maine Street, west side, commencing one hundred eighty (180) feet southerly of the intersection of Page Street, and extending southerly one hundred eighty (180) feet.

Maine Street, west side, commencing at Pleasant Street and extending northerly thirty-five (35) feet.

Maine Street, west side, commencing at McKen Street and extending southerly one hundred ten (110) feet.

Maine Street, west side commencing at the Maine Eastern Railroad tracks, Noble Street and extending northerly sixty (60) feet southerly to Potter Street.

Maine Street, west side commencing at Noble Street and extending northerly sixty (60) feet.

Maine Street, westerly side, commencing at Boody Street and extending northerly for a distance of three hundred twenty (320) feet.

Maine Street, east side, commencing at the intersection of Whittier Street and extending south to the intersection of Atwood Lane.

~~*Maine Street*, west side, commencing at Potter Street and extending northerly one hundred thirty (130) feet.~~

Maquoit Road, easterly side, commencing at a point 0.13 miles southerly of the Maquoit Road, Mere Point Road, and Maine Street intersection and extending southerly 0.15 miles.

Maquoit Road, both sides commencing at the entrance to the Brunswick High School and extending southerly three hundred forty-five (345) feet.

Maquoit Road, both sides commencing at the entrance to the Brunswick High School and extending northerly three hundred thirty (330) feet.

Comment [2P6]: These two Maine Street changes all make ordinance match what exists on face of the earth after Bath RD/Maine St. reconstruction

Mason Street, both sides.

Market Lane, south side.

Marriner Road, both sides.

Merryman Lane, west side, commencing on the west side of Merryman Lane twenty (20) feet south of the turnaround, thence northerly to the end of Merryman Lane, thence easterly across the end of Merryman Lane.

McKeen Street, north side, commencing at Maine Street and extending westerly to a point opposite 21 McKeen Street.

McKeen Street, north side, commencing at Spring Street and extending westerly five hundred fifty (550) feet.

McKeen Street, north side, commencing at Spring Street and extending westerly to Stanwood Street.

McKeen Street, south side, commencing at Spring Street and extending westerly to 63 McKeen Street.

McKeen Street, south side, commencing at Maine Street and extending westerly five hundred twenty-two (522) feet.

Middle Street, east side.

Middle Street, west side, commencing at Pleasant Street and extending southerly forty (40) feet, commencing at Elm Street and extending southerly to the southerly terminus of Middle Street, and commencing at Elm Street and extending northerly three hundred twenty-five (325) feet.

Mill Street, northerly side, between a point opposite Cumberland Street and a point opposite Swett Street.

No Name Street, east side, commencing at Bath Road and continuing northwesterly to Maine Street.

No Name Street, west side, commencing at Bath Road and continuing northwesterly thirty (30) feet.

No Name Street, west side, commencing 115 feet northwesterly of Bath Road and continuing north to Maine Street.

Noble Street, north side, commencing at Maine Street and extending westerly fifty (50) feet, and north side, commencing at the west side of the curb cut for the driveway to the Inn at Maine Street Station and extending in a westerly direction twenty-eight (28) feet.

Noble Street, south side.

Oak Street, north side, commencing at Union Street and extending westerly one hundred ninety (190) feet.

Comment [2P7]: These three No Name St. changes all make ordinance match what exists on face of the earth after Bath RD/Maine St. reconstruction

Oak Street, south side.

Old Bath Road, both sides, commencing from Bridge Road easterly to the Brunswick/Bath Boundary.

Old Bath Road, both sides, commencing at New England Telephone Co., utility pole #148 and extending westerly for a distance of six hundred (600) feet to utility pole #152, such starting point being five hundred (500) feet, more or less, westerly from the junction of Old Bath Road and Baybridge Road.

Page Street, north side commencing at Maine Street and extending westerly thirty-six (36) feet.

Page Street, north side, commencing at Spring Street, and extending easterly forty (40) feet.

Page Street, south side, commencing at Maine Street and extending westerly to Union Street.

Page Street, south side commencing at Union Street, westerly to Spring Street, 8:00 a.m. to 4:00 p.m., Monday through Friday.

Park Row, east side, commencing at School Street extending southerly to a point one hundred fifty (150) feet north of the Cleaveland Street intersection.

Park Row, east side, commencing at Longfellow Avenue and extending southerly to the end of Park Row.

Park Row, east side, commencing at Maine Street and extending southerly ninety (90) feet.

Park Row, east side, commencing one hundred fifty-four (154) feet south of the intersection of Maine Street and extending southerly to one hundred twenty-eight (128) feet.

Park Row, west side, commencing at Fitch Place southerly to Longfellow Avenue.

Park Row, west side, commencing at School Street extending southerly forty (40) feet.

Park Row, west side, commencing one hundred fifty (150) feet south of School Street extending to a point two hundred (200) feet in a southerly direction.

Pine Street, south side, commencing at Bath Road and extending easterly to Bowker Street, except parking is permitted adjacent to Whittier Field between April 15th and November 15th if the entire vehicle is parked off of the pavement.

Pleasant Street, north side, commencing at the west side of the curb cut for the driveway to 76 Pleasant Street, continuing westerly for forty (40) feet.

Pleasant Street, north side, commencing at Cushing Street and extending easterly one hundred ten (110) feet.

Pleasant Street, commencing at Cushing Street extending westerly for a distance of forty-five (45) feet.

Comment [2P8]: In response to request from Bowdoin College to allow parking next to Whittier Field

Comment [2P9]: To address visibility problem leaving driveway at crest of hill created by parking in this area

Pleasant Street, south side, commencing at I-95 extending easterly to Spring Street.

Pleasant Street, south side, commencing at Maine Street and extending westerly one hundred twenty (120) feet.

Potter Street, north side, commencing at Maine Street and extending westerly one hundred eighty (180) feet.

Potter Street, north side commencing at Union Street and extending easterly thirty-six (36) feet.

Potter Street, south side.

River Road, north side, commencing at Pleasant Street and extending westerly four hundred seventy (470) feet.

School Street, north side, commencing at Federal Street and extending easterly forty (40) feet.

School Street, south side, commencing at Federal Street and extending easterly to Stetson Street.

School Street, south side, commencing at Maine Street and extending easterly to a point sixty (60) feet easterly of Federal Street.

Sills Drive, easterly side, commencing at Bath Road and extending southerly to College Street.

Simpson's Point Road, west side, commencing at mean high water and extending northerly to Pennell Way; and the east side, commencing at mean high water and extending northerly one hundred forty (140) feet.

South Street, south side.

South Street, north side from Maine Street extending easterly two hundred twenty-four (224) feet.

Spring Streeti>, east side, commencing at McKeen Street extending northerly to forty (40) feet south of Page Street, 8:00 a.m. to 4:00 p.m., Monday through Friday, and east side commencing forty (40) feet south of Page Street and extending to forty (40) feet north of Page Street.

Spring Streeti>, west side, commencing at McKeen Street extending northerly to Weymouth Street.

Stanwood Street, east side, commencing at Pleasant Street and extending southerly to Hennessey Avenue; on the west side, commencing at Pleasant Street and extending southerly to a point seventy-five (75) feet northerly of the tracks of the Maine Central Railroad and extending southerly to Hennessey Avenue.

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

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

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

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

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

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

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

Stetson Street, west side.

Swett Street, east side.

Town Hall Place, both sides.

Turner Street, north side, commencing at Webster Street and extending westerly to the end of Turner Street.

Union Street, east side, commencing at McKeen Street and extending northerly to Noble Street.

Union Street, west side, commencing at McKeen Street and extending northerly to Weymouth Street.

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

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

Water Street, both sides.

Webster Street, east side.

Webster Street, west side.

Connecting ramp, both sides, from U.S. Route 1 to Bath Road, commencing at Cook's Corner and extending northerly three hundred (300) feet.

An extension to the Lower Mall, west side, commencing at a point opposite the southerly sideline of School Street and extending northerly one hundred (100) feet.

~~Public way at the First Parish Church, westerly side, from Bath Road to Maine Street.~~

Comment [2P10]: Make ordinance match what exists on face of the earth after Bath RD/Maine St. reconstruction

Two (2) traffic islands, both sides, located in the center of Maine Street at its intersection with Pleasant Street.

(Ord. of 5-2-88, § 18; Ord. of 10-3-88, § 1; Ord. of 6-5-89; Ord. of 10-21-91; Ord. of 10-19-92; Ord. of 3-21-94; Emergency/Regular Ord. of 6-20-94; Ord. of 8-7-95; Ord. of 9-18-95; Emergency/Regular Ord. of 11-20-95; Ord. of 12-4-95; Ord. of 11-18-96; Ord. of 4-22-97; Emergency/Regular Ord. of 6-16-97; Ord. of 10-6-97; Emergency/Regular Ord. of 11-17-97; Ord. of 2-2-98; Ord. of 12-7-98; Ord. of 10-18-99(2); Ord. of 1-18-00(4); Ord. of 3-6-00; Ord. of 5-1-00(3); Ord. of 6-5-00(2); Ord. of 9-18-00(2); Ord. of 11-20-00; Emergency/Regular Ord. of 2-6-01(2); Ord. of 4-2-01(1); Ord. of 4-2-01(2); Ord. of 4-17-01; Emergency/Regular Ord. of 7-16-01; Emergency/Regular Ord. of 12-3-01; Emergency/Regular Ord. of 12-17-01(1); Emergency/Regular Ord. of 12-17-01(2); Ord. of 2-19-02(1); Emergency/Regular Ord. of 2-19-02(2); Emergency/Regular Ord. of 2-18-03(2); Emergency/Regular Ord. of 6-7-04(2); Ord. of 3-21-05; Ord. of 12-20-05; Ord. of 1-17-07; Ord. of 7-21-08(2); Ord. of 9-2-08(2); Ord. of 12-1-08(2); Ord. of 3-23-09(2); Ord. of 10-5-09; Ord. of 7-26-10(2); Ord. of 1-24-11; Ord. of 6-20-11(2); Ord. of 1-17-12)

Sec. 15-75. No-parking signs.

No-parking signs must be placed in no-parking areas in such a manner as to be seen and understood by an ordinarily observant person.
(Ord. of 5-2-88, § 19)

Sec. 15-76. Restricted on-street parking areas.

(a) A person shall not park a vehicle for more than two (2) consecutive hours in any parking space adjacent to a curb, nor in any other parking space adjacent to a curb on the same block, between the hours of 8:00 a.m. and 6:00 p.m. on any day except Friday, Sunday, and a public holiday and between the hours of 8:00 a.m. and 9:00 p.m. on Friday in the following areas:

Comment [2P11]: Prohibit space hopping within a block and take away limits between 6PM and 9PM on Friday nights which are not enforced.

Bow Street, north side, at 18-26 Bow Street.

Cleveland Street, north side, from Federal Street to Maine Street.

Cumberland Street, north side, at Maine Street and extending westerly to Union Street.

Cumberland Street, south side commencing thirty (30) feet west of Maine Street, and extending one hundred ten (110) feet.

Dunlap Street, north side commencing one hundred ninety (190) feet easterly of Maine Street and extending to Federal Street.

Elm Street, north side commencing at Maine Street, and extending westerly one hundred eighteen (118) feet.

Federal Street, east side, commencing three hundred sixty-five (365) feet north of Bath Road and extending northerly three hundred seventy (370) feet.

Federal Street, east side, commencing at Mason Street and extending southerly to a point opposite Center Street.

Federal Street, west side, commencing at School Street and extending northerly to Center Street.

Gilman Avenue, south side, commencing at Maine Street and extending westerly one hundred (100) feet.

Lincoln Street, south side commencing one hundred fifty (150) feet west of Maine Street and extending west eighty-five (85) feet.

Lincoln Street, south side commencing ~~one~~ two hundred fifty (150) eighty (280) feet west of Maine Street and extending to Union Street.

Lincoln Street, north side commencing forty (40) feet west of Maine Street and extending for a distance of forty-five (45) feet.

Lincoln Street, north side commencing one hundred ninety (190) feet west of Maine Street and extending for a distance of three hundred sixty-seven (367) feet from April 15 to November 15.

Maine Street, east side, commencing at Route #1 overpass and extending southerly to Bath Road.

Maine Street, west side, commencing at Mill Street and extending southerly to Potter Street.

Middle Street, west side commencing at Pleasant Street and extending southerly two hundred fifty (250) feet.

Mill Street, south side, commencing twenty (20) feet west of Maine Street and extending westerly two hundred eighty (280) feet.

No Name Street, west side, commencing thirty (30) feet northwest of Bath Road and continuing northwesterly forty-five (45) feet.

Park Row, east side, commencing at Cleaveland Street and extending northerly one hundred fifty (150) feet.

Park Row, west side commencing at School Street and extending southerly to the "No Name Street".

Pine Street, north side, commencing at Bath Road and extending easterly to Bowker Street.

Pleasant Street, north side, commencing at Union Street and extending easterly to Maine Street.

Pleasant Street, south side, commencing at Union Street and extending easterly to Maine Street.

Comment [2P12]: These two changes move the two hour zone around a newly created loading zone for Spindleworks

Comment [2P13]: Make ordinance match what exists on face of the earth after Bath RD/Maine St. reconstruction

Spring Street, east side, between Page Street and McKeen Street.

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

Comment [2P14]: Not a substantive change. Section moved up from below so all streets are in alphabetical order

Union Street, west side, commencing one hundred fifteen (115) feet southerly of Mill Street and extending southerly forty-five (45) feet.

~~No Name Street, east side from Maine Street to Bath Road.~~

Comment [2P15]: No Name Street and Triangular parcel changes to make ordinance match what's on the face of the earth after Bath RD/Maine St. reconstruction

~~No Name Street, west side from Maine Street to Cleveland Street extension.~~

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

~~Triangular parcel, all sides, of land situated between southerly end of the lower Mall and the First Parish Congregational Church.~~

(b) A person shall not park a vehicle for more than fifteen (15) consecutive minutes in designated zones as signed.

Federal Street, east side, commencing four hundred (400) feet north of Franklin Street and extending northerly forty (40) feet (two parking spaces).

(c) A person shall not park a vehicle for more than three (3) consecutive hours in any parking space adjacent to a curb between the hours of 8:00 a.m. and 6:00 p.m. on any day except Friday, Sunday, and a public holiday and between the hours of 8:00 a.m. and 9:00 p.m. on Friday in the following areas:

School Street, north side, commencing at Maine Street and extending easterly to Federal Street.

(d) Notwithstanding any other provisions of this chapter, a person shall not park a vehicle for more than five (5) consecutive minutes in the following signed designated zone:

Comment [2P16]: Library has asked for enforcement of their three 5-five minute spaces on Middle Street which are routinely used for much longer periods

Middle Street, west side, the three northernmost spaces between Elm Street and Pleasant Street

(e) Notwithstanding any other provisions of this chapter, a person shall not park a vehicle for more than thirty (30) consecutive minutes in the following signed designated zones:

Comment [2P17]: Creation of two 30-minute spaces per block at request of downtown merchants to help open up customer spaces

Maine Street, east side, the two northernmost parking spaces (excluding any spaces which designated as disability parking spaces) on each block between Gilman Avenue and Town Hall Place;

Maine Street, west side, the two southernmost parking spaces (excluding any spaces which designated as disability parking spaces) on each block between School Street and Mason Street;

(Ord. of 5-2-88, § 28; Mo. of 12-4-89; Ord. of 3-21-94; Emergency/Regular Ord. of 6-20-94; Ord. of 8-7-95; Ord.

of 1-18-00(5); Emergency/Regular Ord. of 12-3-01; Ord. of 8-4-03); Ord. of 12-20-05; Ord. of 12-21-05(2); Ord. of 5-31-06; Ord. of 10-5-09; Ord. of 1-17-12)

Sec. 15-77. Restricted off-street parking areas.

(a) A person shall not park a vehicle for more than two (2) consecutive hours in any town-owned or town-leased off-street parking area between the hours of 8:00 a.m. and 6:00 p.m. on any day except Friday, Sunday, and a public holiday, and between the hours of 8:00 a.m. and 9:00 p.m. on Friday. This two-hour limitation does not apply to forty-two (42) parking spaces in the Cumberland Street parking lot which are established as all-day parking spaces. This two-hour limitation does not apply to the thirty-seven (37) parking spaces in the easterly side of the Bank Street parking lot which are established as all-day parking spaces.

(b) The parking spaces situated along the easterly line of the Bank Street parking lot are reserved without time limitation during normal business hours for the use of employees of the town and visitors to the municipal building.

(c) A person shall not park a vehicle in the thirty-seven (37) parking spaces in the easterly side of the Bank Street parking lot which are established as all-day parking spaces unless they have a parking permit issued by the Brunswick Police Department displayed on their dashboard. The permit shall be issued to individuals who provide proof which is acceptable to the police department that the individual either resides or works in the area bounded on the east by Federal Street, west by Union Street, south by School Street and Pleasant Street and on the north by the Androscoggin River.

(Ord. of 5-2-88, § 28(14); Mo. of 5-20-91; Emergency/Regular Ord. of 6-20-94; Emergency/Regular Ord. of 10-16-95)

Sec. 15-78. Disability parking.

A person shall not park a vehicle in a parking stall on a public way or a town-owned public parking lot specifically designated and clearly marked for persons with physical disabilities by the chief of police to be used for "Disability Parking Only," unless the vehicle is equipped with a special designating plate or displays placard issued by the secretary of state under the provisions of and in compliance with Title 29A M.R.S.A., Section 521. A person shall not park in an access aisle adjacent to a disability parking space regardless of whether the person has been issued a disability registration plate or removable placard by the State of Maine. Disability access aisles shall be marked by painting on the pavement a rectangular box with white or yellow diagonal stripes.

(Ord. of 5-2-88, § 19B; Emergency/Regular Ord. of 7-21-97; Ord. of 5-1-00(4); Ord. of 5-31-06(2))

Sec. 15-79. Loading zones designated.

Loading zones are established at the following locations:

Bath Road, south side, commencing one hundred forty (140) feet east of Maine Street and continuing east for eighty (80) feet.

Town Hall Place, south side, a space fifty (50) feet long, at 9 Town Hall Place.

Center Street, north side commencing thirty-five (35) feet west of Federal Street and extending thirty-six

Comment [2P18]: Designed to reserve the all-day spaces for people who live/work in the immediate area. In response to commuters who park in the lot and then carpool elsewhere.

Comment [2P19]: Addition of language which tracks state law making it clear it is also a disability parking violation to park in the wheelchair access aisle.

Comment [2P20]: Adds Maine State Music Theatre loading zone created by Bath RD construction

(36) feet in a westerly direction.

Church Road, west side commencing one hundred fifty (150) feet south of the intersection of Pleasant Street and extending southerly for a distance of fifty (50) feet.

Lincoln Street, south side commencing at a point of forty-three (43) feet west of Maine Street and extending in a westerly direction for a distance of ninety (90) feet.

Lincoln Street, south side, commencing at a point 235 feet west of Maine Street and continuing in a westerly direction for forty-five (45) feet.

No Name Street, west side, commencing 75 feet northwesterly of Bath Road and continuing northwesterly for forty-five (45) feet.

South Street, south side commencing one hundred ninety (190) feet east of the intersection of Park Row and extending easterly for a distance of one hundred and forty-five (145) feet. For a maximum of fifteen (15) minutes between the hours of 7:30 a.m. and 6:30 p.m. Monday through Friday.

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

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

(Ord. of 5-2-88, § 20; Ord. of 3-21-94; Emergency/Regular Ord. of 6-20-94; Ord. of 10-3-94; Emergency/Regular Ord. of 6-3-02; Ord. of 8-5-02; Ord. of 9-6-06; Ord. of 10-5-09)

Sec. 15-80. Loading zone signs.

Loading zones shall be indicated by appropriate signs or by parallel lines with diagonal lines running between them. All lines shall be six (6) inches wide and shall be painted yellow.

(Ord. of 5-2-88, § 21)

Sec. 15-81. Restricted use of taxicab stands and bus stops.

A person shall not stop or park a vehicle other than a taxicab in a taxicab stand, nor other than a bus in a bus stop. The operator of a passenger vehicle may temporarily stop there while actually engaged in loading or unloading passengers as long as it does not interfere with any taxicab or bus entitled to occupy the stand.

(Ord. of 5-2-88, § 28(12))

Sec. 15-82. Parking of taxicabs and buses.

A person shall not park a taxicab or a bus on any public way, except at a stand or stop assigned to its owner by the town council. A taxicab driver may temporarily stop the taxicab while actually engaged in loading or unloading passengers.

(Ord. of 5-2-88, § 28(11))

Comment [2P21]: Adds loading zone requested by Spindleworks

Comment [2P22]: Adds First Parish Church loading zone created by Bath RD construction

Sec. 15-83. Reserved.

Editors Note: An ordinance adopted Sept. 6, 2006 repealed § 15-83 in its entirety. Formerly said section pertained to taxi stand designation as enacted by §§ 22 and 23 of an ordinance adopted May 2, 1988; as subsequently amended by an ordinance adopted Oct. 3, 1994.

Sec. 15-84. Bus stops designated.*

* **Editors Note:** Ord. of 1-17-2012, removed §§ 15-84(a)(2) and 15-84(a)(3) in their entirety. Formerly those sections pertained to designated bus stops.

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

Reserved.

- (b) Bus stops must be indicated by appropriate signs.

(Ord. of 5-2-88, §§ 24, 25; Ord. of 4-2-01(3); Emergency/Regular Ord. of 6-21-04; Ord. of 5-31-06; Ord. of 10-5-09; Ord. of 1-17-12)

Sec. 15-85. Parking violations--Towing.

(1) *Purpose.* The purpose of these sections is to improve the enforcement of the Brunswick parking ordinances and to discourage habitual violators.

(2) *Definitions.* The following words and terms as used in these sections shall have the meanings ascribed thereto, unless the context otherwise indicates:

- a. *Towing list* means a list maintained by the police department containing the names of those wreckers approved by the town to respond to requests for the towing of vehicles made by the police department.
- b. *Wrecker* means a person engaged in the business of, or offering the services of, a vehicle wrecker or towing service, whereby motor vehicles are or may be towed or otherwise moved from one place to another by the use of a motor vehicle adapted to and designated for that purpose.
- c. *Outstanding parking ticket* means any notice of violation of any parking ordinance of the Town of Brunswick where:
 - 1. The owner of the offending vehicle has been finally determined to be in violation by reason of default or otherwise; and.
 - 2. The resultant fine or waiver charge established pursuant to 30-A M.R.S.A. § 3001 and § 3009, has not been paid.
- d. *Waiver charges* or *charges* means the fees a violator may pay to waive court action plus all expenses the Town of Brunswick incurs specifically enumerated in this chapter or state law to collect fees or fines, including but not limited to certified mail fees.

(3) *Towing.* The Brunswick Police Department is authorized, subject to the requirements of these Sections, to remove by use of a wrecker, and impound any vehicle found on any public or private way or public property, which has accumulated ~~four (4) or more~~ outstanding parking tickets ~~with or~~ accumulated fines totalling ~~fifty dollars (\$50.00)~~ seventy-five dollars (\$75.00) or more, and is authorized to take whatever action is reasonably necessary to carry out the provisions of these sections.

Comment [2P23]: Increases limit before a car is subject to tow to account for increased fines

(4) *Notice to owner before towing.* After a vehicle has received ~~four (4) or more~~ outstanding tickets ~~with or~~ accumulated fines totalling ~~fifty dollars (\$50.00)~~ seventy-five dollars (\$75.00) or more or more, a letter will be sent by certified mail to the vehicle's registered owner or operator. This letter alerts the owner of the outstanding parking tickets or accumulated fines totalling ~~fifty dollars (\$50.00) or more~~ and ~~shall allow~~ thirty (30) fourteen (14) days for payment of accumulated fines or waiver charges. After this time period has transpired without either payment in full or an ~~no~~ arrangement acceptable to the chief of police having been made to pay the fines or waiver charges, a certified letter, return receipt requested, will be sent to the owner or operator allowing ~~seven (7) calendar days~~ for payment of the fines or waiver charges or the vehicle will be subject to tow.

Comment [2P24]: Simplifies procedure prior to tow. One notice by certified mail to registered owner. Car will be towed if outstanding tickets not paid within 14 days – unless a payment agreement made with chief of police. .

(5) *Procedure for towing and impoundment.* Any police officer ordering towing and impoundment of a vehicle under these sections shall, at the time of such towing and impounding, or within a reasonable time thereafter, notify the dispatcher of the storage location of the vehicle. Such information shall be recorded by the dispatcher for use by the chief of police, or his/her authorized representative. The chief of police, or his/her authorized representative shall notify the owner or operator by certified mail, return receipt requested, of the towing and impoundment of the vehicle within five (5) business days of the towing and impoundment thereof, the storage location of such vehicle, and the requirements of release as set forth in section 15-85(6). This section shall not apply where an impounded vehicle has been released within the five-day period.

(6) *Release of vehicles.* The vehicle shall not be released until:

- a. The individual requesting the release presents satisfactory evidence of his/her right to possession and signs a receipt therefore; and,
- b. The chief of police, or his/her authorized representative, certifies that all fines or waiver fees described in this chapter, including the fees for towing and impoundment have been paid; or,
- c. Upon the certification by the chief of police, or his/her authorized representative, that the owner or operator is unable to pay accumulated fines or waiver charges by reason of poverty, having provided satisfactory proof of such status, and that such owner or operator has accepted a summons initiating a court proceeding to determine his/her liability for the alleged violations.

(7) *Towing conditions.* Once a police officer has ordered towing, one (1) of three (3) following possibilities exist:

- a. If the towing truck is enroute to the scene but has not yet arrived, and the owner or operator has arrived, or if they arrive approximately the same time, then the owner or operator must pay the wrecker, on arrival, in the amount of one-half (1/2) of the towing charge and must pay to the chief of police, or his/her authorized representative, all fines or waiver charges to effect the on-the-scene release of the vehicle.

- b. If the wrecker has secured the vehicle before the owner or operator arrives, the owner or operator must pay the wrecker, on arrival, all the towing charges and must pay the chief of police, or his/her authorized representative, all fines or waiver charges to effect the on-the-scene release of the vehicle.
- c. If the vehicle is actually towed away for impoundment, the vehicle owner or operator must pay the wrecker all towing and storage charges and must pay the chief of police, or his/her authorized representative, all fines and waiver charges, in order to gain release of the vehicle.

(8) *Interference with enforcement.* It shall be a violation of these sections for any person to obstruct or attempt to prevent the removal of a vehicle as provided in these sections. The penalty for such violation shall not be less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00).

(9) *Hearings.* The owner or operator of a towed and impounded vehicle may request a hearing on the applicability of these sections to the towing and impoundment. Such hearing shall be scheduled at the earliest possible date and be conducted by the ~~Commander of the Patrol Division~~ captain of operations. Decisions of the ~~Commander of Patrol~~ captain of operations shall be appealable to the chief of police.
(Ord. of 8-21-95)

Comment [2P25]: Titles updated to reflect 2011 police department reorganization.

Secs. 15-86--15-100. Reserved.

Comparison of Area Parking Fines (as of 11/2/12)

Violation	Brunswick	Bath	Freeport	Lisbon	Portland	Bowdoin College
Overtime Parking	\$5/\$10/\$15/\$25/\$30 - w/in 7 day period*	Warn/\$20/\$25/\$30/35/\$40 - w/in 6 mo period^	\$30.00	\$30.00	\$15.00	
Parked on Crosswalk	\$10.00	\$25.00	\$30.00	\$30.00	\$30.00	
Parked on Sidewalk	\$10.00	\$25.00	\$30.00	\$30.00	\$25.00	
Obstructing Driveway	\$10.00	\$50.00	\$30.00	\$30.00	\$25.00	
Restricted Place	\$10.00	\$15.00	\$30.00	\$30.00	\$25.00	\$25.00
Double Parking	\$10.00	\$15.00	\$30.00	\$30.00	\$25.00	
All Night Parking	\$10.00	\$15.00	\$30.00	\$30.00	\$15.00	
Disability Parking	\$200.00	\$200.00	\$200.00	\$150.00	\$200.00	\$200.00
Parked Against Traffic Flow	\$10.00	\$5.00	\$30.00	\$30.00	\$25.00	

Notes:

*Brunswick also provides for \$10.00 fine if a person has 10-19 violations in a year and a \$25 fine if a person has more than 20 violations in a year.

^ Bath overtime fines cited are for their business district. No warning outside of business district.

ITEM 133

BACK UP MATERIALS

Draft 10/17/2012
Includes Comments from Town Attorney
Town of Brunswick
Town Council
Town Boards, Commissions, and Committees Policy

Purpose:

To establish a policy for appointments to the Town of Brunswick Boards, Commissions, and Committees.

Procedure:

1. Each year, the Town Council will establish an Appointments Subcommittee.
 - a. The Subcommittee will consist of three (3) members of the Town Council.
 - b. The members will be appointed by the Council Chair, subject to majority Council approval, for a one (1) year term. The Subcommittee will select a chair.
 - c. The Appointments Subcommittee will meet monthly or as necessary. At its first meeting, the Subcommittee will set the schedule for the year and provide it to the Town Clerk.
 - d. An appointment to the Appointments Subcommittee may not extend more than two (2) consecutive full-terms. A full-term is considered to be a term lasting one full Council year; an appointment to the Subcommittee in mid-year, to fill a vacancy, is not a full-term.
 - e. In the event a Subcommittee member is not able to attend meetings on a temporary basis, the Subcommittee Chair will request that the Council Chair appoint a temporary replacement. In the event a member is unable to attend a single meeting, the Committee Chair may invite another Councilor to replace the member who is unable to attend.
2. An Application of Appointment will be prepared, including a section asking for the applicant's reason for applying for the position.
3. The Town Clerk will provide an informational packet, if requested, when an application is filed. The packet will include a summary of the respective board's duties, a list of current members, the name of the respective board's chair, and copy of the Town Boards, Commissions, and Committees Policy.
4. Two (2) months prior to the expiration of a term, a letter will be sent to the incumbent, asking if he/she desires to be considered for reappointment. The Town Clerk will notify the respective committee staff person of said up-coming vacancy at the time the letter is mailed. The staff person will provide that information to the Board/Committee chair.
5. Two (2) months prior to the expiration of a term, the position will be advertised. The upcoming vacancies will be advertised twice, once per month, unless the Council deems it necessary to shorten the application process due to an urgency to fill a vacancy or committee membership. The normal advertisement procedure will be as an advertisement in the Times Record. Vacancies may also be posted on the Town Web Page and Cable TV 3. Vacancies will continue to be advertised until filled.

6. A list of upcoming vacancies will also be provided to all Councilors at the time the positions are advertised.
7. All applicants, including the incumbent:
 - a. Will be required to fill out the current “Application for Appointment to “Board/Committee/Commission Form.”
 - b. May submit a cover letter and/or resume with the application. The cover letter may include information about what the applicant hopes to accomplish or could include information on the applicant’s relevant training and experience.
 - c. The applicant must attend an interview unless other arrangements are made with the Subcommittee. A telephone interview is acceptable upon the approval of the Subcommittee Chair.
8. The deadline for applicants to be interviewed will be at 4:30 p.m. two business days prior to the Appointments Subcommittee’s meeting. This deadline is for a set interview date only and does not preclude the Appointments Subcommittee from accepting additional applications for future interviews if no appointments are made.
9. The Appointments Subcommittee, through the Town Clerk, will schedule brief interviews with each applicant to determine interest, qualifications, and ensure no conflict of interest exists. At the request of the Subcommittee Chair, the Town Clerk or designee will record answers to questions provided to the Appointments Subcommittee to be used to create a Summary Report.
10. The Appointments Subcommittee or its designee will prepare a Summary Report to be considered by the full Town Council. The Summary Report will be in writing, with the Subcommittee’s recommendation for committee appointments. The Summary Report will be submitted to Town Council members as part of the Council meeting packet for which the appointments will be made. Under circumstances of time or other unknown factors, the Appointments Subcommittee may waive any or all of these procedures and report directly to the full Town Council with all recommendations.
11. The Appointments Subcommittee will report to the full Town Council at the first regular Council meeting of the month, unless otherwise scheduled by the Town Council Chair.
12. The Appointments Subcommittee will make recommendations for appointments in the form of nominations. The nominations are not limited to the number of vacancies on a given committee/board. The Subcommittee may also choose not to make nominations and request, with the consent of the Town Council, the vacancies be readvertised. This does not preclude another Councilor from making a nomination from the list of interviewed applicants. A nomination to a board or commission does not require a second.
13. The Town Council will vote on nominations in the order made and each Councilor will be allowed the same number of vote(s) as vacancies for each board/committee. An appointment to a Town board/committee must be by a vote of five (5) or more Town Councilors.

14. After Town Council action, All applicants, whether appointed or not, will receive an official notification of action, sent out by the Town Clerk, in a timely manner. Personal telephone notification is acceptable.
15. Exception: There will be no Appointments Subcommittee meeting in December since there will be no appointments made in the new calendar year until after the new Appointments Subcommittee has been appointed and meeting schedule submitted.
16. All appointments to Town boards/committees shall be made in accordance with Maine law and the Town Charter. Appointees must residents of the Town, except for the People Plus Board of Trustees, and may not be members of more than one of the following board and commissions:

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

17. Position Vacancy

- a. In the event an incumbent member has not reapplied for a position and the member's term has expired, the position will be considered vacant after a period of five (5) business days.
 - i. Exception: In the event a member does not wish to reapply but wishes to remain a voting member until replaced, said member must advise the Town Clerk, who will notify the Appointments Subcommittee chair. The term of the member will temporary continue until the Appointments Subcommittee next meets. If at its next meeting the Appointments Subcommittee so votes, the expired term of the member will be extended until a new appointment is made by the Council. Notification of appointment extension will be provided to the Town Clerk and the Town Council Chair.

18. Conflict of Interest

Appointment: No relative of a Councilor shall be appointed to any Board, Committee or Commission position appointed by the Town Council so long as that Councilor continues to serve on the Town Council. As used in this section, the term "relative" means a parent, spouse, brother, sister, child, stepchild, stepparent, adopted child, grandparent, mother-in-law, father-in-law, son-in-law or daughter-in-law. This section applies only to those Boards, Committees and Commissions listed in section 16 of this policy.

While Serving: All appointed members of Boards, Committees and Commissions of the Town of Brunswick shall comply with the conflict of interest provisions as adopted by the Council in its "Rules of Order and Procedure for Brunswick Town Council."

19. Removal From Office:

Appointed members of Baords, Committees and Commissions of the Town of Brunswick are subject to removal from their positions by the Council in accordance with the "Policy

DRAFT

For Removal of Officials Appointed to Boards, Commissions, and Committees,”
approved as part of this policy.

POLICY FOR REMOVAL OF APPOINTED MEMBERS OF BOARDS, COMMISSIONS
AND COMMITTEES

Originally adopted by Council on March 16, 1998)

1. Purpose. The purpose of this policy is to have in place a process for the removal of appointed members of boards, commissions and committees
2. Authority. Section 203 of the Brunswick Town Charter vests in the Town Council the performance of most duties and obligations imposed on the Town by law. Section 12-31 of the Personnel Policy makes it clear the Policy does not apply to persons appointed to boards or commissions. Therefore, the Town Council exercises its authority to remove members of Boards, Commissions and Committees in accordance with Title 30-A M.R.S.A. Section 2601 which allows the removal for cause after notice and hearing.
3. Cause. All grounds constituting cause cannot be detailed. However, the following are examples of conduct which may result in removal for cause:
 - A. More than three consecutive absences or five absences within a calendar year, unexcused by the Board, Commission or Committee by majority vote. This subsection may not be used unless the records of the Board, Commission or Committee reflect the facts constituting grounds for excused absences. Nothing in this subsection shall be interpreted to prevent an official from requesting a leave of absence from the Town Council for unusual circumstances. Unusual circumstances could include, but not be limited to, illness of the official or an immediate family member, temporary relocation for employment, military duty, educational reasons, and/or increased temporary child care responsibilities. In making the decision whether or not to grant a leave of absence, the Town Council shall balance the needs of the Town and the Board, Commission or Committee with the needs of the official.
 - B. Inappropriate public conduct or conduct to other officials related to the office held. Examples include but are not limited to verbal abuse to other officials or members of the public, or obstruction of meetings of the Board, Commission or Committee.
 - C. Impairment by alcoholic beverages or drugs at Board, Commission or Committee functions.
 - D. A conviction (1) for a Class C or higher Crime, or (2) for a Class D or lower crime or a civil violation, directly or indirectly affecting the office held. Examples of Class D or lower crimes or civil violations affecting the office held would be shoplifting a compact disk where the office involved the handling of money; or violations of a protected resource where the Board, Commission or Committee deals with that resource. These provisions apply even when the conduct leading to the conviction has taken place outside the Town of Brunswick or State of Maine.

E. Other reasons related to the good of the Committee, the Town or the office held.

A. Removal procedure.

- A. Separation of roles. While a Town Councilor sitting in a removal proceeding may be aware of the facts and circumstances leading to the proceeding, the Town Council recognizes that no individual Councilor may prejudge the proceedings. Therefore, in a proceeding to remove an appointed official, the facts and circumstances shall be investigated by the Town Manager or the Town Manager's designee (hereinafter "the Town Manager"), rather than an individual Councilor. Should allegations be brought to an individual Councilor, which the individual Councilor believes may be cause for removal, the individual Councilor shall turn the facts and circumstances over to the Town Manager, and refer further inquiries to the Town Manager. Inquiries to other Councilors shall be turned over to the Town Manager. No Councilor shall participate in any removal hearing if that Councilor has an interest, a conflict, or is disqualified, under the Rules of Order and Procedure for Brunswick Town Council.
- B. Investigation. The Town Manager shall investigate the allegations as soon as reasonably possible. If the Town Manager determines the allegations create probable grounds for removal, the Town Manager shall notify the official in writing that the Town Manager is contemplating a recommendation to the Town Council that the official be removed, outlining the Town Manager's reasons. The Town Manager shall provide the official a reasonable amount of time to provide the official's position on the allegations, before the Town Manager finalizes the recommendation to the Town Council.
- C. Hearing. If the Town Manager recommends removal, the Town Council shall schedule a hearing on the official's removal. The hearing shall be scheduled at a time which will allow the Town Manager and the official an adequate opportunity to prepare their presentations to the Town Council. At the hearing, the Town Manager shall present the Town's case with the official's case following. The presentations may include witnesses and exhibits, including documents. The Town Manager and the officials shall provide each other a list of witnesses and exhibits at least seven days before the hearing date unless another time is agreed upon. Each party shall be allowed to ask questions of the other party's witnesses. Evidence will be admissible if it is evidence which would be relied upon by persons in the conduct of serious affairs. This means, for example, that hearsay evidence will not be excluded, and that the procedure will be conducted according to the principles of fair play rather than of strict rules of evidence.

- D. Confidentiality. The hearing shall be conducted in open session unless the Council determines public discussion could reasonably be expected to cause damage to the official's reputation or the official's right to privacy would be violated. If the Council makes that determination, all related materials will be confidential until a final, non-appealable decision. Regardless of the Council's decision on public discussion, the official may request in writing that the hearing be conducted in open session, and that all related materials be public, which request shall be honored.

If the hearing is conducted in open session, it is not a public hearing. The only persons presenting testimony or evidence will be those persons presented as witnesses by the Town Manager or official. The general public is not permitted to testify at the hearing.

- E. Decision. At the conclusion of the hearing, the Town Council shall deliberate and vote whether to remove the official. A vote to remove an appointed official shall require a majority vote of those Councillors present and voting. Within thirty (30) days of the vote, the Council shall issue a written decision. The written decision shall state the facts and conclusions upon which the Town Council relies in making its decision. If the written decision removes the official from office, the written decision shall become public as soon as it is a final, non-appealable, decision.

5. Resignation. If the official elects to resign at any stage of this process, the process shall terminate, and any pending investigation or hearing under this process shall cease.

Previous Policies on Boards includes:

- 1993 policy
- 1994 Process of Appointments for Boards and Committee
- “Policy for Removal of Officials Appointed to Boards, Commissions and Committees”

PROCEDURES FOR APPOINTMENTS
to
TOWN BOARDS, COMMISSIONS AND COMMITTEES

December 20, 1993

Introduction

Earlier in 1993 the Brunswick Town Council established a subcommittee (Priest, Swanson, Weems) to review the process of appointments to Town Boards, Commissions and Committees, and make recommendations to the Council as a whole. We find that the process should be substantially revised to provide for a more substantive review of candidates and incumbents based on better information and personal interviews. This could be accomplished within the framework of existing Boards, Commissions and Committees (continuing the practice of staggered terms) by establishing an Appointments Subcommittee of the Town Council and adopting the following procedures.

Procedures

1. Each year, an Appointments Subcommittee of the Town Council would be established:
 - a. Three (3) members.
 - b. The members would be appointed by the Council Chairperson, subject to Council approval.
 - c. Membership on the Appointments Subcommittee would be limited to two (2) consecutive years.
 - d. The Appointments Subcommittee would meet as necessary.
2. Informational packets on each Board/Commission/Committee would be developed (by the Town Clerk and the Chair of the Board, Commission, or Committee), including:
 - a. Description of mission (charge) and activities.
 - b. Board/Commission/Committee structure.
 - c. Statutory authority, bylaws and procedures (as applicable)
 - d. Current membership.
 - e. Other information as needed.
3. An improved Application for Appointment (still one page) would be prepared, including a section asking for the applicant's reasons for applying for the position.
4. Two (2) months prior to the expiration of an incumbent's term, the position would be advertised, including a brief description of the nature of the job and the necessary qualifications, if any. A letter also would be sent to the incumbent asking if he/she desires to be reconsidered for reappointment.
5. All applicants, including the incumbent (if he/she is a candidate for reappointment) would be required to:
 - a. Fill out an application.
 - b. Talk with the Chair of the Board/Commission/Committee, either personally or by telephone. (If the Chair is a candidate for reappointment, he/she should talk with other members of the group).

- c. Submit a cover letter (including information about what the applicant hopes to accomplish) and resume with the application. (Alternatively, the applicant could include information on his/her relevant training and experience in the cover letter.)
(Prior to this, the applicant would have been given an information packet by the Town Clerk or the Board/Commission/Committee Chair.)
6. After the deadline for applications, the Appointments Subcommittee would schedule brief personal interviews with each applicant:
 - a. Interviews to be held by Appointments Subcommittee.
 - b. Discussion with each applicant.
 - c. Appointments Subcommittee to discuss each applicant, as necessary, and any information submitted by the Chair of the relevant Board, Commission or Committee. (Information would be requested from the Chair on all applicants (new and incumbent). In the case where the incumbent is the Chair, input would be solicited from other group members.)
7. The Appointments Subcommittee Chair would prepare a summary report and recommendations to be considered by the full Town Council:
 - a. Copies of all applications and resumes.
 - b. Recommendation(s) from individual members of the Appointments Subcommittee (as appropriate).
8. The full Town Council would receive and discuss the report specified in #7 above.
9. The Town Council would vote on appointments in regular session.
10. All applicants (appointed or no appointed) would receive an official Notification of Action, sent out by the Town Council Chair or the Appointments Subcommittee Chair, in a timely manner.
11. The Town Clerk would serve as staff member to the Appointments Subcommittee.
12. Under unusual circumstances the Appointments Subcommittee could waive any or all of these procedures and report directly to the full Town Council with a recommendation.

Process of Appointments for Boards and Commissions

1. Training of B/C/C Members:

- A. Meeting Attendance before going onto a B/C/C (recommended, if practical)
- B. Orientation Packet: A training packet for all members of B/C/C in procedures, rules of order, meeting decorum and etiquette could be distributed.
- C. Sponsor an all purpose workshop session with special topics, i.e., conflict resolution, town history, procedures . . . if a need is perceived.
- D. Chairperson workshops: Leadership sessions initiated by our own Town Office or in cooperation with the Maine Municipal Association.
- E. B/C/C Members Enrichment: Encourage Members to go to professional meetings, workshops, conferences.*
 - 1. Establish application process and small fund.
 - 2. Applicant might be expected to have the recommendation of their B/C/C.

* Note: The budget process would apply.

2. Town Council Criteria for Appointments:

- A. Citizen of the United States or in process of becoming so.
- B. Resident of Brunswick (For those committees which serve only Brunswick).
- C. Diversity of Membership.
- D. Candidates with relevant skills and experience.
- E. Good moral character (traditional) MMA Attorney recommended this wording . . . he also reminded that "no one is entitled to be appointed to a committee", therefore, this allows the Council to be subjective.

3. Decorum:

- A. Adopt The Proposed Amendment to the Rules of Order and Procedures for Brunswick Town Council, to apply also to Boards, Commissions, and Committees: "11. Decorum and Order. a. b. c.", pages 4-6.

4. Make-up of Boards, Commissions, and Committees:

- A. This item is deferred to the Council for future consideration and action. The Subcommittee felt that the specific composition for each Board should be considered on a case by case basis. (i.e., the Village Review Committee or Marine Resource Committee would require different compositions than the Planning Board or Board of Zoning Appeals.)

5. Clear Rules of Procedure for Meetings:

- A. Adopt GSH/BD 93 (as amended 4/19/94).

6. Criteria for Removal:

- A. Attendance per policy of Committee.
- B. Ethical Dilemmas:
 - 1. Conflict of Interest
 - 2. Incompatibility of Office
 - 3. Prohibited Appointments or Employment
 - 4. Bias
 - a. Please see information from MMA regarding ETHICS.
- C. Threatening, disruptive, or irrational behavior (overt behavior that causes fear, intimidation, or disorder).

6A. Removal Process:

- A. Petition by the B/C/C affected. (Negotiation, education, and warning should be a part of the process, when circumstances allow.)
- B. Involvement of the Town Manager in the process, as necessary.
- C. The Council, as last resort, not the first.

7. Recruitment of Good Candidates:

- A. We have good members of our B/C/C serving now.
- B. Add to 1/18/94 #7 procedures:
 - 7.e. More Comprehensive Outreach: Post openings on public service boards in all Town Facilities, 55+ Center, service boards at supermarkets, retail stores, and institutions, i.e. House of Worship.
 - 7.f. Councilors should assume more individual responsibility for recruitment and encouragement of applicants from throughout the community (not necessarily from their own district).

Other Procedural Considerations: from Dec. 20 Procedures for Appointments to B/C/C.

- 1. Submission of cover letter and resume should be optional.
- 2. An applicant should have the option of addressing the full Council if desired.
- 3. An applicant should be aware that an appointment rests with the full Council.
- 4. Flexibility and Courtesy should be encouraged.

Approved by the Brunswick Town Council 4/19/94

**PROPOSED RULES OF PROCEDURE
FOR BOARDS, COMMISSIONS, AND COMMITTEES
September, 1993**

The following regulations shall govern the meetings of official Brunswick Boards, Commissions, and Committees:

- 1. The Brunswick Town Council shall conduct their meetings according to the Town Council Rules of Procedure.*
- 2. All boards, commissions, and committees shall conduct their meetings according to the Council adopted Rules of Procedure for Boards, Commissions, and Committees.*
- 3. Each board, commissions, committee shall establish the required number of members that constitute a quorum.*
- 4. Each board, commission, committee shall keep the Executive Secretary notified in advance as to meeting dates and times.*
- 5. Each board, commissions, committee shall submit official minutes of meetings to the Town Clerk for recording in the municipal records. The format for minutes can be decided by each board, commissions, or committee.*
- 6. Each board, commission, or committee shall elect a Chairman and a Vice-Chairman by majority vote. This vote shall be recorded in the minutes of the meeting.*
- 7. Each board, commissions, or committee that is designated by the laws of the State of Maine shall be cognizant of these laws and shall conduct their meetings, findings, reports, etc. according to the specified procedure of the state laws. All boards, commissions, or committees shall follow any requirements in the Brunswick Charter or a specific Brunswick Ordinance.*
- 8. Each new member shall be sworn in and given an educational packet of information by the Town Clerk, including the by-laws and rules of procedure of each board, commission, and committee.*
- 9. Each board, commission, or committee must adhere to the Town of Brunswick Attendance Policy.*

GSH

BDS93 as amended 4/21/94

MAINE MUNICIPAL ASSOCIATION

Legal Services
Community Drive
Augusta, Maine 04330-9411

Telephone (207) 623-8428

WILLIAM W. LIVENGOOD
REBECCA WARREN SEEL
RICHARD P. FLEWELLING
ELLERBE P. COLE
JOSEPH J. WATHEN

INFORMATION PACKET

SUBJECT: ETHICS

This packet includes the following attachments:

Title 30-A M.R.S.A. Sections 2604-2606;

"State Law and Ethics," Maine Townsman, July 1990;

"Incompatible Offices," Maine Townsman, August 1987;

"Ethics: More than Just a Set of Rules," Maine Townsman, July 1990.

Important issues and considerations include:

Legal Distinctions. Maine law recognizes four kinds of ethical dilemmas in municipal government: conflict of interest, incompatibility of office, prohibited appointments or employment, and bias (see "State Law and Ethics," Maine Townsman, July 1990, attached); conflict of interest is only one type of ethical dilemma, although the term "conflict of interest" is sometimes used generically (and incorrectly) to refer to all four. A conflict of interest, strictly speaking, exists where an official has a personal pecuniary (financial) interest in a matter of official business. Incompatibility of office is present where two public offices, by virtue of their respective and conflicting duties, cannot be held simultaneously by the same person no matter how dedicated or financially disinterested. Prohibited appointments or employment includes those paid positions created by the municipal officers (selectmen or councilors), or the compensation for which was increased by them, and to which they may not appoint themselves. Bias occurs where an official, due to prejudice or a familial relationship with the applicant, is unable to make a fair and impartial decision in a matter requiring objectivity (i.e., a "quasi-judicial" proceeding). These distinctions are important because the circumstances under which an ethical problem may arise, and the legal consequences that may result if it is ignored or handled improperly, can vary widely depending on which type of problem it is.

Appearances. The basic rationale for regulation of ethics among municipal officials is to foster and preserve public trust in the fundamental integrity of local government. Even where an official's conduct may not be legally proscribed, personal relationships or competing interests may create an appearance of impropriety sufficient to undermine public confidence in the fairness and honesty of local officials. State law (30-A M.R.S.A. §2605[6], attached) therefore encourages officials to avoid the appearance of a conflict of interest by disclosure or by abstention in such cases.

Local Ethics Policies. State law (30-A M.R.S.A. §2605[7], attached) authorizes the municipal officers to adopt an ethics policy governing local officials. Some municipalities have found this to be an effective method for dealing with ethical dilemmas left unresolved by other law. For a good example, see the City of Bangor's "Code of Ethics" (contact the Bangor City Clerk, 73 Harlow Street, Bangor, ME 04401 tel. 945-4400).

Who Decides. Ultimately of course, only a court can determine whether an official has violated an ethical restriction and, if so, what penalties or consequences may follow. However, there are numerous statutes and cases (e.g., see attachments) that can serve as a guide to local officials in resolving their own specific ethical dilemmas. In addition, certain moral principles may apply (see "Ethics: More than Just a Set of Rules, Maine Townsman, July 1990, attached). In the absence of local charter, ordinance or bylaw provisions to the contrary, it is generally recognized that a majority of a board (not including the member whose participation is in question) may determine whether a member has a disqualifying ethical problem.

NOTE: This packet is intended for general information only. For additional information or specific legal advice, contact local counsel or MMA's Legal Services.

RPF:akd

Issued February 1, 1993

10. Temporary Chairman. In case of the absence of the Chairman and Vice Chairman, the Clerk shall call the Council to order and call the roll of the members. If a quorum is found to be present, the Council shall proceed to elect, by a majority vote of those present, a chairman of the meeting, to act until the Chairman or Vice Chairman appears.

11. Decorum and Order. The presiding officer shall preserve decorum and decide all questions of order and procedure, subject to appeal to the Council.

a. During Council meetings, councilmen shall preserve order and decorum and shall neither by conversation or otherwise delay or interrupt the proceedings nor refuse to obey the order of the presiding officer or the rules of the council. Every councilman desiring to speak shall address the chair and, upon recognition by the presiding officer, shall confine himself to the question under debate and shall avoid all personalities and indecorous language. Every councilman desiring to question the administrative staff shall address his question to the Town Manager who shall be entitled either to answer the inquiries himself or to designate some member of his staff for that purpose. A councilman once recognized, shall not be interrupted while speaking unless called to order by the presiding officer, unless a point of order is raised by another member or unless the speaker chooses to yield to questions from another member. If a councilman is called to order while he is speaking, he shall cease speaking immediately until the question of order is determined. If ruled to be in order, he

shall be permitted to proceed. If ruled to be not in order, he shall remain silent or shall alter his remarks so as to comply with rules of the Council. All members of the Council shall accord the utmost courtesy to each other, to Town employees, and to public members appearing before the Council and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities. Councilmen shall confine their questions as to the particular matters before the assembly and in debate shall confine their remarks to the issues before the Council. Members shall be removed from the meeting for failure to comply with decisions of the presiding officer or for continued violations of the rules of the Council. If the presiding officer fails to act, any member may move to require him to enforce the rules and the affirmative vote of a majority of the Council shall require the presiding officer to act.

b. Members of the administrative staff and employees of the Town shall observe the same rules of procedure and decorum applicable to members of the Council. While the presiding officer shall have the authority to preserve decorum in meetings as far as staff members and Town employees are concerned, the Town Manager also shall be responsible for the orderly conduct and decorum of all Town employees under his direction and control.

The Town Manager shall take such disciplinary action as may be necessary to insure that such decorum is preserved at all times by Town employees in Council meetings. Any staff member or Town Manager desiring to address the Council or members of the public shall be recognized by the chair, shall state his name for the record, and shall limit his remarks to the matter under discussion. All remarks and questions addressed to the Council shall be addressed to the Council as a whole and not to any individual member thereof. No staff member, other than staff member having the floor, shall enter into any discussion either directly or indirectly without permission of the presiding officer.

c. Public members attending Council meetings also shall observe the same rules of propriety, decorum, and good conduct applicable to members of the Council. Any person making personal, impertinent, and slanderous remarks or who becomes boisterous while addressing the Council or while attending the Council meeting shall be removed from the room if a police officer is so directed by the presiding officer, and such person shall be barred from further audience before the Council. Unauthorized remarks from the audience, stamping of feet, whistles, yells, and similar demonstration shall not be permitted by the presiding officer, who shall direct a police officer to remove such offenders from the room. Aggravated cases shall be prosecuted on appropriate complaint signed by the presiding officer. In case the presiding officer

POLICY FOR REMOVAL OF OFFICIALS APPOINTED TO BOARDS, COMMISSIONS
AND COMMITTEES

1. Purpose. The purpose of this policy is to have in place a process for the removal of officials appointed to Boards, Commissions and Committees.
2. Authority. Section 203 of the Brunswick Town Charter vests in the Town Council the performance of most duties and obligations imposed on the Town by law. Section 12-31 of the Personnel Policy makes it clear the Policy does not apply to persons appointed to Boards or Commissions. Therefore, the Town Council exercises its authority to remove officials under Title 30-A, section 2601 which allows the removal for cause after notice and hearing.
3. Cause. All grounds constituting cause cannot be detailed. However, the following are examples of conduct which may result in removal for cause:
 - A. More than three consecutive absences or five absences within a calendar year, unexcused by the Board, Commission or Committee by majority vote. This subsection may not be used unless the records of the Board, Commission or Committee reflect the facts constituting grounds. Nothing in this subsection shall be interpreted to prevent an official from requesting a leave of absence from the Council for unusual circumstances. Unusual circumstances could include, but not be limited to, illness of the official or an immediate family member; temporary relocation for employment, military duty or educational reasons; and increased temporary child care responsibilities. In making the decision whether or not to grant a leave of absence, the Council shall balance the needs of the Town and the Board, Commission or Committee with the needs of the official.
 - B. Inappropriate public conduct or conduct to other officials related to the office held. Examples include but are not limited to verbal abuse to other officials or members of the public, or obstruction of meetings of the Board, Commission or Committee.
 - C. Impairment by alcoholic beverages or drugs at Board, Commission or Committee functions.
 - D. Indictment or conviction (1) for a Class C or higher Crime, or (2) for a Class D or lower crime or a civil violation, directly or indirectly affecting the office held. Examples of Class D or lower crimes or civil violations affecting the office held would be shoplifting a compact disk where the office involved the handling of money; or violations of a protected resource where the Board, Commission or Committee deals with that resource. These provisions apply even when the conduct leading to the indictment or conviction has taken place outside the Town of Brunswick or State of Maine.

- E. Other reasons related to the good of the Committee, the Town or the office held.

4. Removal procedure.

- A. Separation of roles. While a Town Councilor sitting in a removal proceeding may be aware of the facts and circumstances leading to the proceeding, the Town Council recognizes that no individual Councilor may prejudge the proceedings. Therefore, in a proceeding to remove an appointed official, the facts and circumstances shall be investigated by the Town Manager or the Town Manager's designee (hereinafter "the Town Manager"), rather than an individual Councilor. Should allegations be brought to an individual Councilor, which the individual Councilor believes may be cause for removal, the individual Councilor shall turn the facts and circumstances over to the Town Manager, and refer further inquiries to the Town Manager. Inquiries to other Councilors shall be turned over to the Town Manager. No Councilor shall participate in any removal hearing if that Councilor has an interest, a conflict, or is disqualified, under the Rules of Order and Procedure for Brunswick Town Council.
- B. Investigation. The Town Manager shall investigate the allegations as soon as reasonably possible. If the Town Manager determines the allegations create probable grounds for removal, the Town Manager shall notify the official in writing that the Town Manager is contemplating a recommendation to the Town Council that the official be removed, outlining the Town Manager's reasons. The Town Manager shall provide the official a reasonable amount of time to provide the official's position on the allegations, before the Town Manager finalizes the recommendation to the Town Council.
- C. Hearing. If the Town Manager recommends removal, the Town Council shall schedule a hearing on the official's removal. The hearing shall be scheduled at a time which will allow the Town Manager and the official an adequate opportunity to prepare their presentations to the Town Council. At the hearing, the Town Manager shall present the Town's case with the official's case following. The presentations may include witnesses and exhibits, including documents. The Town Manager and the official shall provide each other a list of witnesses and exhibits at least seven days before the hearing date unless another time is agreed upon. Each party shall be allowed to ask questions of the other party's witnesses. Evidence will be admissible if it is evidence which would be relied upon by persons in the conduct of serious affairs. This means, for example, that hearsay evidence will not be excluded, and that the procedure will be conducted according to the principles of fair play rather than of strict rules of evidence.

- D Confidentiality. The hearing shall be conducted in open session unless the Council determines public discussion could reasonably be expected to cause damage to the official's reputation or the official's right to privacy would be violated. If the Council makes that determination, all related materials will be confidential until a final, non-appealable decision. Regardless of the Council's decision on public discussion, the official may request in writing that the hearing be conducted in open session, and that all related materials be public.

Even if the hearing is conducted in open session, it is not a public hearing. Stated differently, the only persons presenting testimony or evidence will be those persons selected by the Town Manager or official. The general public will not be invited to testify at the hearing.

- E Decision. After the Town Council hears the evidence, it shall issue a written decision of those present and voting. The written decision shall state the facts and conclusions upon which the Town Council relies in making its decision. If the written decision removes the official from office, the written decision shall become public as soon as it is a final, non-appealable, decision. The vote on the written decision shall be by majority vote.

5. Resignation. If the official elects to resign at any stage of this process, the process shall terminate, and any pending investigation or hearing under this process shall cease.

Approved by the Brunswick Town Council March 16, 1998

CONSENT AGENDA - A BACK UP MATERIALS

Draft
BRUNSWICK TOWN COUNCIL
Minutes
December 3, 2012
Executive Session - 6:00 P.M.
7:00 P.M.
Municipal Meeting Room
Brunswick Station
16 Station Avenue

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

Councilors Absent: None

Town Staff Present: Gary Brown, Town Manager; Fran Smith, Town Clerk/Assistant to Town Manager; John Eldridge, Finance Director; Richard Rizzo, Police Chief; Anna Breinich, Director of Planning and Development ; Tom Farrell, Director of Parks and Recreation; Dan Devereaux, Marine Resources Officer; Joel Bruce, Police Sergeant; and TV video crew

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

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

Councilor Watson moved, Councilor Wilson seconded, to go into executive session for a Personnel matter to discuss the Town Manager’s evaluation per M.R.S.A. §405(6)(A). The motion carried with eight (8) yeas. Councilor Pols arrived after the vote.

MEETING RESUMES

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

Public Comment:

John Moncure, Chair of MRRA, read a letter from the Board wishing to establish a committee to improve communications between the Town and MRRA.

Nat Wheelwright, 299 Durham Road, encouraged the Council to speak out against corporate money in politics.

Correspondence:

Councilor Perreault asked a question about a crash on River Road involving a town vehicle, to which Manager Brown responded.

Adjustments to the Agenda:

Removing item 130

MANAGER'S REPORT:

(a) Council Committee Updates

No reports were given.

(b) People Plus Update

Stacy Frizzle, Executive Director of People Plus, made this update.

(c) Permission to accept and expend the State Department of Conservation shoreline and harbor management planning grant (*Action required*)

Manager Brown spoke regarding this item.

Councilor Wilson spoke regarding this item.

Councilor Wilson moved, Councilor Tucker seconded, to accept and expend the State Department of Conservation shoreline and harbor management planning grant in an amount of \$20,000. The motion carried with nine (9) yeas.

(A copy of a memo from Dan Devereaux and the grant application will be attached to the official minutes are included in your packet.)

(d) Acceptance of Forfeited Asset (*Action Required*)

Councilor Watson moved, Councilor Favreau seconded, to accept and expend Forfeited Assets related to Criminal Action Docket No. CR-12-3997, with a total value of \$2,210.00 and Criminal Action Docket No. CR-12-3215, with a total value of \$1,080.00. The motion carried with nine (9) yeas.

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

(e) (ADDED) Passengers numbers on AMTRAK

Manager Brown provided this information and responded to a question from Councilor Watson.

Councilor Favreau and Councilor Pols spoke regarding this item.

PUBLIC HEARINGS

- 123. The Town Council will hear public comments on an ordinance to exempt active duty military from paying excise tax on vehicles, and will take any appropriate action. (Chair King and Councilor Watson)**

Manager Brown spoke regarding this item.

Chair King opened the public hearing.

Marty Diller, Vice Chairman American Legion - Brunswick, spoke regarding this item.

Chair King closed the public hearing.

Councilor Pols, Chair King, Councilor Tucker, and Councilor Watson spoke regarding this item.

Councilor Perreault asked a question, to which Chair King responded

Councilor Watson, moved, Chair King seconded, to adopt an ordinance to exempt active duty military from paying excise tax on vehicles. The motion carried with eight (8) yeas. Councilor Pols was opposed.

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

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

Chair King opened and closed public hearing.

Councilor Watson spoke regarding this item.

Councilor Favreau moved, Councilor Knight seconded, to adopt amendments to the General Assistance Ordinance Maximums, to be enacted on an emergency and regular basis. The motion carried with nine (9) yeas.

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

- 125. The Town Council will hear public comments on the Mölnlycke TIF proposal, and will take any appropriate action. (Manager)**

Chair King opened the public hearing.

Steve Levesque, Executive Director of MRRA, spoke regarding this item. MRRA has reviewed application materials for the TIF and the Credit Enhancement Agreement. They have met with the Town Manager to discuss this item, and the MRRA Board supports this TIF.

No one else spoke for or against the TIF proposal.

Chair King closed the public hearing.

Councilor Tucker asked if there any factors that the Council must consider or findings that the Council needs to make in supporting this TIF.

Manager Brown responded that the prepared Resolution contains the specific findings that the Council must make in order to designate the District and adopt the Development Program for the District. He added this is a unique business so there are no findings needed indicating that the company is not competing with an existing business.

Councilor Watson welcomed Mölnlycke to Brunswick, stating it's a huge benefit for the Town, MRRA and the region. This TIF is a great way to support them.

Chair King agreed with Councilor Watson's sentiment.

Councilor Wilson moved, Councilor Watson seconded, to adopt the "Town Council Resolution Designating the Mölnlycke Manufacturing Municipal Development and Tax Increment Financing District." The motion carried with nine (9) yeas.

(A copy of the adopted Development program and credit enhancement agreement will be attached to the official minutes.)

NEW BUSINESS

- 126. The Town Council will consider setting a public hearing for December 17, 2012, to consider an amendment to the Town Zoning Ordinance, Chapter 2, Section 216, relating to the review of demolitions in the Village Review Overlay Zone, and will take any appropriate action. (Manager)**

Manager Brown spoke regarding this item.

Councilor Brayman, Councilor Tucker, Councilor Favreau, Councilor Watson, Councilor Perreault, Councilor Knight, Councilor Wilson, and Councilor Pols spoke regarding this item.

Charles Frizzle, chair of the Planning Board, spoke and responded to questions from Councilor Brayman.

Councilor Perreault asked questions, to which Chair King responded.

Councilor Watson moved, Councilor Wilson seconded, to set a public hearing for December 17, 2012, to consider an amendment to the Town Zoning Ordinance, Chapter 2, Section 216, relating to the review of demolitions in the Village Review Overlay Zone.

The motion carried with six (6) yeas. Councilor Perreault, Councilor Brayman and Councilor Pols were opposed.

127. **The Town Council will consider adopting the “Resolution Pertaining to Use Of The Special Revenue Fund for Recreation Programs To Fund A Feasibility Study For An Outdoor Aquatic Facility,” and will take any appropriate action. (Manager)**

Manager Brown and **Jeff Ward**, Chair of the Recreation Commission, spoke regarding this item.

Councilor Favreau spoke regarding this item.

Councilor Pols asked a question, to which Mr. Farrell responded.

Councilor Wilson moved, Councilor Watson seconded, to adopt the “Resolution Pertaining to Use Of The Special Revenue Fund for Recreation Programs To Fund A Feasibility Study For An Outdoor Aquatic Facility.” The motion carried with nine (9) yeas.

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

128. **The Town Council will consider reappointing Larissa Darcy to the Brunswick Development Corporation for a three year term to expire on September 7, 2015, and will take any appropriate action. (Chair King)**

Chair King spoke regarding this item.

Councilor Knight, Councilor Wilson, Councilor Tucker,

Councilor Perreault and Councilor Pols asked questions, to which Councilor Wilson, Manager Brown and Chair King responded.

Chair King moved, Councilor Favreau seconded, to reappoint Larissa Darcy to the Brunswick Development Corporation for a three year term to expire on September 7, 2015. The motion carried with nine (9) yeas.

129. **The Town Council will consider appointments to the Town’s Boards and Committees, and will take any appropriate action. (Appointments Committee)**

Councilor Watson made the following nominations, which were supported unanimously by the Council.

Benjamin Duffy to serve on the Cable TV Committee

William Locke to serve on the Personnel Board

Alex Anesko and Michael Wilson to serve on the Recycling & Sustainability Committee

130. The Town Council will discuss the Town Manager's performance review, and determine if any action is needed.

This item was removed.

CONSENT AGENDA

- (a) Approval of the minutes of November 19, 2012
- (b) Appointment of Fran Smith as Registrar of Voters
- (c) Approval of tax abatement for James Miller D/B/A Cosmic Bodyworks

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

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

The meeting adjourned at 8:15 p.m.

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

*Frances M. Smith
Town Clerk/Assistant to the Town Manager
December 5, 2012*

December 17, 2012
Date of Approval

Council Chair

CONSENT AGENDA - B BACK UP MATERIALS

Draft
BRUNSWICK TOWN COUNCIL
Special Meeting Minutes
December 6, 2012

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

Councilors Absent: None

Town Staff Present: Gary Brown, Town Manager

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

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

Councilor Favreau moved, Councilor Watson seconded, to go into executive session to discuss a Personnel matter regarding the Town Manager’s evaluation per M.R.S.A. §405(6)(A). The motion carried with seven (7) yeas. Councilor Pols and Councilor Tucker arrived after the vote.

130. The Town Council will discuss the Town Manager’s performance review, and determine if any action is needed.

Councilor Watson moved, Councilor Favreau seconded the motion to provide Manager Gary Brown with the following increases: a 2% pay increase retroactive to July 1, 2012; a 1% increase to his ICMA retirement fund; to change his travel and phone stipends to become part of his salary. The motion carried with nine (9) yeas.

The meeting adjourned at 8:15 p.m.

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

Frances M. Smith
Town Clerk/Assistant to the Town Manager
December 11, 2012

December 17, 2012
Date of Approval

Council Chair

CONSENT AGENDA - C BACK UP MATERIALS

Brunswick Town Council

Town of Brunswick

28 Federal Street

Brunswick, Maine 04011

Subject: Brunswick Lodge of ELKS, Request for Gaming License Approval

Dear Sir or Madam,

The Brunswick Lodge of ELKS #2043 is hereby requesting that the town of Brunswick provide approval to run Game of Chance in accordance with Maine State Law from January 1st through June 31st 2013.

Please send approval to Brunswick ELKS Lodge # 2043, 179 Park Row, Brunswick Maine 04011, Attn: Ivan Aumick.

Please refer any questions or comments to Ivan Aumick at ELK's Lodge # 2043 Phone 729-9572.

Thank You.


Ivan Aumick