

ITEM 28

BACK UP MATERIALS



Town of Brunswick, Maine

INCORPORATED 1739

OFFICE OF:

Marine Resources & Harbor Management

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03-12-2013

To: Brunswick Town Council
From: Daniel R. Devereaux, MRO/HM 
Cc: Gary Brown, Town Manager
RE: **Chapter 11 Marine Activities Structures and Ways Ordinance Changes**

Honorable Members of the Brunswick Town Council;

The Brunswick Marine Resources Committee is seeking approval of the following additions and changes to the Town of Brunswick Code of Ordinance *Chapter 11 Marine Activities Structures and Ways Sections 11-71 (Definitions), 11-131 (Categories'), 11-133 (a), 11-133 (a) 8, 11-133 (b) Qualifications of Licenses, 11-136 (7) Fees, 11-140 (b) 1,2,3, & 4 Limitation on Licenses, 11-141 (c) Suspension, 11-142 Aiding and Abetting, 11-135 Expiration*. Please see the attached draft language. All requested additional language changes pertain to adding a bushel license category.

After nearly 8 months of discussion the Brunswick Marine Resources Committee (BMRC) approved the attached ordinance draft at their February 2013 meeting. The draft language presented to you has been reviewed by Town Clerk Fran Smith, Brunswick's Town Attorney Mr. Pat Scully, and the Maine Department of Marine Resources Municipal Shellfish Program Director Denis Marc Nault. It is also important to note that several other municipalities have instituted bushel license categories into their own ordinances for a variety of reasons. I will briefly explain the premise behind the BMRC idea of instituting this category into the Town of Brunswick's Marine Ordinance.

Over the course of the last decade the BMRC has noticed that many of the senior (60 years of age or older) harvesters do not typically land more than one bushel of clams per harvest. This is not from lack of resource but rather from aging fisherman, either not capable or not willing to harvest more than 1 bushel per day. Many of these senior fishermen have agreed that if there was a less expensive license that restricted them to 1 bushel per day, they would convert their commercial license to a bushel license voluntarily. With this said, the Town of Brunswick Ordinance is unique, because it categorizes licenses based on seniority A-K. BMRC members emphasized the following. 1) A converting harvester must be at least 60 years old and must be a Class A license holder before they are allowed to convert to a bushel license. 2) Bushel license holders should be guaranteed this license over all other licenses, meaning the bushel license will be the most senior license; they must also follow and meet the criteria outlined in the other sections of the ordinance. 3) Due to their age bushel license holders should be exempt from the conservation time requirement. 4) Once a conversion is conducted, it is final, and cannot be converted back to a commercial license, and all seniority in the commercial license process will be lost. A major concern is that Brunswick Shellfishery is a limited entry program. What has transpired over the last 20 years is that local annual harvests have been stable resulting in a stable issuance of commercial licenses. Local fishermen continue to age and continue to obtain the commercial license every year. This results in an aging fishing fleet, with little to no recruitment of younger fishermen into our important multi-million dollar local industry. With this said the BMRC feels it is important to provide job opportunities to the interested and younger generation of fishermen. Since we have already entered the 2013/14 license year, any changes will not take effect until 2014/15 license year.

I hope this brief explanation helps as you review the attached language. Please call me at any point if you need clarification or if you would like to meet to discuss these changes. My cell phone is 207-837-2371 or office phone 207-725-6631.

Respectfully Submitted,

Chapter 11

MARINE ACTIVITIES, STRUCTURES AND WAYS*

* **Cross References:** Conservation commission, § 2-76 et seq.; buildings and building regulations, Ch. 5; fire prevention and protection, Ch. 7; housing, Ch. 8; solid waste, Ch. 13; streets, sidewalks and other public places, Ch. 14; discharge of sewerage into surface waters prohibited, § 16-26; zoning and subdivision of land, App. A; marine construction, App. A, § 407.

State Law References: Waters and navigation, 38 M.R.S.A. § 1 et seq.

Art. I. Harbor, Coastal, Tidal and Navigable Fresh Waters, §§ 11-1--11-25

Art. II. Reserved, §§ 11-26--11-70

Art. III. Shellfishing, §§ 11-71--11-167

Div. 1. Generally, §§ 11-71--11-95

Div. 2. Marine Resource Committee, §§ 11-96--11-110

Div. 3. Shellfish Regional Advisory Commission, §§ 11-111--11-130

Div. 4. License, §§ 11-131--11-160

Div. 5. Regulations, §§ 11-161--11-167

ARTICLE I.

HARBOR, COASTAL, TIDAL AND NAVIGABLE FRESH WATERS

Sec. 11-1. Definitions.

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

Channels: Those paths designated by this chapter for navigation in or access to the harbor, coastal, tidal and navigable fresh waters of Brunswick.

Commercial use: A use with profit as a primary aim.

Idle speed: The minimum speed necessary to maintain steerage and control of a moving watercraft

Mooring: An underwater device either helix, granite block or mushroom, which tethers boats. A temporary mooring is one which is constructed to be hauled out of the water seasonally. A permanent mooring is one which is constructed to winter over in the water. A flats mooring is one which is located on the mud flats at low tide.

Riparian owner: An owner of land with a minimum of one hundred (100) feet of shorefront.

Watercraft: Any type of vessel, boat, barge, float, or craft used as a means of transportation on the water.

(Ord. of 4-4-05)

Sec. 11-2. Channels.

(a) *Establishment of channels.* Two (2) channels are established, described as follows:

(1) Commencing at the Bath Road bridge (formerly Route #1) as it crosses the New Meadows River, thence following the high water mark of the New Meadows River southerly to the southerly tip of Howard Point, thence easterly to the town line between Brunswick and West Bath, thence following the town line northerly to the Bath Road bridge, thence westerly along the Bath Road bridge to the point of beginning.

(2) Commencing at the mean high water line on the Merepoint Boat Launch ramp surface and extending approximately three hundred fifty (350) feet to the southeast between buoys marking the fifty (50) foot wide approach lane to the ramp.

(b) *Passage of vessels.* A person shall not use any watercraft or any other device or structure within the described channels so as to interfere with or impede the passage of vessels in the channel in any manner.

(c) *Moorings.* A person shall not place, anchor, or moor any watercraft within the described channels without the permission of the harbormaster.

(Ord. of 4-4-05)

Sec. 11-3. Harbormaster.

(a) *Appointment.* The town shall appoint a harbormaster by May 1 for a term of three (3) years.

(b) *Duties.* The harbor master shall have the following powers and duties:

(1) To the extent of jurisdiction, enforce any and all federal, state and local laws, ordinances, codes, rules or regulations relating to the management and control of Brunswick's harbor, coastal, tidal and navigable fresh waters, shores, coastline, boat launch facilities, and floats; and provide information or seek input as appropriate from any source, including the marine resources committee, marine wardens, town manager, town council, or town attorney.

(2) Approve and control the placement of moorings within the harbor, coastal, tidal and navigable fresh waters of Brunswick.

(Ord. of 4-4-05; Ord. of 4-7-08(1))

Sec. 11-4. Moorings.

(a) *Registration.* All moorings located in the harbor, coastal, tidal and navigable fresh waters of

Brunswick shall be registered. Registration shall be on forms provided by the harbormaster that, at a minimum, require the following information:

- (1) Description and weight of the watercraft moored;
- (2) Type of mooring ball or buoy;
- (3) Type and weight of mooring;
- (4) Type and size of bottom and top chains.

Existing moorings: All existing moorings in the harbor, coastal, tidal and navigable fresh waters of Brunswick shall be registered within ninety (90) days of the effective date of this article. The harbormaster shall send via First Class U.S. Mail notification of the registration requirement and a copy of this article to all owners of existing moorings.

New moorings: After the effective date of this article, all moorings shall be registered prior to location of the mooring.

(b) *Placement standards.* The harbormaster shall approve the location of all moorings in the harbor, coastal, and tidal waters of Brunswick, except for existing commercial moorings in mooring fields already approved by the Army Corps of Engineers and the Maine Department of Environmental Protection. All moorings shall meet the following standards:

- (1) Moorings shall be reasonably adequate for the size, weight and windage of the watercraft.
- (2) Moorings shall be located in areas that do not interfere with navigation.
- (3) Moorings shall not encroach into the channels of Brunswick.
- (4) Moorings shall be located in areas that do not unreasonably affect natural resources.
- (5) Moorings shall not be located in areas that are inconsistent with the terms or conditions offered to, or required by, any federal, state or local agency as part of a regulatory permitting process.

All new moorings that meet the above standards but are not placed in the location approved by the harbormaster shall be moved by the owner at his or her own expense in accordance with the instructions of the harbormaster. Any existing moorings that do not meet the above standards shall be removed, repaired, replaced or relocated as applicable. In the event of the failure of the owner to comply with this subsection (b), the harbormaster shall move or remove the improperly located mooring and the cost shall be borne by the owner of the mooring.

(c) *Identifying numbers.* Identifying numbers shall be issued to mooring owners, and mooring balls and buoys must be clearly marked with the issued number. Numbers shall be a minimum of four (4) inches and visible at all times. Replacement mooring balls and buoys shall maintain the originally assigned number.

(Ord. of 4-4-05)

Sec. 11-5. Operation of watercraft.

Operation of watercraft at greater than idle speed within two hundred (200) feet of the shoreline or within the channels of Brunswick is prohibited.
(Ord. of 4-4-05)

Sec. 11-6. Town launch facilities.

(a) Use of town launch facilities consistent with the provisions of this article shall be permitted. Commercial uses of town launch facilities require a special activity permit from the town clerk.

(b) The following activities are prohibited at town launch facilities:

- (1) Storage of bait, catch, or gear for unreasonable periods of time, as determined by the harbormaster.
- (2) Processing of seafood products; for the purposes of this section, "processing" does not include washing clams by repeated submersion of bushel bags in the water.
- (3) Anchoring or mooring.
- (4) Tying up to floats for more than thirty (30) minutes.
- (5) Swimming or fishing in designated areas.
- (6) Power loading or unloading, boat washing, boat painting, and bilge draining.

Cross References: Public Wharfs and Landings, ch. 14-139
(Ord. of 4-4-05; Ord. of 4-7-08(1))

Sec. 11-7. Disruptive conduct.

No person shall disrupt the safe and lawful activities, or in any way threaten the public safety, in or around town launch facilities, floats, harbors, or tidal and coastal waters of the Town of Brunswick.
(Ord. of 4-4-05)

Sec. 11-8. Menaces to navigation.

The harbormaster is authorized to take whatever action is necessary and appropriate to remove any menace to navigation within the harbor, coastal, tidal and navigable fresh waters of the Town of Brunswick. This shall include, but is not limited to, contracting for removal of the menace by the authorities of the State of Maine, Federal Government, or a private contractor at the expense of either the Town of Brunswick, some other governmental entity, or the private entity responsible for the creation of the menace.
(Ord. of 4-4-05)

Sec. 11-9. Dumping of sewage prohibited.

No person may discharge, spill or permit to be discharged sewage, garbage, or other pollutants from any

boat into the harbor, coastal, tidal and navigable fresh waters within the boundaries of the Town of Brunswick or onto the ice or banks thereof in such a manner that the same may fall or be washed into such waters or in such a manner that the drainage may flow into such waters.

(Ord. of 4-4-05)

Sec. 11-10. Failure to obey order of the harbormaster.

As provided by 38 M.R.S.A., Section 13, a person is guilty of failure to obey an order of the harbormaster if the person intentionally, knowingly or recklessly fails to obey any lawful order of the harbormaster authorized pursuant to 38 M.R.S.A., Section 1, et seq. Failure to obey an order of the harbormaster is a Class E Crime.

(Ord. of 4-4-05)

Sec. 11-11. Forfeiture.

Any skiff left tied to a town float without proper identification, or left sunk, or awash, for a period exceeding forty-eight (48) hours shall be deemed abandoned for the purposes of this section. Moorings and skiffs abandoned by their owners shall be impounded by the harbormaster and disposed of according to the procedure outlined in 25 M.R.S.A., Section 401. The town shall not be liable for any damage sustained by an impounded skiff or mooring.

(Ord. of 4-4-05)

Sec. 11-12. Enforcement.

This chapter shall be enforced pursuant to the provisions of 30-A M.R.S.A. § 4452, as amended from time to time. Any person found in violation of this article shall, after notice and hearing, lose his or her mooring privileges and all rights to use the town launch facilities and floats. In addition, the town shall have available all other remedies provided by law.

(Ord. of 4-4-05)

Sec. 11-13. Boat Storage.

No boat, vessel, raft, barge shall be stored overnight in or on any navigable waters within the Town of Brunswick without being licensed or permitted to do so. A person found in violation will be subjected to the cost of removing the vessel, boat, raft, and barge and be fined \$150.00.

Sec 11-14 – 11-25 Reserved

ARTICLE II.

RESERVED*

* **Editors Note:** An ordinance of April 4, 2005, repealed art. II, divs. 1 and 2, §§ 11-26, 11-51--11-53, in its entirety. Formerly, said article pertained to harbor, as enacted by an ordinance adopted April 1, 1974; as amended. The user is directed to art. I of this chapter for similar provisions enacted by the ordinance of April 4, 2005.

Secs. 11-26--11-70. Reserved.

ARTICLE III.

SHELLFISHING*

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

DIVISION 1.

GENERALLY

Sec. 11-71. Definitions.

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

***Bushel* means a measurement consisting of 4 peck or 32 quarts of shellfish.**

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

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

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

Immediate family shall mean, spouse and children.

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

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

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

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

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

Take means to remove or attempt to remove a shellfish from its natural habitat.
(Ord. of 3-6-89, § 104; Ord. of 2-5-90, § 104; Ord. of 2-18-92, Ord. of 4-5-93, Ord. of 2-22-94; Ord. of 3-16-99;

Ord. of 1-18-00(1); Ord. of 2-6-01(1) ; Ord. of 4-7-08(1); Ord. of 12-7-09)

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

Sec. 11-72. Authority.

This article is enacted in accordance with 12 M.R.S.A. § 6671.

(Ord. of 3-6-89, § 101; Ord. of 2-5-90, § 101; Ord. of 2-18-92; Ord. of 3-16-99; Ord. of 12-7-09)

Sec. 11-73. Purpose.

The purpose of this chapter is as follows:

(1) To regulate the harvesting of shellfish in the town.

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

(Ord. of 3-6-89, § 102; Ord. of 2-5-90, § 102; Ord. of 2-18-92; Ord. of 1-16-96; Ord. of 3-16-99; Ord. of 2-6-01(1); Ord. of 12-7-09)

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

It is hereby determined as follows:

(1) The coastal waters of the town are a very valuable shellfish resource which is important to the local economy.

(2) These marine resources are not an inexhaustible resource, and, therefore, they must be prudently managed in order to remain viable.

(3) As part of the management process it is deemed vitally necessary to restrict the taking of shellfish by limiting shellfish licenses; restrict the size and quantity of shellfish which may be harvested; and, take other measures as outlined in this chapter.

(Ord. of 3-6-89, § 103; Ord. of 2-5-90, § 103; Ord. of 2-18-92, Ord. of 4-5-93; Ord. of 3-16-99; Ord. of 12-7-09)

Sec. 11-75. Enforcement.

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

(Ord. of 3-6-89, § 501; Ord. of 2-5-90, § 501; Ord. of 2-18-92; Ord. of 4-5-93, Ord. of 8-15-94; Ord. of 3-16-99; Ord. of 12-7-09)

Sec. 11-76. Penalty.

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

A person who takes or possesses shellfish in violation of a municipal ordinance commits a violation with

significant fines and license suspensions.

(Ord. of 3-6-89, § 502; Ord. of 2-5-90, § 502; Ord. of 2-18-92, Ord. of 4-5-93; Ord. of 3-16-99; Ord. of 1-18-00(1); Ord. of 12-7-09)

Sec. 11-77. Amendment.

A certified copy of an amendment to this article shall be filed with the commissioner of marine resources within twenty (20) days of its adoption to preserve its validity.

(Ord. of 3-6-89, § 504; Ord. of 2-5-90, § 504; Ord. of 2-18-92, Ord. of 4-5-93; Emergency Ord. of 8-5-96; Ord. of 8-19-96; Ord. of 3-16-99; Ord. of 11-3-03; Ord. of 12-7-09)

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

DIVISION 2.

MARINE RESOURCE COMMITTEE*

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

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

There is hereby established a marine resource committee consisting of seven (7) members and two (2) alternates to be appointed by the town council. The members must include three (3) town licensed resident commercial shellfish harvesters, three (3) residents of the community who do not possess a town or state shellfish license and one (1) town licensed resident recreational shellfish harvester. One (1) alternate must be a town licensed resident commercial shellfish harvester and one (1) alternate must be a member of the community who does not possess a town or state shellfish license. In the absence of a member either alternate may fill the vacancy to constitute a quorum, however that alternate may only vote in the category in which he/she has been appointed. Members and alternates shall be appointed for three (3) year terms. The town council shall appoint a person to fill a vacancy for the unexpired term. The committee shall choose a chairman, vice-chairman and secretary. The chairman shall preside at all meetings of the committee. The vice-chairman shall preside in the chairman's absence. Minutes of each meeting shall be filed with the town clerk. Any committee member who has three (3) or more unexcused absences from committee meetings in a year may be removed and replaced with a new member by the town council.

(Ord. of 3-6-89, § 201; Ord. of 2-5-90, § 201; Ord. of 2-18-92, Ord. of 4-5-93; Ord. of 9-5-95; Ord. of 1-16-96; Emergency Ord. of 8-5-96; Ord. of 8-19-96, Ord. of 3-16-99; Ord. of 1-18-00(1); Ord. of 2-6-01(1); Ord. of 12-7-09)

Sec. 11-97. Powers and duties.

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

- (1) To administer and coordinate the shellfish sustainability program.
- (2) To recommend to the town council how the money appropriated for shellfish sustainability

programs should be spent.

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

(Ord. of 3-6-89, § 202; Ord. of 2-5-90, § 202; Ord. of 2-18-92, Ord. of 4-5-93; Ord. of 3-16-99; Ord. of 1-18-00(1); Ord. of 6-5-00(1); Ord. of 12-7-09)

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

DIVISION 3.

SHELLFISH REGIONAL ADVISORY COMMISSION*

* **Editors Note:** Former Div. 3, §§ 11-111--11-114, relative to the shellfish advisory commission, was deleted by an ordinance adopted Aug. 15, 1994, due to no remaining reciprocal agreements. The provisions of former Div. 3, derived from §§ 401--404 of an

ordinance of March 6, 1989; §§ 401--404 of an ordinance of Feb. 5, 1990; an ordinance of Feb. 18, 1992; an ordinance of April 5, 1993; and an ordinance of Feb. 22, 1994.

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

DIVISION 4.

LICENSE*

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

Sec. 11-131. License required.

A person shall not take or possess shellfish from coastal waters of the town without first obtaining a license from the town clerk or the town clerk's designee.
(Ord. of 3-6-89, § 301; Ord. of 2-5-90, § 301; Ord. of 3-4-91; Ord. of 2-18-92; Ord. of 4-5-93, Ord. of 2-22-94; Ord. of 8-15-94; Ord. of 3-16-99; Ord. of 12-7-09)

Sec. 11-132. Categories.

- (a) There are six ~~(6)~~ (7) types of licenses as follows:
- (1) *Resident commercial shellfish license.* This license entitles the licensee to harvest any amount of shellfish from the coastal waters of the town where and when it is otherwise lawful to do so.
 - (2) *Nonresident commercial shellfish license.* This license entitles the licensee to take or possess any amount of shellfish from the coastal waters of the town where and when it is otherwise lawful to do so.
 - (3) *Resident recreational shellfish license.* This license is available to residents and nonresident owners of real estate within the town as well as immediate family members of nonresident real estate owners within the town and entitles the licensee to take or possess no more than one (1) peck of shellfish per tide from the coastal waters of the town, not for sale, but for the use of the harvester and the harvester's immediate family, where and when it is otherwise lawful to do so.
 - (4) *Nonresident recreational shellfish license.* This license entitles the licensee to take or possess no more than (1) peck of shellfish per tide from the coastal waters of the town, not for sale, but for the use of the harvester and the harvester's immediate family, where and when it is otherwise lawful to do so.
 - (5) *Resident student shellfish license.* This license allows the licensee to harvest one (1) bushel of shellfish per tide from June 15th (inclusive) to September 1st (inclusive) from the coastal waters of the town to where and when it is otherwise lawful to do so.
 - (6) *Nonresident student shellfish license.* This license allows the licensee to harvest one (1) bushel of

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

(7) ***Bushel license.* This license allows the licensee to harvest one (1) bushel of soft shell clams and one (1) bushel of quahogs in any one 24 hour period that begins at midnight throughout the year.**

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

(c) Any license issued under this division is subject to the partial or total closing of coastal waters under section 11-161 of this chapter.

(Ord. of 3-6-89, § 304; Ord. of 2-5-90, § 304; Ord. of 3-4-91; Ord. of 2-18-92; Ord. of 4-5-93; Ord. of 2-22-94; Ord. of 8-15-94; Ord. of 1-16-96; Ord. of 3-16-99; Ord. of 1-18-00(1); Ord. of 2-6-01(1); Ord. of 12-7-09)

Sec. 11-133. Qualification of licensee.

(a) *Residency and other qualifications.*

(1) An applicant for a resident commercial shellfish license shall be a resident of the town whose Brunswick shellfish license is not currently under suspension for a second closed area conviction pursuant to this chapter and whose state shellfish license is not currently under suspension

(2) An applicant for a non-resident commercial shellfish license is any person who is not a resident of the town whose Brunswick shellfish license is not currently under suspension for a closed area conviction pursuant to this chapter, and whose state shellfish license is not currently under suspension.

(3) An applicant for a resident recreational shellfish license must be either a resident of the town or nonresident owner of real estate within the town or immediate family member of nonresident owner of real estate within the town and whose municipal and state shellfish license is not currently under suspension.

(4) An applicant for a nonresident recreation shellfish license is any person who is not a resident of the town and whose municipal and state shellfish license is not currently under suspension,

(5) The place of residence of an applicant as stated on any other license is not determinative of the applicant's true place of residence. Where necessary the town clerk shall require the applicant to produce evidence of his residence before issuing the license.

(6) An applicant for a resident student shellfish license shall be a resident of the town who has attained his or her 13th birthday but has not yet attained his or her 21st birthday as of March 1st of the year of application and whose shellfish is not under suspension pursuant to this chapter. The applicant shall be enrolled full-time in a primary or secondary school or educational program.

(7) An applicant for a nonresident student shellfish license shall be a nonresident of the town who has

attained his or her 13th birthday but has not yet attained his or her 21st birthday as of March 1st of the year of application and whose shellfish license is not under suspension pursuant to this chapter. The applicant shall be enrolled full-time in a primary or secondary school or educational program.

(8) A qualified applicant for a bushel license shall be an individual who has reached the age of sixty (60) and has previously held a commercial license for the last ten consecutive years, or held a bushel license in the prior year. An applicant who applies for and receives a bushel license will lose all credit for having held a commercial license in prior years for purposes of any future application for a commercial license. A recipient of a bushel license will be guaranteed a bushel license in future years if all other requirements of this chapter are met.

(b) *Conservation time.* A licensed commercial shellfish harvester must obtain a total of ten (10) conservation credit points between May 1 and February 15 in order to remain eligible to obtain a license for the next licensing year Bushel license holders are EXEMPT from any conservation time requirements.

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

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

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

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

- a. Participation in a Brunswick Marine Resource Committee sponsored shellfish reseeded project.
- b. Participation in a Brunswick Marine Resource Committee sponsored experimental shellfish enhancement project.
- c. Participation in Town of Brunswick annual shellfish surveys.
- d. Participation in Town of Brunswick water quality monitoring event.
- e. Participation in an organized coastal or environmental clean up along within the Town of Brunswick.

- f. Participation in non-point pollution identification or remediation project within the Town of Brunswick.

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

Dates of the two (2) conservation projects scheduled by the Marine Resources Committee will be posted in Town Hall.

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

The accumulation of conservation credit must be completed by February 15 of the current license year.

- (2) *Documentation of conservation credit.* Participation in any of the conservation credit activities specified in this section must be documented. Documentation shall be in the form of a signature on an event sign in sheet, name appearing as an attendee in official meeting minutes, receipt of conference registration, or records maintained by the Brunswick Marine Warden, in order for conservation credit points to be awarded.

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

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

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

A compilation of harvester conservation credits earned up to December 31 will be posted on the marine resources board in the Brunswick Town Hall by first Monday in January of each year.

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

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

Requests for a determination of approved absence must be made in writing to the shellfish warden and must be submitted to the Marine Resource Committee no later than February 10th. The request

shall include evidence to support an approval of absence determination. The Marine Resource Committee will rule on the absence at its March meeting.

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

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

(Ord. of 3-6-89, § 307; Ord. of 2-5-90, § 307; Ord. of 2-18-92; Ord. of 4-5-93; Ord. of 2-22-94; Ord. of 8-15-94; Ord. of 1-16-96; Emergency Ord. of 1-13-97; Emergency Ord. of 2-3-97; Ord. of 2-3-97; Ord. of 3-16-99; Ord. of 1-18-00(1); Ord. of 2-6-01(1); Ord. of 11-2-05(1); Ord. of 4-7-08(1); Ord. of 12-7-09)

Sec. 11-134. Application.

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

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

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

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

(Ord. of 3-6-89, § 308; Ord. of 2-5-90, § 308; Ord. of 2-18-92; Ord. of 2-22-94; Emergency Ord. of 1-13-97; Emergency Ord. of 2-3-97; Ord. of 2-3-97; Ord. of 3-16-99; Ord. of 2-6-01(1); Ord. of 11-3-03; Ord. of 12-7-09)

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

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

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

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

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

(Ord. of 3-6-89, § 310; Ord. of 2-5-90, § 310; Ord. of 2-18-92; Ord. of 4-5-93; Ord. of 1-16-96; Emergency Ord. of 1-13-97; Emergency Ord. of 2-3-97; Ord. of 2-3-97; Ord. of 3-16-99; Ord. of 1-18-00(1); Ord. of 6-5-00(1); Ord. of 2-6-01(1); Ord. of 4-7-08(1); Ord. of 12-7-09)

Sec. 11-136. Fees.

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

- (1) Resident commercial shellfish license, three hundred dollars (\$300.00).
- (2) Nonresident commercial shellfish license, four hundred fifty dollars (\$450.00).
- (3) Resident recreational shellfish license, twenty-five dollars (\$25.00) over age sixty-two (62), free.
- (4) Nonresident recreational shellfish license, fifty dollars (\$50.00) over age sixty-two (62), free.
- (5) Resident student shellfish license, seventy-five dollars (\$75.00).
- (6) Nonresident student shellfish license, one hundred twenty-five dollars (\$125.00).

(7) Bushel license, one hundred seventy five dollars (\$175.00)

(Ord. of 3-6-89, § 305; Ord. of 2-5-90, § 305; Ord. of 3-4-91; Ord. of 2-18-92; Ord. of 4-5-93; Ord. of 2-22-94; Emergency Ord. of 1-13-97; Emergency Ord. of 2-3-97; Ord. of 2-3-97; Ord. of 3-16-99; Ord. of 1-18-00(1); Ord. of 6-5-00(1); Ord. of 2-6-01(1); Ord. of 4-7-08(1); Ord. of 12-7-09)

Sec. 11-137. Exhibition of license.

When any person is engaged in any activity which is licensed under this chapter, that person shall, on request of a certified municipal shellfish conservation warden, exhibit his license.

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

Ord. of 12-7-09)

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

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

(Ord. of 3-6-89, § 301 (3); Ord. of 2-5-90, § 301 (3); Ord. of 2-18-92; Ord. of 4-5-93; Ord. of 2-22-94; Ord. of 3-16-99; Ord. of 1-18-00(1); Ord. of 12-7-09)

Sec. 11-139. Stopping for inspection.

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

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

(Ord. of 2-18-92; Ord. of 4-5-93; Ord. of 2-22-94; Ord. of 3-16-99; Ord. of 12-7-09)

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

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

(a) *The shellfish resources are limited.* A commercial, recreational, bushel or student shellfish harvester can be expected to harvest a certain volume of shellfish per year; therefore, the number of shellfish harvesters must be controlled to preserve the shellfish resource. The number of available shellfish licenses of each type will vary from year to year according to the findings and estimates of the marine resource committee and the state marine resource regional biologist based on data concerning resource capabilities and management requirements consistent with proper resource utilization as determined by shellfish population surveys conducted pursuant to section 11-97. Prior to the first Friday in March, the Marine Resource Committee will set the number of recreational licenses. Commencing with the first Monday of April, the town clerk shall issue resident recreational licenses until the allotted numbers have been issued. Commencing with the first Monday in April, the town clerk shall maintain a chronological list of nonresidents seeking recreational shellfish licenses. When the

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

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

- (1) Prior to January 15 of each year, the town clerk will make available a notice of intent. The notice shall also be published in a trade or industry publication or in a newspaper or combination of newspapers with general circulation which the municipal officers consider effective in reaching persons affected no later than by January 15 and shall be posted in the municipal offices no later than January 15 until the end of business on the second Friday of March.

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

Any person who does not complete and return to the town clerk by 4:30 p.m. on the second Friday of March a fully completed notice of intent on the form prepared by the town clerk along with two (2) proofs of residency, shall not be eligible to be an applicant for a bushel license in the next coming license period and shall not be considered as previously having held a bushel license.

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

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

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

The Brunswick Marine Resource Committee shall use the following protocols in order to determine the number of resident commercial shellfish licenses **and bushel licenses**:

- a. Shellfish population surveys; conducted in accordance with the Maine Department of Marine Resources Municipal Shellfish Management Program. A complete shellfish inventory including all growing areas within the Town of Brunswick jurisdiction shall be completed every two years, or upon the recommendation of the marine resources officer or the marine resources committee.
 - b. Standing crop analysis; as determined by the shellfish population surveys.
 - c. License availability; based on the standing crop analysis.
 - d. Historical harvest data: As determined by the Maine Department of Marine Resources Municipal Shellfish Management Program.
 - e. Harvester and public input.
 - f. The committee must take into account all of the above factors in determining the number of resident commercial shellfish licenses to be made available. However, the final number of licenses made available shall not vary more than fifteen (15) percent from the number determined solely by the standing crop analysis under criterion (c) above.
- (3) The marine resources committee will notify the town clerk in writing prior to the second Friday of March of the number of shellfish licenses, by type and class, to be made available for issue.

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

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

- (4) The town clerk shall issue resident commercial and non-resident commercial licenses according to the selection process described below. Resident applications and non-resident applications shall be segregated in each class. The classes shall be followed in descending order. A number equivalent to ten (10) percent of the total number of resident commercial licenses, regardless of class, shall be

issued to non-resident commercial applicants. ~~Reciprocal licenses from previous years do not qualify as resident commercial licenses or non-resident commercial licenses.~~ The classes are:

RESIDENT

- a. Applicants who have held resident commercial licenses for ten (10) of the last ten (10) years.
- b. Applicants who have held resident commercial licenses for nine (9) of the last ten (10) years.
- c. Applicants who have held resident commercial licenses for eight (8) of the last ten (10) years.
- d. Applicants who have held resident commercial licenses for seven (7) of the last ten (10) years.
- e. Applicants who have held resident commercial licenses for six (6) of the last ten (10) years.
- f. Applicants who have held resident commercial licenses for five (5) of the last ten (10) years.
- g. Applicants who have held resident commercial licenses for four (4) of the last ten (10) years.
- h. Applicants who have held resident commercial licenses for three (3) of the last ten (10) years.
- i. Applicants who have held resident commercial licenses for two (2) of the last ten (10) years.
- j. Applicants who have held resident commercial licenses for one (1) of the last ten (10) years.
- k. Applicants who have held resident commercial licenses for zero (0) of the last ten (10) years.

NONRESIDENT

- a. Applicants who have held nonresident commercial licenses for ten (10) of the last ten (10) years.
- b. Applicants who have held nonresident commercial licenses for nine (9) of the last ten (10) years.
- c. Applicants who have held nonresident commercial licenses for eight (8) of the last ten (10) years.

years.

- d. Applicants who have held nonresident commercial licenses for seven (7) of the last ten (10) years.
- e. Applicants who have held nonresident commercial licenses for six (6) of the last ten (10) years.
- f. Applicants who have held nonresident commercial licenses for five (5) of the last ten (10) years.
- g. Applicants who have held nonresident commercial licenses for four (4) of the last ten (10) years.
- h. Applicants who have held nonresident commercial licenses for three (3) of the last ten (10) years.
- i. Applicants who have held nonresident commercial licenses for two (2) of the last ten (10) years.
- j. Applicants who have held nonresident commercial licenses for one (1) of the last ten (10) years.
- k. Applicants who have held nonresident commercial licenses for zero (0) of the last ten (10) years.

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

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

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

The town clerk shall prepare public notification of license availability which shall be published in a newspaper of general circulation in the area by the second Friday of May and posted at the town office.

The notification shall inform prospective applicants to file a lottery participation notice to seek a resident or nonresident commercial shellfish license. The lottery participation notice shall be on the form prepared by the town clerk, and available at the town clerk's office.

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

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

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

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

If a license becomes available because it is suspended to or past the end of the license year, void or surrendered during the license year, it shall be offered to the next succeeding person, if any, identified in the initial lottery process according to the category of the license suspended, void or surrendered, resident or nonresident. That person shall have seven (7) business days after attempted telephone and U.S. mail notification to purchase the license. If no person remains from the initial lottery process, or if there was no initial lottery process, the license shall not be reissued.

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

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

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

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

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

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

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

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

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

- (3) Student shellfish license holders will need to appear in person at the time they purchase their licenses to have their pictures taken for their licenses. The town clerk's office will mail out licenses to student license holders by June 10th.
- (4) Before taking shellfish on June 15th, the student shellfish licensees shall provide the certified

municipal shellfish conservation warden, or his or her designee, proof that the information in the application remains correct.

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

(Ord. of 3-6-89, § 309; Ord. of 2-5-90, § 309; Ord. of 3-4-91; Ord. of 2-18-92; Ord. of 4-5-93; Ord. of 2-22-94; Ord. of 8-15-94; Ord. of 1-16-96; Emergency Ord. of 1-13-97; Emergency Ord. of 2-3-97; Ord. of 2-3-97; Emergency Ord. of 3-16-98; Ord. of 3-16-98, Ord. of 3-16-99; Emergency/Regular Ord. of 7-6-99; Ord. of 1-18-00(1); Ord. of 6-5-00(1); Ord. of 2-6-01(1); Ord. of 12-2-02; Ord. of 11-3-03; Ord. of 2-22-05; Ord. of 10-24-05; Ord. of 11-2-05(2); Ord. of 11-15-06(1); Ord. of 4-7-08(1); Ord. of 12-7-09)

Sec. 11-141. Suspension.

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

(b) Suspension based on conviction in a town closed conservation area. The marine resource committee shall, after notice and hearing, suspend any and all licenses issued under this article when the license holder has been convicted in court of harvesting shellfish from a town closed conservation area. The suspension shall be one hundred eighty (180) days for a first conviction; and the remainder of the shellfish year for a second conviction. In addition, a person with a second conviction shall not qualify as an applicant for five (5) years from the date of the second conviction.

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

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

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

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

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

(f) *Applicable standards.* Any conviction for violations occurring more than five (5) years before the most recent date of violation resulting in a conviction shall not be counted in determining lengths of suspension. (Ord. of 3-6-89, § 311; Ord. of 2-5-90, § 311; Ord. of 3-4-91; Ord. of 2-18-92; Ord. of 4-5-93; Ord. of 2-22-94; Ord. of 8-15-94; Emergency Ord. of 1-13-97; Emergency Ord. of 2-3-97; Ord. of 2-3-97; Ord. of 3-16-99; Ord. of 1-18-00(1); Ord. of 2-6-01(1); Ord. of 12-7-09)

Sec. 11-142. Aiding and abetting.

A harvester holding a commercial license or bushel license who aids or abets the harvest of shellfish in violation of this article shall be subject to the same penalties as the person he has assisted. (Ord. of 3-6-89, § 312; Ord. of 2-5-90, § 312; Ord. of 2-18-92; Ord. of 4-5-93; Ord. of 3-16-99; Ord. of 1-18-00(1); Ord. of 12-7-09)

Sec. 11-143. Suspension based on state shellfish license being suspended.

The marine resource committee shall, after notice and hearing, suspend any and all licenses issued by this article when the license holder's State of Maine Department of Marine Resources Shellfish License is suspended. The suspension shall remain in effect until the license holder's State of Maine Department of Marine Resources Shellfish License is reinstated. (Ord. of 3-6-89, § 313; Ord. of 2-5-90, § 313; Ord. of 3-4-91; Ord. of 2-18-92; Ord. of 4-5-93; Ord. of 8-15-94; Ord. of 3-16-99; Ord. of 12-7-09)

Sec. 11-144. Hearing.

If the certified municipal shellfish conservation warden presents to the marine resource committee evidence that any licensee has been convicted of violating this article or the licensee's State of Maine Department of Marine Resources Shellfish License has been suspended, the marine resource committee shall give the licensee seven (7) days notice of the suspension of the license, stating the reason for the suspension. The licensee has the right to meet with the marine resource committee during that seven-day period to review the evidence of convictions or suspension in the marine resource committee's possession and to present any evidence showing the licensee does not have the convictions or the suspension. (Ord. of 3-4-91; Ord. of 2-18-92; Ord. of 4-5-93; Ord. of 3-16-99; Ord. of 12-7-09)

Sec. 11-145. Expiration.

Resident commercial shellfish and nonresident commercial licenses and bushel licenses issued under authority of this article shall expire on the fourth Friday of April in the following calendar year. Resident student shellfish and nonresident student shellfish licenses issued under the authority of this article shall expire September 1. Resident recreational and nonresident recreational licenses issued under authority of this article shall expire on the day before the first Monday of April. (Ord. of 3-6-89, § 306; Ord. of 2-5-90, § 306; Ord. of 2-18-92; Ord. of 8-15-94; Ord. of 3-16-99; Ord. of 12-2-02; Ord. of 11-3-03; Ord. of 12-7-09)

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

DIVISION 5.
REGULATIONS

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

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

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

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

(c) When the marine resource committee opens or closes the coastal waters, the committee's action may be reviewed at a regularly or specially scheduled town council meeting. The town council may uphold, reverse or amend the opening or closing decision of the marine resource committee.
(Ord. of 3-6-89, § 203; Ord. of 2-5-90, § 203; Ord. of 2-18-92; Ord. of 4-5-93; Ord. of 2-22-94; Ord. of 3-16-99; Ord. of 1-18-00(1); Ord. of 2-6-01(1); Ord. of 12-7-09)

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

A person shall not harvest or possess softshell clams which are less than two (2) inches in the longest diameter to the amount of more than ten (10) percent of any lot; quahogs which are less than one (1) inch in width; or oysters which are less than three (3) inches in length.
(Ord. of 3-6-89, § 302; Ord. of 2-5-90, § 302; Ord. of 2-18-92; Ord. of 3-16-99; Ord. of 1-18-00(1); Ord. of 4-7-08(1); Ord. of 12-7-09)

Sec. 11-163. Method of determining tolerance.

The tolerance of ten (10) percent must be determined by a numerical count of not less than one (1) nor more than four (4) pecks taken at random from various parts of the lot. If the entire lot contains less than one (1) peck, the tolerance must be determined by numerical count of the entire lot.
(Ord. of 3-6-89, § 303; Ord. of 2-5-90, § 303; Ord. of 2-18-92; Ord. of 3-16-99; Ord. of 12-7-09)

Sec. 11-164. Night shellfish harvesting prohibited.

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

(Ord. of 1-16-96; Ord. of 3-16-99; Ord. of 12-7-09)

Sec. 11-165. Sunday shellfish harvesting prohibited.

It is unlawful for any commercial harvester to harvest or take shellfish from the coastal waters of the town on Sundays between May 1st and October 15th.

(Ord. of 4-7-08(1); Ord. of 12-7-09) ; (02/2012)

Sec. 11-166. Automatic closures and openings.

Upon notification by the Maine Department of Marine Resources that a shellfish growing area within the town's jurisdiction is placed in a prohibited or restricted status, an automatic conservation closure shall go into effect immediately and shall stay in effect until two weeks after legal notification by the Maine Department of Marine Resources that the shellfish growing area has returned to approved standards and is open for public harvest or until the Brunswick Marine Resources Committee holds a public hearing to open the area, whichever is sooner. The exception to this rule is that the Brunswick Marine Resources Committee can designate an area that is in a restricted status for depuration harvest only. This section does not apply to seasonal openings and closings.
(Ord. of 12-7-09)

Sec. 11-167. Leaving unguarded ice holes.

(a) Any person who removes ice or causes its removal from any stream, pond, lake, or coastal waters, within the jurisdictional boundaries of the Town of Brunswick, thereby leaving an opening that exceeds one and one-half (1 1/2) feet in width or exceeds four and one-half (4 1/2) feet in length, shall place a fence around the entire perimeter of the opening made by such removal as described below:

- (1) Wooden stakes or poles, no more than one and one-half (1 1/2) inches in width and at least three and one-half (3 1/2) feet in height above the surface of the ice shall be properly spaced around the perimeter of the opening.
- (2) Safety tape, no less than two (2) inches in width, shall be displayed in such a manner that it will enclose the entire perimeter of the opening in the ice. Safety tape shall have the name of the person responsible for creating the ice hole, along with that person's phone number and address, clearly printed in one-inch block letters.

- (3) The safety tape shall be suspended not less than three and one-half (3 1/2) feet above the surface of the ice.
- (4) It shall be the responsibility of the person who removes the ice and erects the fence to retrieve the fence and tape when the opening has safely frozen over or before the melting of the ice at the end of the winter season.

(b) Any person who removes ice or causes its removal from any stream, pond, lake, or coastal waters within the jurisdictional boundaries of the Town of Brunswick, thereby leaving an opening that is less than one and one-half (1 1/2) feet in width and less than four and one-half (4 1/2) feet in length, shall place a visual warning device of pine or evergreen boughs or any natural biodegradable debris such as tree limbs or brush around the entire perimeter of the opening made by such removal; provided, however, that an opening that is less than twelve (12) inches in diameter is exempt from the requirements of this section.

(Ord. of 3-1-10(1))

ITEM 29

BACK UP MATERIALS



TOWN OF BRUNSWICK, MAINE

INCORPORATED 1739

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

ANNA M. BREINICH, AICP
DIRECTOR OF PLANNING & DEVELOPMENT

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

March 13, 2013

To: Brunswick Town Council
Gary Brown, Town Manager
From: Anna Breinich, AICP
Subject: Request for public hearing: Zoning Ordinance amendment request to include "Residence Hall" as a permitted use in the MU3 District.

At your February 4th meeting, the Town Council received a request from Bowdoin College to consider a possible amendment to the Town's Zoning Ordinance, Mixed Use 3 (MU3) District, to include "Residence Hall" as a permitted use. This request is being made as the College has an interest in purchasing the former Steven's Home, a 16-bed residential care facility, 52 Harpswell Road with the intent to reuse the structure as a residence hall. Presently, "residence hall" is a prohibited use in the MU3 District. By an 8-1 vote, the Town Council moved to request the Planning Board review changes to the Zoning Ordinance regarding amending the MU3 column of "Table 206.1 Use Table" to change Residence Hall from a prohibited use (X) to a permitted use (P), copy attached.

Planning Board held a workshop session on February 26th to review the proposal and took action to hold a public hearing. The public hearing was held March 12th at which time the Planning Board heard public comment regarding the proposed amendment. After their deliberation, Planning Board voted 4-1 in favor for forwarding the zoning amendment as proposed to Town Council for your consideration. Staff respectfully requests Town Council to set a public hearing for the referenced zoning amendment.

As stated previously to Council, per the 2008 Comprehensive Plan Update, Future Land Use Map, the MU3 Zoning District is located within the Town Residential area, envisioned to be primarily a residential and educational area of the Town. Allowed uses generally reflect an established development pattern yet varied within the area. Appropriate uses include a range in residential uses including small-scale multi-family housing and accessory apartments, very limited, small scale commercial uses and home-based businesses compatible with neighborhoods, college related residential and non-residential uses as well as a wider range of non-residential uses in the existing mixed use areas (MU3 and MU6).

Currently, related permitted uses in the MU3 District include bed and breakfast, boarding home, congregate care/assisted living, community center, multifamily residential, as well as small scale commercial uses. Actual uses include a residence hall (Smith House established in 1972 by Bowdoin College), 2-single-family residences, 2 offices, a convenience store and a site previously approved for 4 condominium units. Based on the current mix of uses and those permitted within the MU3 District, residence hall use is similar in nature. It should also be pointed out that a primary difference between a Boarding Home, MU3 permitted use, and Residence Hall, MU3 prohibited use, is ownership; the latter use defined as "A facility owned by a post-secondary school to house its students." In other words, a private owner could purchase, be permitted to reuse the Stevens Home as a boarding home or condominiums and rent to college students, thereby having the same type of use/impact as a residence hall use but under different ownership. As a matter of information, a Boarding House is defined by the

Town's Zoning Ordinance as "a building other than a hotel containing a shared kitchen and/or dining room, with sleeping rooms accommodating no more than two persons per room (excepting minor children) which are offered for rent, with or without meals. Includes a college fraternity or sorority."

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

Attachment

206 GROWTH DISTRICTS/MIXED USE

<u>District Name</u>	<u>Geographic Reference</u>
MU2	Intown Railroad Corridor
MU3	Upper Harpswell Road
MU4	Fox Run
MU6	Lower Harpswell Road

Note: MU Districts located in Rural Areas (MU1 & MU5) are found in Section 208

Table 206.1 USE TABLE

Use/District	MU2	MU3	MU4	MU6
Bank	P	-	-	-
Bed and Breakfast	P	P	P	P
Boarding House	P	P	P	P
Business Office	P	P	P	P
Car Wash	X	X	X	X
Congregate/Assisted Living	P	P	-	- (Amended 9/4/01 R)
Convenience Store	-	P	P	P (Amended 7/5/05 R)
Club or Lodge	P	-	-	-
College Dining Facility	X	X	X	X
Community Center	P	P	-	-
Contractor's Space	-	X	-	-
Drive-Through	P	X	X	X (Amended 5/20/02 R)
Dwelling, Single and Two Family	P	P	P	P
Dwelling, 3 or More Units	P	P	P	P
Gasoline Sales	-	X	X	X
Golf Course	X	X	X	X
Greenhouse or Florist	P	P	-	-
Educational Facility	P	X	-	-
Farm	X	X	P	X
Hotel	P	-	-	-
Industry Class I	P	X	-	-
Industry Class II	-	X	X	-
Kennel	-	X	X	X
Library or Museum	P	-	-	-
Media Studio	P	-	-	-
Motor Vehicle Sales	P	X	X	X
Motor Vehicle Repair/Service	P	X	X	X
Parking Facility	P	P	-	- (Amended 6/6/11 R)
Photographers/Artists Studio	P	P	-	-
Professional Office	P	P	P	P
Recreation Facility	P	-	P	P
Religious Institution	P	P	P	-
Residence Hall	X	XP	X	X
Restaurant	P	P	-	-
Retail Class I	P	X	P	-
Retail Class II	P	X	-	-
Service Business Class I	P	-	-	-
Service Business Class II	P	-	-	-
Veterinary Office	P	-	-	-
Warehousing and Storage	P	X	-	-
Theater	P	-	-	-

Key: P="permitted use"; X="prohibited use"; "- "=Special Permit required, see Section 701.
See Section 306. Supplementary Use Regulations

ITEM 30

BACK UP MATERIALS



TOWN OF BRUNSWICK, MAINE

INCORPORATED 1739

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

ANNA M. BREINICH, AICP
DIRECTOR OF PLANNING & DEVELOPMENT

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

March 13, 2013

Memo to: Town Council
From: Jeremy Doxsee, AICP, Town Planner
Subject: Public Hearing: MRRA Request for a Proposed Zoning Amendment for BNAS Reuse (BRU) Zoning District, Land Use District R-AR

At the February 26, 2013 Planning Board meeting, the following Midcoast Regional Redevelopment Authority zoning amendment request was reviewed in a workshop session. Upon review and discussion, the Planning Board authorized a public hearing to consider and make recommendation to Town Council on the following zoning ordinance text change, also including a staff recommendation that the same restriction regarding Business Office be removed as well:

A-III.6 Use Table for the Land Use Districts as adopted (condensed)

Use/Land Use District	R-CMU	R-PO	R-AR	R-B&TI	R-R	R-R&OS
Professional Office	P	P	P ₃	P	X	X
Business Office Use	P	P	P ₃	P	X	X
Key: P = permitted use, X= prohibited use						
Notes: 1 = Allowed only as part of a mixed-use building						
2 = Allowed only as an accessory use to another allowed use						
3 = Allowed only in conjunction with aviation related activities or uses						

Proposed Text Amendment to A-III.6 Use Table for the Land Use Districts (condensed)

Use/Land Use District	R-CMU	R-PO	R-AR	R-B&TI	R-R	R-R&OS
Professional Office	P	P	P	P	X	X
Business Office Use	P	P	P	P	X	X
Key: P = permitted use, X= prohibited use						
Notes: 1 = Allowed only as part of a mixed-use building						
2 = Allowed only as an accessory use to another allowed use						
3 = Allowed only in conjunction with aviation related activities or uses						

The Planning Board held a public hearing on March 12th to hear public comment and, after deliberation, voted unanimously to forward the zoning amendment, as presented, to Town Council for their consideration. Staff respectfully requests Town Council to set a public hearing for consideration of the referenced zoning amendment.

Briefly, the amendment requested pertains to the R-AR Land Use District, contained within the BNAS Reuse (BRU) Zoning District. The R-AR Land Use District currently permits Professional Office uses only in conjunction with “aviation-related activities or uses”. This restriction was originally requested by MRRA during the initial drafting of the 2009 Zoning Ordinance amendment creating the BNAS Reuse District and associated Land Use Districts. The request was made as at that time it was MRRA’s understanding that the FAA restricted any non-aviation use within their conveyance to the Authority. Since that time, the FAA has clarified that non-aviation uses may be located within the R-AR Land use District with all revenue generated by such uses restricted to general operations of the Brunswick Executive Airport.

MRRA has indicated that it has an opportunity to lease these facilities for non-aviation business uses. Accordingly, MRRA is requesting that Professional Office be allowed in the R-AR District without being in conjunction with aviation-related activities. MRRA has identified two buildings (250 and 554) that could immediately benefit from the amendment, and has indicated that both facilities are ideally suited for non-aviation professional office uses.

In terms of ordinance structure, the requested amendment would change “Professional Office” in the use table from a “P³” (allowed only in conjunction with aviation-related activities or uses) to a “P” (Permitted Use). As was stated in the Planning Board workshop, staff further recommended that the same restriction on “Business Office” be removed at this time. Planning Board considered and included the staff’s recommendation in the advertised amendment proposal.

Staff will be in attendance at your meeting for questions or clarification.

ITEM 31

BACK UP MATERIALS

TOWN OF BRUNSWICK
TOWN MANAGERS OFFICE
MEMORANDUM

TO: Brunswick Council

FROM: Gary Brown, Town Manager

DATE: March 8, 2013

RE CDBG Letter of intent, Brunswick Housing Authority

The Brunswick Housing Authority has requested that the Town of Brunswick submit a **Letter of intent** to the Maine Department of Economic and Community Development CDBG program. The Letter of intent does not commit the Town to anything, but rather puts the DECD on notice that the BHA, through the Town of Brunswick intends to submit an application for Community Development Block Grant funds.

The Letter of intent is for a housing assistance grant. The concept under consideration by the BHA is to acquire and renovate the Daniel Stone Inn for senior citizen housing. The BHA has conducted a feasibility study of their concept and now is seeking financial assistance through the CDBG program.

John Hodge, the Executive Director of the BHA will be at the Council meeting to answer any questions that the Council may have.

Brunswick Housing Authority
MEMORANDUM

To: Town of Brunswick
From: John Hodge, Executive Director
Date: March 8, 2013
RE: Potential Redevelopment of Captain Daniel Stone Inn

The Brunswick Housing Authority through its development entity, Greater Brunswick Housing Corporation, is presently reviewing the possibility of redeveloping the Captain Daniel Stone Inn (CDSI) into senior housing. For reasons beyond my understanding, it seems as though this property has had great difficulty in operating as a hotel/inn during the last several years. The BHA has been working with a group who have organized themselves as the Midcoast Senior Community Housing Association and they have contracted with us to develop them senior housing. Their concept is to have a facility in which seniors can live independently while living in a community based model in which they support one another. The idea is to develop a facility whereby 3-5 residents have a separate living quarter complete with bedroom/bath and kitchenette which are connected via a common area with living room/kitchen and dining space. Imagine it as a dormitory for seniors!

Because we are looking at this potential development for seniors it is imperative that we find a location that is close to services. Also, because we are dealing with a diverse population income wise, we will be looking to develop this as mixed income. As such we will need to have amenities which will attract market rate renters. The CDSI serves all of these criteria perfectly as it is very close to Maine Street, on the Brunswick Explorer bus route, next to the river and bike path and it has such features which should be maintained to support seniors. These features include community space, a weight room, hot tub & sauna and a very nice fireplace.

As a developer, this site makes perfect sense in that it has recently been extensively renovated so most of the heavy lifting has been accomplished. New plumbing, electrical wiring, HVAC, and many other improvements have been completed. Being next door to our other major senior complex will also provide greater efficiency in managing and maintaining the property. The question we are now reviewing is whether or not this property given the acquisition and renovation costs will be financially feasible. We also will review current zoning to determine how many units are allowed at this location. We anticipate the property could be

approximately 20-25 units which would include some as the model described above and some as conventional rental units which are not connected to other units. Data suggests there is a growing need for affordable senior housing as our population continues to age and we also know there are many seniors whose retirement incomes are too much for our typical subsidy programs yet they do not earn enough to live in other senior communities such as Thornton Oaks and the Highlands.

We will be looking at several financing options including the Federal Home Loan Bank's Affordable Housing Program, the Community Development Block Grant, Low Income Housing Tax Credit program, the Historic Tax Credit program as well as conventional financing. Our goal will be to develop this property into senior housing that is affordable, attractive, able to serve seniors with a varying degree of income and do so in fiscally sound manner. A development of this magnitude could take anywhere between 24-36 months to complete and should we go forward, we look forward to working with the town and community to see this property developed in a way that supports and enhances the town of Brunswick.



State of Maine
 Community Development Block Grant Program
 2013 Housing Assistance Program

Letter of Intent

(Due at DECD on or before March 15, 2013, 4:00 p.m.)

Letters of Intent may be submitted via email to: ocd.loi@maine.gov

Please enter "HA LOI" in the subject line.

All communities wishing to apply for a 2013 Housing Assistance Grant must use this Letter of Intent to document compliance with requirements established by Title I of the Housing and Community Development Act of 1974, as amended and the State of Maine CDBG program. Applicants who submit a completed and approved Letter of Intent will be notified by OCD that they are eligible to submit a final application. Eligibility to submit a final application does not imply final project approval or funding. Funds will not be available until after July 1, 2013.

A. APPLICANT ELIGIBILITY

1. Legal Applicant:

Applicant:		Phone:	
Address:		Fax:	
City, ZIP:		E-Mail:	
Chief Official:			
Grant Year of Last CDBG Housing Assistance Award: (This includes any multi-jurisdictional awards that the community benefitted from)	OCD Consultation (name & date):		
DUNS #: (Use municipal DUNS#, not the fire dept., police dept.):			
(visit www.nea.gov/grants/apply/DUNS.html to obtain a number)			
If this is a multi-jurisdictional application, list the participating municipalities and its population (cumulative population must be greater than 3,000):			
Town/City:		Population:	
Town/City:		Population:	
Town/City:		Population:	

2. Applying on Behalf of Sub-Grantee (if applicable): (e.g.: Non-Profit Housing Developer)

Sub-Grantee:		Phone:	
Address:		Fax:	
City, ZIP:		E-Mail:	
Agency Rep:		Title	

3. Engineer/Architect consulted for project & providing cost estimates (if applicable):

Name:		Phone:	
Firm:		Fax:	
Address:		E-Mail:	
City, ZIP:			

B. CATEGORY

Place an "X" to the left of the HA category for which this Intent to Apply is being made:

	1. Housing Rehabilitation
	2. Other Housing Activity

C. PROJECT INFORMATION

Provide a clear, concise description of the proposed project using the space below. The scope of work should be very specific in identifying how the CDBG money will be used in meeting a National Objective of benefiting low-to-moderate income people.

D. COST ESTIMATES & PROJECT FUNDING

Provide the estimated project cost, amount of CDBG funds to be requested and sources, amounts and dates secured for all anticipated cash matching funds. All applicable construction estimates should be prepared by the Engineer/Architect (from section A-3). Take into account the inflation rate in relation to the anticipated starting date of the project and applicable DAVIS/BACON wage rates as they apply to construction costs for projects over 7 units.

Total Estimated Project Cost:	\$	CDBG Request:	\$
-------------------------------	----	---------------	----

Funding Source	Amount	Date Secured
TOTAL:	\$	

E. CDBG CERTIFIED ADMINISTRATORS

Name of Certified Administrator:			
Date Certified:			
Municipal Employee?	Yes	No	
If not a municipal employee describe the procurement process used for selection:			

Name of Qualified Rehab Tech:	(For Housing Rehabilitation Applicants Only)			
Organization				
Municipal Employee?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

Applicant Certifications

- a. To the best of my knowledge and belief, the information in this Letter of Intent and all attached documentation is true and correct;
- b. This pre-application complies with all applicable State and federal laws and regulations; and
- c. Approval of this Letter of Intent by OCD to submit a final application does not imply final project approval or funding.

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Signature of Chief Executive Officer

Name of Community

Date: mm/dd/year

ITEM 32

BACK UP MATERIALS



Town of Brunswick, Maine

INCORPORATED 1739

OFFICE OF THE FINANCE DIRECTOR

28 FEDERAL STREET

BRUNSWICK, MAINE 04011-1583

TELEPHONE 207-725-6652

FAX 207-725-4107

MEMORANDUM

TO: Town Council
Town Manager

FROM: John Eldridge
Finance Director

DATE: March 8, 2013

RE: Tax-Acquired Property Policy

The Town has had a tax-acquired property policy since 1991. It was last amended in 2007. The attached proposed policy incorporates changes to align the Town's policy with its practices and to make the entire process less cumbersome. The amended policy offers, to every property owner who has lost property via a Brunswick tax lien foreclosure, an opportunity to re-acquire the property by paying all outstanding obligations due to the Town. This has been the practice. The proposal also eliminates the need to have the properties reviewed by Town boards and commissions unless the Town Manager determines that to be necessary.

In summary the proposal will align the Town's policy with its practice and streamline the review of tax-acquired properties. Naturally, I would be happy to discuss the proposal with you in detail.

Attachment

TOWN OF BRUNSWICK
TAX ACQUIRED REAL ESTATE
POLICY

Proposed to town council – March 18, 2013

Adopted by town council -

**TOWN OF BRUNSWICK
TAX ACQUIRED REAL ESTATE POLICY**

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Article 1. Purpose

- 1.1 Sections of Title 36 of the Maine Revised Statutes Annotated (MRSA) govern the collection of property taxes including the tax lien mortgage process. The tax lien mortgage process allows the Town to preserve its lien interest in real properties on which taxes remain unpaid. Should taxes remain unpaid, the lien process may result in the Town acquiring those properties. The purpose of this policy is to establish procedures for the review of properties on which a lien is about to foreclose and to establish procedures for the management, administration, and disposition of real property acquired by virtue of a tax lien mortgage foreclosure.

Article 2. Impending Foreclosure and Review of Properties

- 2.1 At the time of the mailing of the notice of impending foreclosure required under Title 36 MRSA section 943, the treasurer shall forward a copy of the list of properties subject to foreclosure to the town manager. The town manager, tax assessor, and codes enforcement officer are encouraged to review the list of properties subject to foreclosure to determine if it would be in the Town's best interest, as determined by the town manager, to waive foreclosure. Instances where the Town may not want to foreclose include but are not limited to:
- a. The property is known to have or is suspected of having environmental problems.
 - b. The property may be a hazard to the public health or welfare.
 - c. There is an easement on the property that makes the property an undesirable one to own.
 - d. The property has value only to the owner(s) and would have little or no market value.
- 2.2 Should the town manager determine it to be in the Town's best interest to waive foreclosure under Title 36 MRSA section 944 (1), the town manager shall make that recommendation to the town council at its next regularly scheduled meeting or at a special meeting if the next scheduled meeting would be after the foreclosure date. Should the town council vote to waive foreclosure, it shall notify the treasurer immediately so treasurer will have the opportunity to file the waiver of foreclosure prior to the date of foreclosure.

Article 3. Tax Acquired Property - Treasurer Notification to Prior Owner

- 3.1 Following the foreclosure of the tax lien mortgage, the treasurer, by certified mail return-receipt, shall notify the last known owner of record that his or her right to redeem the property has expired. The notification shall advise the last known owner of record that the property will be disposed of in accordance with this policy, a copy of which shall be included with the notification.

Article 4. Immediate Disposition of Tax Acquired Property

- 4.1 If the town manager determines it is in the Town's best interest to immediately dispose of the tax-acquired property, the town manager shall immediately make that recommendation to the town council. Reasons to immediately dispose of the property include but are not limited to:
- a. Potential liability in owning the property.
 - b. Rent or maintenance obligations resulting from the ownership of the property.
 - c. The property is a potential hazard to the public health or welfare.
- 4.2 The town council shall consider the town manager's recommendation and may dispose of the property on terms it deems advisable without regard to any other provisions of this policy.

Article 5. Management of Tax Acquired Property Pending Disposition

- 5.1 Until the disposition of tax acquired properties, responsibility for property management is delegated to the town manager who, at a minimum, shall:
- a. Determine whether the Town's best interest would be served by immediately disposing of the property in accordance with Article 4 of this policy.
 - b. Determine and obtain the level of insurance, if any, is necessary to protect the Town's interest in the property and to protect the Town from liability.
 - c. Determine if and when any occupants of tax acquired property should be required to vacate the property.

- d. Determine whether a rental fee should be charged to any occupants of the property. A rental fee shall not be imposed unless the Town has acquired sufficient liability insurance.

5.2 In the event the property is vacated for sixty (60) consecutive days, the town manager shall obtain liability coverage for the property.

Article 6. Review of Tax Acquired Properties

6.1 The treasurer shall prepare a list of properties acquired and forward a copy to the town manager.

6.2 The town manager shall review the properties, and may seek input from the appropriate Town boards and commissions. The tax-acquired properties shall be reviewed in accordance with the following categories and guidelines:

- a. Retain for public use.

By way of example, but not limitation, the Town may retain a property where:

- i. the property has or will have economic, recreational or conservation value to the Town.
- ii. the property has or will have potential for use as a public facility or an addition to public facilities.

- b. Retain on a temporary basis.

By way of example, but not limitation, the Town may retain a property on a temporary basis where:

- i. it's immediate sale would cause the occupants to be placed on public assistance.
- ii. it is determined that the property has significant potential for appreciation if held thereby increasing its value to the Town in a later sale.

- c. Sell the property with or without conditions.

The Town may sell properties with any conditions it deems to be in the best interest of the Town. The Town may also determine whether it wishes to consider proposed uses in the sale of properties.

- 6.3 The town manager shall classify the properties in one of the categories and make a recommendation to the town council for each property. On any property to be sold, the town manager shall recommend whether the proposed use for a property shall be a consideration in determining to whom a property shall be sold.
- 6.4 Prior to the delivery of the town manager's recommendations to the town council under article 6.3, any property acquired by the foreclosure of a tax lien may be re-acquired in accordance with article 7.1.
- 6.5 The town council shall review the town manager's recommendations and make the final determination regarding disposition. On properties to be sold, the town council shall determine whether a proposed use of the property shall be a consideration in any sale.

Article 7. Re-acquisition after Foreclosure

- 7.1 Pursuant to article 6.4, any property may be re-acquired prior to the town manager's recommendations to the town council. After the town council receives the town manager's recommendations, properties to be sold with or without conditions may be reacquired by the re-acquisition date established by the town council. In either case, the party from whom the property was acquired may re-acquire the property by paying all outstanding taxes, including estimated taxes for the current tax year if the conveyance is after April 1, interest, lien costs and any other costs relating to the property including, but not limited to legal, insurance, notice and advertising costs. The Town shall also require the payment of any other delinquent taxes or obligations due the Town. When a tax has been estimated to determine the re-acquisition price, the Town is not obligated to refund any amount later determined to be in excess of the estimate.
- 7.2 At the meeting when the town council makes its determination regarding the disposition of tax-acquired property pursuant to article 6, it shall also establish a final re-acquisition date for tax acquired property that it has determined will be sold. The final re-acquisition date shall be no more than ninety (90) days from the date the town council makes its determination regarding the disposition of a property.
- 7.3 Properties the town council has decided to retain for public use or to retain on a temporary basis may not be re-acquired, unless specifically authorized by the town council.

Article 8. Property to be Retained

- 8.1 If the property is retained for public use, the town council may direct the Town Attorney to pursue an action for equitable relief in accordance with the provisions of Title 36 MRSA section 946, as amended, as a means of securing clear title to the property.
- 8.2 The town council shall cause the tax-acquired property retained for public use to be managed and insured as it would any other municipal property.

Article 9. Property to be Sold - Sale Date, Notice of Sale, Bid Forms

- 9.1 At the meeting the town council makes its determination regarding the disposition of tax-acquired property and establishes a final redemption date for properties eligible to be redeemed, it shall also establish a sale date for properties it has determined will be sold. The sale date shall be at least thirty (30) days after the final re-acquisition date.
- 9.2 The town manager shall cause to be published a notice of the sale of the tax-acquired property in a local newspaper at least ten (10) days prior to the sale. The notice shall also be posted on the Town's website and in at least one other conspicuous place within the Municipal Building. The notice shall specify the time and date bids are due and the general terms of the bid. It shall also contain the following information for each piece of property:
 - a. Brief description of the property. i.e. land, building, mobile home etc.
 - b. Location of the property.
 - c. Brief description of the conditions of the sale including whether a proposal regarding use shall be required.
 - d. The minimum bid. (required as deposit)

The notice of sale shall also contain the following statement: "The Town of Brunswick reserves the right to reject any or all bids, accept other than the highest bid and waive any of the requirements of its policy on tax acquired property should the town council, in its sole determination, judge such actions to be in the best interest of the Town of Brunswick."

- 9.3 All bids shall be on, or in, the form prescribed by the Town. At a minimum, the bid form shall contain:
 - a. Name, address, and telephone number of the bidder.

- b. The amount of the bid in both written and numeric form.
- c. The Map, Lot, and Location of the property being bid.

When the town council has determined it wishes to consider a bidders' proposed use for a property in making the bid award, it shall also determine the form and content required for the submission of proposals.

- 9.4 The town manager shall, by certified mail return receipt, provide the party from whom the property was acquired a copy of the notice of the sale and bid forms. The town manager shall, by certified mail return receipt, provide a copy of the notice of the sale to the abutters of the acquired property.
- 9.5 All interested bidders shall be provided with a copy of the notice of sale and bid forms. All bids shall be submitted on forms prescribed by the town manager in an envelope clearly marked "Tax-Acquired Property Bid" and accompanied by a cashier's or certified check equal to the minimum bid. Each property being bid shall be bid in separate envelopes so that there is one property bid per envelope. Each envelope shall also indicate the Map and Lot of the property being bid. Bids shall be publicly opened and read on the date and at the time specified.

Article 10. Minimum Bid

- 10.1 Unless the Council stipulates otherwise, the minimum bid for any tax-acquired property shall be the total of all outstanding taxes, including estimated taxes for the current tax year if the conveyance is after April 1 and the exact amount of tax has not been determined, interest, lien costs and any other costs relating to the property including, but not limited to legal, insurance, notice, and advertising costs. The Town may refuse to award the bid to the party from whom the property was acquired unless all other obligations due from that party are also paid.

Article 11. Inspection of Property

- 11.1 The town manager shall provide all potential bidders with the opportunity to inspect the properties being offered for sale. This may be done in the manner the town manager deems to be in the Town's best interest. The Town and its employees shall refrain from making any representations regarding property condition or title.

Article 12. Review and Award of Bids

- 12.1 The town manager shall review all bids and make recommendations to the town council. The Council shall determine which bid, if any, will be accepted. All bids shall be held until the Council makes its determination. No interest will be paid on the held bids unless the bids are held for more than seven (7) calendar days from the bid opening. If bids are held beyond seven (7) calendar days, interest will be paid on all held bids at the rate of 5% per annum. No interest will be paid on the accepted bid.
- 12.2 The Town of Brunswick reserves the right to reject any or all bids, accept other than the highest bid and waive any of the requirements of this policy should the town council, in its sole determination, judge such actions to be in the best interest of the Town of Brunswick. Instances where this right may be invoked include, but are not limited to:
- a. The town council may wish to sell the property to an abutting property owner rather than the highest bidder.
 - b. The town council may determine it prefers a use proposed by a party other than the highest bidder.
 - c. The town council may wish, but is by no means obligated, to sell the property to the party from whom the property was acquired rather than the highest bidder.
- 12.3 Should the town council reject all bids, the property may again be offered for public sale without notification to the prior owner or abutters.

Article 13. Closing on Sale

- 13.1 The bid deposit of the successful bidder shall be retained as a credit towards the purchase price. All other deposits shall be returned to the bidders immediately upon notification of the successful bidder.
- 13.2 Full payment for the successful bidder is required within thirty (30) days from the date the bids are opened. Should the bidder fail to pay the full price within thirty (30) days, the Town shall retain the bid deposit and title to the property. The town council may review the bids submitted and offer the property to another bidder who shall have thirty (30) days to make payment in full or it may order that bids be solicited again.
- 13.3 Title to tax-acquired property shall be transferred only by means of a quit-claim deed. Unless otherwise advised by the Town Attorney, neither the Town and nor any of its employees shall make any representations regarding title to the property.

Article 14. Other Conditions

14.1 The successful bidder shall be responsible for the removal of all occupants and contents of purchased tax-acquired property.

Proposed to town council - March 4, 2013

Adopted by town council -

CONSENT AGENDA - A BACK UP MATERIALS

Draft
BRUNSWICK TOWN COUNCIL
Minutes
March 4, 2013
6:00 P.M. – Executive Session
7:00 P.M. – Regular Meeting
Municipal Meeting Room
Brunswick Station
16 Station Avenue

Councilors Present: Chair Suzan Wilson, W. David Watson, Benjamin J. Tucker, John M. Perreault, Gerald E. Favreau, Sarah E. Brayman, John Richardson, Jr., and Benet Pols

Councilors Absent: Councilor Margo H. Knight

Town Staff Present: Gary Brown, Town Manager; Fran Smith, Town Clerk/Assistant to the Town Manager; John Eldridge, Finance Director; Ken Brilliant, Fire Chief; Denise Clavette, Business Development Manager; Russ Wrede, Police Sergeant; and TV video crew

Chair Wilson called the meeting to order and asked the Town Clerk for Roll Call.

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

Councilor Tucker moved, Councilor Favreau seconded, to go into executive session to discuss the MRRRA TIF per 1 M.R.S.A. §405(6)(C). The motion carried with eight (8) yeas.

MEETING RESUMES

Chair Wilson asked for the Pledge of Allegiance.

Public Comment:

Deborah King, Cushnoc Lane and BDA Director, provided a brief update on the Brunswick Downtown Association. She responded to questions from Councilor Perreault.

Correspondence:

Councilor Brayman spoke about the new artwork on the Council Chamber walls, with **Monika Kirtland**, Five River Art Alliance, introducing the two artists, **Barbara Snapp**, Baxter Lane, and **Karl Saila**, 5 Meadowbrook Road.

Councilor Favreau spoke regarding the WCME Morning Buzz show, which talks about local issues.

Chair Wilson read a letter from the Brunswick Topsham Land Trust regarding controlled burns of blueberry fields near Crystal Spring Farm.

Adjustments to the Agenda: None

MANAGER’S REPORT:

(a) Council Committee Updates

A report was provided regarding activities of the CIP Committee.

Manager Brown and Councilor Pols spoke regarding the Bowdoin College hockey teams’ success.

PUBLIC HEARINGS

20. The Town Council will hear public comments for the purpose of designating a tax increment financing district at Brunswick Landing, and will take any appropriate action. (Councilor Tucker and Councilor Richardson)

Councilor Tucker introduced this item to designate these TIF areas - similar to what the Council did last year. This item is to designate the geographical areas only, so the Town can capture the value before the deadline. Under the second phase, the Council will pursue negotiations with the MRRRA Board regarding the division and usage of the TIF revenues.

Chair Wilson opened the public hearing for both this item and the next item.

Fred Blanchard, 638 Harpswell Road, spoke regarding this item. He spoke about his concerns with this action.

(A copy of Mr. Blanchard’s comments will be attached to the official minutes.)

Seeing no one else wishing to speak at the hearing, Chair Wilson closed the public hearing and brought the discussion back to the Council.

Councilor Favreau spoke regarding the amount of acreage and its uses.

Councilor Perreault asked why two public hearing items are being done at once; Chair Wilson responded this allowed comments on the items first before Council discussion.

Councilor Brayman spoke regarding the location of the maps. The maps are in the packets and online if citizens want to see the areas.

Councilor Favreau moved, Councilor Watson seconded, to adopt a Town Council Resolution Designating the Brunswick Landing Municipal Development and Tax Increment Financing District.

Councilor Richardson moved, Councilor Tucker seconded, to table this matter until the next regular business meeting. The motion carried with eight (8) yeas.

21. **The Town Council will hear public comments for the purpose of designating a tax increment financing district at Brunswick Executive Airport, and will take any appropriate action. (Councilor Tucker and Councilor Richardson)**

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

Councilor Favreau moved, Councilor Watson seconded, to adopt a Town Council Resolution Designating the Brunswick Executive Airport Municipal Development and Tax Increment Financing District.

Councilor Tucker moved, Councilor Richardson seconded, to table this item until the next regular business meeting. The motion carried with eight (8) yeas.

Councilor Richardson spoke, saying that tabling the items gives the public the opportunity to weigh in on the TIF districts and this is a once in a lifetime opportunity for economic development initiatives for the former base. It is important for members of the public to weigh in with Councilors over the next two weeks.

Councilor Watson spoke on this, saying there will be no more group discussions of the Council regarding the TIFs, before the next Council meeting. However, Councilor Tucker and Councilor Richardson will be meeting with MRRA representatives to have some discussion.

Councilor Tucker said he and Councilor Richardson will be setting up a meeting with MRRA to initiate formal discussion on the TIFs and he hopes to come back indicating they have had a successful meeting, and then designate the districts.

Chair Wilson spoke about the TIF workshop on March 21st. The meeting is to educate the public on how TIFs work and what the benefits are.

Councilor Watson asked that Mr. Blanchard's concerns be responded to at the next meeting and that there be additional Council discussion. They will be responded to at the next meeting under the Manager's Report.

NEW BUSINESS

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

Wrappers The Crabby Lobster
Danny's Dogs Farmer's Market

Chair Wilson spoke regarding this item.

Councilor Perreault spoke regarding this item and asked a question, to which Fran Smith responded.

Councilor Tucker moved, Councilor Favreau seconded, to approve licenses for Sellers of Prepared Food on Public Ways for the Brunswick Mall for the Farmer's Market, Danny's Dogs, The Crabby Lobster, and Wrappers. The motion carried with eight (8) yeas.

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

Great Impasta, 42 Maine Street
Flipside, 111 Maine Street
Gelato Fiasco, 74 Maine Street
AKI Japanese Cuisine, 94 Maine Street

Councilor Perreault spoke regarding this item and asked a question, to which Fran Smith responded.

Councilor Tucker moved, Councilor Favreau seconded, to approve licenses for Sellers of Prepared Food on Public Ways on a Sidewalk for the Great Impasta, 42 Maine Street; Flipside, 111 Maine Street; Gelato Fiasco, 74 Maine Street, and AKI Japanese Cuisine, 94 Maine Street. The motion carried with eight (8) yeas.

24. **The Town Council will consider setting a public hearing for March 18, 2013, on the following resolutions: "Resolution Amending the 2012-13 Budget and Appropriating \$345,580 from the Unassigned Balance of the General Fund to Fund a Rescue Vehicle Already Acquired Pursuant to a Bond Ordinance and to Fund the Acquisition of Another New Fire Department Rescue Vehicle" and "Resolution Amending the 2012-13 Budget and Authorizing the Design and Re-construction of College Street and Related Improvements, with Total Project Costs Not to Exceed \$1,233,000, and Further Appropriating \$500,000 from the Unassigned Balance of the General Fund, plus any Additional Appropriation Authorized under this Resolution," and will take any appropriate actions.**

Councilor Perreault asked questions to which Manager Brown responded.

Chair Wilson spoke regarding this item.

Councilor Brayman, Councilor Favreau, and Councilor Watson spoke regarding this item and asked questions, to which Manager Brown responded.

Councilor Pols moved, Councilor Watson seconded, to set a public hearing for March 18, 2013, on two resolutions: “Resolution Amending the 2012-13 Budget and Appropriating \$345,580 from the Unassigned Balance of the General Fund to Fund a Rescue Vehicle Already Acquired Pursuant to a Bond Ordinance and to Fund the Acquisition of Another New Fire Department Rescue Vehicle” and “Resolution Amending the 2012-13 Budget and Authorizing the Design and Re-construction of College Street and Related Improvements, with Total Project Costs Not to Exceed \$1,233,000, and Further Appropriating \$500,000 from the Unassigned Balance of the General Fund, plus any Additional Appropriation Authorized under this Resolution.” The motion carried with seven (7) yeas. Councilor Perreault was opposed.

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

Councilor Watson nominated the following people, who were then supported by the Council with eight (8) yeas.

Anne Marr to serve on the Downtown and Outer Pleasant Street Master Implementation Committee

Richard Visser to serve on the Planning Board.

Councilor Brayman spoke about other vacancies.

CONSENT AGENDA

- (a) Approval of the Minutes of February 19, 2013.**

Councilor Tucker moved, Councilor Favreau seconded, to approve the Consent Agenda. The motion carried with eight (8) yeas.

Councilor Watson moved, Councilor Pols seconded, to adjourn the meeting. The motion carried with eight (8) yeas.

The meeting adjourned at 8:20 p.m.

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

Frances Smith
Town Clerk/Assistant to the Town Manager

**Brunswick Town Council
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March 7, 2013

March 18, 2013
Date of Approval

Council Chair