

**BRUNSWICK TOWN COUNCIL**  
**Agenda**  
**September 2, 2014**  
**7:00 P.M.**  
**Council Chambers**  
**Town Hall**  
**85 Union Street**

Pledge of Allegiance

Roll Call

Public Comment

Correspondence

Council Committee Updates

Adjustments to the Agenda

**MANAGER'S REPORT:**

- a) Nomination papers deadline
- b) Permission to apply for and to expend an Emergency Management Planning Grant for the Fire Department (*Action required*)
- c) Zoning Ordinance Rewrite Committee schedule update
- d) Report on guaranteed school contract with RSU 5
- e) Acknowledgment of Spurwink School Pilot (payment in lieu of taxes)
- f) Update on train idling situation

**PUBLIC HEARING**

- 108. The Town Council will hear public comments for “An Ordinance Authorizing Storm Drain Improvements and Reconstruction of Nancy Drive, Patricia Road and Pierce Lane, with Total Project Costs Not to Exceed \$580,000 (plus any other authorized costs), and Further Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$580,000 (plus the cost of issuance),” and will take any appropriate action. (Manager)

**PUBLIC HEARING/ACTION**

109. The Town Council will hear public comments for “An Ordinance Authorizing the Acquisition of a Trackless Sidewalk Tractor and Associated Attachments, with Total Project Costs Not to Exceed \$146,000 (plus any other authorized costs), and Further Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$146,000 (plus cost of issuance),” and will take any appropriate action (Manager)

**PUBLIC HEARING/ACTION**

**NEW BUSINESS**

110. The Town Council will consider adopting the “Proclamation to Recognize the 13<sup>th</sup> Anniversary of September 11, 2001,” and will take any appropriate action. (Councilor Watson)

**ACTION**

111. The Town Council will consider adopting a “Resolution for an Emergency Appropriation of \$200,000 from Unappropriated Available General Fund Revenues to Fund Unanticipated Expenditures to Repair Roads and Infrastructure that were Damaged by Heavy Rains and Flooding that Occurred in August of 2014,” and will take any appropriate action. (Manager)

**ACTION**

**CONSENT AGENDA**

- a) Approval of the Minutes of August 4, 2014

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

**Brunswick Town Council**  
**Agenda**  
**September 2, 2014**  
**Council Notes and Suggested Motions**

**COUNCIL COMMITTEE UPDATES**

Councilors with information on the Committees they are involved with will share information with the Council and public.

**MANAGER'S REPORT:**

- a) Nomination papers deadline: Nomination papers for Town Council and School Board are due no later than Friday, September 5<sup>th</sup>. Districts 5 and 7, and one of the At-Large seats for both the Town Council and School Board will be up for election in November.

*Suggested Motion:* No motion is required.

- b) Permission to apply for and to expend an Emergency Management Planning Grant for the Fire Department (Action required): The Fire Department is requesting permission to apply for this grant in the amount of \$23,400 to help offset the cost of Emergency Management Planning, which the Town is required to do. This is an annual grant the Fire Department has received the last few years. Chief Brilliant will be at the meeting to answer any questions. Copies of his memo, 2013 accomplishments, and the letter of request, with supporting materials, are included in your packet.

*Suggested Motion:*

Motion to allow the Town to apply for, and, if received, to expend an Emergency Management Planning Grant for the Fire Department in the amount of \$23,400.

- c) Zoning Ordinance Rewrite Committee schedule update: This item provides the latest schedule of meetings for this Committee. There will be information on meetings included with tax bills, along with postcard mailings to a variety of identified parties for meetings specific to their area. A copy of the schedule is included in your packet.

*Suggested Motion:* No motion is required.

- d) Report on guaranteed school contract with RSU 5: This item is to inform the Council and public about the School Department's negotiations with representatives of Durham and Pownal and for Brunswick to accept these students at the Brunswick high school in the event Freeport withdraws from RSU 5. The School Board voted to offer students from Durham and Pownal guaranteed acceptance to Brunswick High School. This item will be coming back after the November election if RSU 5 allows Freeport to withdraw. Copies of a memo from Mr. Eldridge and the state law reference are included in your packet.

*Suggested Motion:* No motion is required.

- e) Acknowledgment of Spurwink School Pilot (payment in lieu of taxes): This item is to recognize and thank the Spurwink School for their payment of \$31,757.76 in lieu of taxes for two properties they own in Brunswick. A copy of a letter from the Finance Department is included in your packet.

Suggested Motion: No motion is required.

- f) Update on train idling situation: This item is to update the Council and public on the idling situation.

Suggested Motion: No motion is required.

## **PUBLIC HEARING**

108. This item is to hear public comments for “An Ordinance Authorizing Storm Drain Improvements and Reconstruction of Nancy Drive, Patricia Road and Pierce Lane, with Total Project Costs Not to Exceed \$580,000 (plus any other authorized costs), and Further Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$580,000 (plus the cost of issuance).” This item was discussed and approved as part of the CIP process. At that time, the project was estimated to cost \$500,000, all to be funded with bond proceeds. The current estimated cost is \$580,000. The recommendation is that the entire cost be funded with bond proceeds. Copies of the draft ordinance and cost estimate are included in your packet.

Suggested motion:

Motion to adopt “An Ordinance Authorizing Storm Drain Improvements and Reconstruction of Nancy Drive, Patricia Road and Pierce Lane, with Total Project Costs Not to Exceed \$580,000 (plus any other authorized costs), and Further Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$580,000 (plus the cost of issuance).”

109. This item is to hear public comments for “An Ordinance Authorizing the Acquisition of a Trackless Sidewalk Tractor and Associated Attachments, with Total Project Costs Not to Exceed \$146,000 (plus any other authorized costs), and Further Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$146,000 (plus cost of issuance).” Originally, this tractor was to be funded through the Public Works Vehicle Replacement Fund. During the 2014-15 budget deliberations, funding to that reserve fund was reduced by \$100,000. Citing the necessity of replacing the tractor, Mr. Eldridge indicated that he would recommend funding its acquisition with debt. Copies of the draft ordinance and cost estimate are included in your packet.

Suggested motion:

Motion to adopt “An Ordinance Authorizing the Acquisition of a Trackless Sidewalk Tractor and Associated Attachments, with Total Project Costs Not to Exceed \$146,000 (plus any other authorized costs), and Further Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$146,000 (plus cost of issuance).”

## **NEW BUSINESS**

110. This item, sponsored by Councilor Watson, asks the Council to consider adopting the “Proclamation to Recognize the 13<sup>th</sup> Anniversary of September 11, 2001.” There will be a ceremony on the Town Mall recognizing this anniversary on September 11<sup>th</sup> at 11:30 a.m. A copy of the proclamation will be included in your packet.

*Suggested motion:*

Motion to adopt the “Proclamation to Recognize the 13<sup>th</sup> Anniversary of September 11, 2001.”

111. This item asks the Council to consider adopting a “Resolution for an Emergency Appropriation of \$200,000 from Unappropriated Available General Fund Revenues to Fund Unanticipated Expenditures to Repair Roads and Infrastructure that were Damaged by Heavy Rains and Flooding that Occurred in August of 2014.” This is to repair the damage caused by the flooding on August 13<sup>th</sup> and 14<sup>th</sup>. The cost for temporary repairs is estimated to be \$25,000 and permanent ones at \$175,000. Since there was not enough county-wide damage, it is not expected that FEMA monies will be available to reimburse costs. Copies of a memo from Mr. Eldridge, the draft resolution, cost estimates, and photos of the damage are included in your packet.

*Suggested motion:*

Motion to adopt a “Resolution for an Emergency Appropriation of \$200,000 from Unappropriated Available General Fund Revenues to Fund Unanticipated Expenditures to Repair Roads and Infrastructure that were Damaged by Heavy Rains and Flooding that Occurred in August of 2014.”

## **CONSENT AGENDA**

- a) Approval of the Minutes of August 4, 2014: A copy of the minutes is included in your packet.

*Suggested Motion:*

Motion to approve the Consent Agenda.

*Suggested Motion:*

Motion to adjourn the meeting.

# MANAGER'S REPORT - A NO BACK UP MATERIALS

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# MANAGER'S REPORT - B BACK UP MATERIALS

To: John Eldridge, Manager

From: Ken Brilliant, Fire Chief

Ref: EMP Grant

Date: 8-12-14

I'm requesting permission to submit an application for this year's Emergency Management Planning Grant. We have been the recipient of this grant funding for the past seven years. The grant previously would roll over from year to year, but new requirements mean we have to re-submit annually. The focus of this program is to develop and enhance local emergency management capacity. This includes such functions as planning, training, exercises, public outreach and enhancement and upkeep of facilities and equipment.

The EMP grant requires a 50% match, which can be cash or in kind (donated time or resources, or related costs paid out). We have been using the ARES/ CERT team training as our in kind match.

The grant request would cover the following:

1. 15% of the Fire Chief's salary and benefits or approximately 6 hours per week
2. Related Communications expenses. (Phones and Wireless MIFI)
3. Miscellaneous emergency supplies
4. Funding for a weather station for Central and a new Portable Radio

Our request is for approximately \$23,400 with an in kind match of approximately \$40,200.

## 2013 Accomplishments

1. Hazard Mitigation Planning
2. Storm Events
3. Updating and reviewing Town Plans
4. NIMS Coordination- Currently 100%
5. EMA Trainings
6. Attending EMA meetings in Cumberland and Sagadahoc Counties
7. Participated in Vigilant Guard Exercise in November 2013
8. Emergency Planning with both local Hospitals
9. Assisted Region 10 Voc Tech with Emergency Planning

# Town of Brunswick, Maine

Incorporated 1739

Brunswick Fire Department



"Working Today for a Safer Tomorrow"



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

21 TOWN HALL PLACE  
BRUNSWICK, ME 04011  
TELEPHONE 207-725-5541  
FAX # 207-725-6638  
[WWW.BRUNSWICKME.ORG](http://WWW.BRUNSWICKME.ORG)

August 11, 2014

James Budway, Director  
Cumberland County EMA  
22 High Street  
Windham, Maine 04062

Dear Jim,

The Town of Brunswick is applying for funding under the 2014 Emergency Management Performance Grant (EMPG) to support our Emergency Management Program. We understand this program covers the period October 1, 2014 to September 30, 2015. We also understand it is a reimbursement grant, that the base reimbursement rate is 50%, and that the reimbursement can be increased up to 100% through the use of in-kind match if available. Our budget is attached, and includes an estimated \$23,400 in direct expenses and \$40,200 in in-kind match. Part of the budget is \$1300. \$500 of this request covers the cost of one Verizon Wireless MiFi unit and \$800 to cover the cost of some phone lines in the EOC. There is also \$450 for a weather station, to assist in real time planning of daily operations and Haz Mat responses. There is money for a new portable radio for the EMA Director.

We have also attached our Work Plan for this year.

We currently participate in the program and attached is a summary of activities for the past year.

The substantial portion of this request falls into the following areas:

1. A portion of the salary and benefits paid to the Fire Chief for emergency management activities; estimated at 15% or approximately six hours per week.
2. Related telecommunications expenses.
3. Miscellaneous emergency supplies and training.

During the previous year the Town of Brunswick Emergency Management has worked on the following.

1. Hazard Mitigation Planning
2. Storm Events

3. Updating and reviewing Town Plans
4. NIMS Coordination- Currently 100%
5. EMA Trainings
6. Attending EMA meetings in Cumberland and Sagadahoc Counties
7. Joint Drill with CST, Haz Mat
8. Emergency Planning with both local Hospitals

Respectfully,

Kenneth A. Brilliant  
Fire Chief/ EMA Director

**State of Maine  
2014 EMPG Local/Partner Capacity Grant BUDGET Worksheet**

Jurisdiction: **Town of Brunswick**  
 County: **Cumberland**  
 Grant Period: from: **10/1/2014** to: **9/30/2015**

*Enter data in blue fields; yellow fields are calculated or fixed.*

**BUDGET PHASE**

**Volunteer rate: \$20.10**

- 1) Budget your ENTIRE program or project: What do you estimate your cash outlay expenses will be? What do you estimate for non-cash (unpaid hours and in-kind) resources? (Block 1).
- 2) Take note of the estimated EMPG reimbursement (Block 2)
- 3) Note the Additional Match Needed, or Overmatch in Block 3. Adjust your budget column (Block 1) accordingly.
- 4) Make sure to explain "Equipment" and "Other" line items in your cover letter

<b>BUDGET WORKSHEET</b>		<b>1) Budget Projected</b>	<b>2) EMPG Reimbursement Estimated/ Projected</b>	<b>3) Projected Additional Match Needed/Overmatch</b>
<b>Estimate of Expenses Paid By Jurisdiction:</b>				
Personnel Stipend or Salaries		\$20,000.00		
Supplies/Materials/Printing		\$500.00		
Equipment (less than \$5,000)		\$1,600.00		
Equipment (\$5,000 or more)		\$0.00		
Utilities		\$0.00		
Meetings		\$0.00		
Training		\$0.00		
Exercise		\$0.00		
EOC Upgrades		\$0.00		
Travel		\$0.00		
Other (please explain in your narrative)		\$1,300.00		
<b>Total Expenses</b>		<b>\$23,400.00</b>		<b>Add'l Match Needed for full reimbursement: \$0.00</b>
<b>Estimate of Non-Cash/In-Kind Resources:</b>				
Unpaid Hours	2000 hours	\$40,200.00		
In-Kind Match (services, supplies, facilities, etc.)		\$0.00		
<b>Total Resources:</b>		<b>\$40,200.00</b>		
<b>Total Estimated Project Budget</b>		<b>\$63,600.00</b>	<b>\$23,400.00</b>	<b>Overmatch \$16,800.00</b>

## 2014 EMERGENCY MANAGEMENT WORK PLAN

**Please note:** If you have volunteers involved in your program, and you plan to use their hours as in-kind match, please be sure to list the activities they will be involved in. Also, please list under “facilities and equipment” any equipment or EOC furnishings you have included in your budget. Equipment or outfitting/furnishing projects must be less than \$5,000.

1. PLANNING:

- ❖ Complete annual updates to the organization’s Emergency Operations Plan.
- ❖ Participate in the update process for the **Cumberland** County hazard Mitigation Plan.
- ❖ Complete mutual aid agreements with local non-governmental organizations.
- ❖ Develop an alert roster to contact the Municipal Officers/Officials of an impending emergency.

2. TRAINING/EXERCISES:

- ❖ Complete training incident command, emergency management, hazardous materials, damage assessment and disaster recovery.
- ❖ Maintain training records that documents the above training.
- ❖ Participate in municipal public safety drills and County disaster exercises.

3. EDUCATION AND AWARENESS PROGRAM:

- ❖ Publish periodic disaster preparedness articles in local newsletters.
- ❖ Distribute family disaster preparedness information to municipal residents through Town Office.

4. FINANCE AND ADMINISTRATION:

- ❖ Complete and submit invoices for the Local EMPG grant.
- ❖ Track your Local EMPG grant hours for the EM work tasks.
- ❖ Provide the County EMA office with updated Public Safety resource and personnel information.

5. FACILITIES AND EQUIPMENT:

- ❖ Conduct monthly radio communications checks with the County EMA.
- ❖ Establish a location to be your municipal Emergency Operations Center (EOC). Report on all communications information for this EOC (i.e., phone numbers, fax numbers, e-mail, radio information, etc.)
- ❖ **IF YOU HAVE REQUESTED FUNDING FOR EQUIPMENT:** Purchase and install a weather station at Central Station
- ❖ **IF YOU HAVE REQUEST FUNDING FOR EOC OUTFITTING:** Purchase and install upgrades to EOC: [list equipment, materials, etc. ]

# MANAGER'S REPORT - C BACK UP MATERIALS

September 2014

*You're Invited!*

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Aug 31	Sep 1	2	3	4	5	6
			10	11	12	13
			17	18	19	20
			24	25	26	27
			Oct 1	2	3	4

**The Town of Brunswick is rewriting its zoning ordinance and we need your input!**

If you are unable to attend your area forum, get to one of our town-wide forums!

**Mark your calendar now!**

**Zoning Public Forum Schedule**

- 9/11** – Town Core, 6:00 – 8:00pm at Town Council Chambers
- 9/17** – New Meadows/Coastal, 6:00 – 8:00pm at SNHU 2<sup>nd</sup> floor meeting space, 10 Tibbetts Dr.
- 9/18** – Bowdoin/College Abutters, 6:00 – 8:00pm at Morrell Meeting Room, Curtis Memorial Library.
- 9/24** – Town-wide, 6:00 – 8:00pm at Brunswick Jr High Gym
- 10/1** – Town-wide, 6:00 – 8:00pm at SMCC Auditorium, 29 Sewall St., Brunswick Landing

**Questions about this schedule?**

Call: 725-6660 or Visit:

[www.brunswickme.org/departments/planning-development/zoning-ordinance-rewrite-committee](http://www.brunswickme.org/departments/planning-development/zoning-ordinance-rewrite-committee)

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# MANAGER'S REPORT - D BACK UP MATERIALS

**MEMORANDUM**

TO: Town Council  
Town of Brunswick, Maine

FROM: John Eldridge  
Finance Director

DATE: August 24, 2014

RE: Guaranteed Acceptance of School Students

The Brunswick School Department has been in negotiations with representatives of Durham and Pownal, communities that are members of Regional School Unit 5 (RSU5), about accepting tuition students at Brunswick High School. Voters from RSU5, which also includes Freeport, will be voting this November on a proposal that would allow Freeport to withdraw from the unit. Freeport's withdrawal would mean that Durham and Pownal students could attend a high school other than Freeport.

On August 13, 2014 the Brunswick School Board voted to offer RSU5 students from Durham and Pownal guaranteed acceptance to Brunswick High School. Assuming the November vote allows Freeport to withdraw, the Brunswick School Board will then negotiate a contract for consideration by the Town Council. Maine law provides that the School Board, as the governing body of the municipal school unit, negotiates the tuition contract, which can have a term from two to ten years. We expect the School Board will also prepare a financial analysis of the contract. The Town Council, the legislative body, then must agree to accept the contract students. Attached is a copy of the law, 20-A MRSA, Chapter 115.

cc: Superintendent of Schools

Attachment: 20-A MRSA, Chapter 115

**Title 20-A: EDUCATION**  
**Chapter 115: CONTRACTS FOR SCHOOL PRIVILEGES**

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**Maine Revised Statutes**  
**Title 20-A: EDUCATION**  
**Chapter 115: CONTRACTS FOR SCHOOL PRIVILEGES**

**§2701. AUTHORITY TO CONTRACT FOR SCHOOL PRIVILEGES**

The legislative body of a school administrative unit other than a school administrative district, which does not maintain any of the grades from kindergarten to grade 12, may authorize its school board to contract with another school for school privileges for all or a part of its resident students in those grades for a term of 2 to 10 years. [1985, c. 797, §17 (AMD).]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1985, c. 797, §17 (AMD).

**§2702. ACCEPTANCE OF CONTRACT STUDENTS**

The legislative body of any nearby school administrative unit or the board of trustees of a nearby private school approved for tuition purposes may agree to accept contract students. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW).

**§2703. CONTRACT**

The governing bodies of the sending units and receiving school shall establish a contract. [1981, c. 693, §§5, 8 (NEW).]

**1. Specific provisions.** The contract:

A. Shall specify the duration of the contract from 2 to 10 years; [1985, c. 797, §18 (AMD).]

B. May include the establishment of a joint committee if the receiving school is a private school; [1981, c. 693, §§5, 8 (NEW).]

C. Shall include other provisions parties deem necessary; [1981, c. 693, §§5, 8 (NEW).]

D. Must be ratified by a majority vote of each of the governing bodies party to the contract; and [2001, c. 1, §22 (COR).]

E. Must meet any additional requirements set forth in rules established by the commissioner and must be filed with the commissioner. Contracts with private schools must be approved by the commissioner. [2001, c. 1, §23 (COR).]

[ 2001, c. 1, §§22, 23 (COR) .]

**2. Tuition.** Tuition shall be determined under chapter 219.

[ 1985, c. 797, §19 (AMD) .]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1983, c. 859, §§A6,A25 (AMD). 1985, c. 797, §§18,19 (AMD). RR 2001, c. 1, §§22,23 (COR). 2001, c. 454, §§8,9 (AMD).

**§2704. JOINT COMMITTEE**

A joint committee if established pursuant to section 2703: [1983, c. 806, §27 (AMD).]

**1. Membership.** Shall have an equal number of school board members and board of trustee members;

[ 1981, c. 693, §§ 5, 8 (NEW) .]

**2. Powers and duties.** Shall have the following powers and duties:

A. To select and employ teachers for the private school; [1981, c. 693, §§ 5, 8 (NEW).]

B. To fix teachers' salaries; [1981, c. 693, §§ 5, 8 (NEW).]

C. To arrange the course of study; [1981, c. 693, §§ 5, 8 (NEW).]

D. To supervise the instruction; and [1981, c. 693, §§ 5, 8 (NEW).]

E. To adopt, amend and enforce rules pertaining to other educational activities of the private school; and [1981, c. 693, §§ 5, 8 (NEW).]

**3. Secretary ex officio.** Shall have the superintendent of the school administrative unit in which the private school is located serve as the secretary ex officio if the school administrative unit in which the private school is located is represented on the joint committee. If the school administrative unit in which the private school is located is not a member of the joint committee, the joint committee shall select a superintendent from one of its participating school administrative units as secretary ex officio.

[ 1981, c. 693, §§ 5, 8 (NEW) .]

**SECTION HISTORY**

1981, c. 693, §§5,8 (NEW). 1983, c. 806, §27 (AMD).

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# MANAGER'S REPORT - E BACK UP MATERIALS



# Town of Brunswick, Maine

INCORPORATED 1739

OFFICE OF THE FINANCE DIRECTOR

85 UNION STREET

BRUNSWICK, MAINE 04011-1583

TELEPHONE 207-725-6652

FAX 207-725-4107

August 1, 2014

The Spurwink School  
Attention: Jennifer  
899 Riverside Street  
Portland, ME 04103

Re: Payment in Lieu of Taxes

Dear Jennifer:

Cathy Donovan informed me that you contacted her office regarding a payment in lieu of taxes for the fiscal year ended June 30, 2014. As you requested, I have calculated the taxes that would have been due on the Brunswick properties owned by The Spurwink School if the school were not tax exempt.

The tax rate for fiscal year 2013-14 was \$26.54 per thousand. The values of the properties and the associated tax amounts are as follows:

<u>Location</u>	<u>Value</u>	<u>Tax</u>
<b><i>1 Wood Pond Road</i></b>		
Land	\$ 26,400	
Buildings	<u>97,400</u>	
	\$ 123,800	\$ 3,285.65
<b><i>675 Old Portland Road</i></b>		
Land	\$ 89,300	
Buildings	<u>883,500</u>	
	\$1,072,800	\$28,472.11
	Total:	\$31,757.76

As The Spurwink School is not required to make a payment in lieu of taxes, the Town of Brunswick greatly appreciates your generous contribution to our programs and services. I will be sure to share this wonderful gesture with the Town Council and Town Manager.

Please feel free to contact me if you have any questions.

Sincerely,

Julia Henze  
Deputy Finance Director

cc: John Eldridge, Interim Town Manager  
Cathy Donovan, Assessor

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

ITEM 108

BACK UP MATERIALS

**TOWN OF BRUNSWICK, MAINE**

**An Ordinance Authorizing Storm Drain Improvements and Reconstruction of Nancy Drive, Patricia Road and Pierce Lane, with Total Project Costs Not to Exceed \$580,000 (plus any other authorized costs), and Further Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$580,000 (plus the cost of issuance)**

**WHEREAS**, the Town Council (the “Town Council”) of the Town of Brunswick (the “Town”) has an adopted a Capital Improvement Program for the fiscal years ending June 30, 2015-2019 (the “CIP”); and

**WHEREAS**, the CIP recommends a project to make storm drain improvements on Nancy Drive, and reconstruct Nancy Drive, Patricia Road and Pierce Lane, (the “Project”) and,

**WHEREAS**, the CIP contemplated a Project cost of \$500,000, all of which was expected to be funded through the issuance of general obligation bonds; and

**WHEREAS**, the Town Engineer has now estimated the total cost of the Project to be \$580,000,

**WHEREAS**, the Interim Town Manager is recommending that the entire Project cost be finance through the issuance of general obligation bonds; and

**WHEREAS**, the Charter of the Town of Brunswick, Maine (the “Charter”) requires that any capital acquisition to be financed solely or partly by the issuance of bonds or notes to be authorized by ordinance;

**NOW THEREFORE THE FOLLOWING ORDINANCE IS ADOPTED.**

**Section 1. Funding Sources and Appropriations.**

- a. A total five hundred and eighty thousand dollars (\$580,000), plus any additional amounts authorized under this ordinance, are appropriated to finance the cost of storm drain improvements on Nancy Drive and reconstruction of Nancy Drive, Patricia Road and Pierce Lane (the “Project”).
- b. The issue and sale of the Town’s general obligation bonds or notes (and notes in anticipation thereof) is authorized in an aggregate principal amount not to exceed five hundred and eighty thousand dollars (\$580,000), plus the cost of issuance. The proceeds of the bonds and notes are appropriated to finance the costs of the Project. The bonds and notes may also be used to reimburse the Town for any prior expenditures on the Project, or to refinance notes or advances as authorized herein.

**Section 2. Authorization to Develop, Construct, and Equip the Project.** The Town Manager is authorized to negotiate, execute, and deliver, in the name of and on behalf of the Town, such contracts, agreements, and other documents and certificates as the Town Manager may determine to be necessary or appropriate in connection with the Project. The aforementioned items shall be in such form and contain such terms and conditions as may be approved by the Town Manager. Such approval shall be

conclusively evidenced by the Town Manager's execution thereof, provided however, that the Town Manager may delegate the authority granted hereunder as the Town Manager deems appropriate.

**Section 3. Project Costs Defined.** The term "cost" or "costs" as used herein and applied to the Project, or any portion thereof, includes:

- a. the cost of planning, surveys, engineering, feasibility studies, environmental studies and assessments, legal, accounting, and other professional services associated with the Project;
- b. the costs related to applying for and obtaining all permits, licenses, franchises, and the costs related to regulatory and judicial reviews;
- c. the cost of land, structures, real property interests, rights, easements, and franchises acquired in connection with the Project;
- d. the cost of all utility extensions and site improvements and development, including but not limited to the cost of demolition and removal of any structures appurtenant thereto;
- e. the cost of constructing the Project, and all costs determined by the Town Manager to be necessary to place the Project in service and ready for its intended use, including but not limited to, the cost of off-site improvements, and the cost of all labor, materials, building systems, machinery and equipment;
- f. the cost of insuring the Project while under construction and for a reasonable period upon substantial completion of the project, including builders risk, general liability, product liability, workers compensation and any other insurance costs the Town Manager determines is related to the Project;
- g. the costs of financing the Project including but not limited to financing charges and issuance costs, underwriters' fees and costs, legal and accounting fees and costs, application fees, and other fees and expenses related to financing the Project;
- h. interest costs prior to and during construction and for a period not to exceed three years from the issue date of the bonds, underwriters' fees and costs, legal and accounting fees and costs, application fees, and other fees and expenses related to the financing transaction;
- i. any other costs identified in the Project budget, and the cost of any other items or services deemed to be cost under generally accepted accounting principles ("GAAP") as determined by the Town's Finance Director.

**Section 4. Details of the Bonds or Notes.**

- a. Execution and Delivery of Bonds and Notes. The bonds and notes issued hereunder, and any issued as the result of exchanges or transfers, shall be signed by the Treasurer and be countersigned by the Chair of the Town Council. The bonds and notes shall have the seal of the Town affixed thereon, and be attested by the Town Clerk. The Treasurer and Chair of the Town Council, from time to time, shall execute such bonds and notes as may be required to provide for exchanges or transfers of bonds and notes hereinbefore authorized.
- b. Book Entry Certificates In lieu of physical certificates of the bonds and notes, the Treasurer be and hereby is authorized to undertake all acts necessary to provide for the issuance and transfer of such bonds and notes in book-entry form pursuant to the Depository Trust Company Book-Entry Only System. As an alternative to the provisions

herein regarding physical transfer of bonds, and the Treasurer is authorized and empowered to enter into a Letter of Representation or any other contract, agreement or understanding necessary or, in the Treasurer's opinion, appropriate in order to qualify the bonds for and participate in the Depository Trust Company Book-Entry Only System.

- c. Tax Exempt Bonds Option. The Treasurer and Chair of the Town Council are individually authorized to determine whether to issue the bonds and notes authorized herein as taxable bonds and notes or tax-exempt bonds and notes. To the extent such bonds and notes are issued as tax-exempt bonds, the Treasurer and Chair of the Town Council are individually authorized to covenant and agree, on behalf of the Town and for the benefit of the holders of such bonds and notes, that the Town will file any required reports and take any other action that may be necessary to ensure that interest on the bonds and notes will remain exempt from federal income taxation and that the Town will refrain from any action that would cause interest on the bonds and notes to be subject to federal income taxation.
- d. No Arbitrage Certification. The Treasurer and Chair of the Town Council are individually authorized to covenant and certify on behalf of the Town that no part of the proceeds of the bonds and notes shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause such bonds or notes to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended.
- e. Qualified Tax Exempt Obligations. The Treasurer is hereby authorized and empowered to take all such action as may be necessary to designate such bonds and/or notes as qualified tax-exempt obligations for purposes of Section 265(b) of the Code; it being the Town's intention that the Treasurer, with advice of bond counsel, to make the required Section 265(b) election with respect to such bonds and notes, but only to the extent the election may be available and advisable as determined by the Treasurer.
- f. Principal Denominations. The principal amount of the bonds of the same maturity shall be such minimum denomination as the Treasurer, in the Treasurer's discretion, may approve.
- g. Maturities and Interest Rates. The maturity(ies), interest rate(s) and sale price of the bonds or notes issued hereunder shall be either sent out to bid or negotiated by the Treasurer in such manner as the Treasurer deems appropriate and in the best interest of the Town and the financing of the above-referenced Project. The Treasurer be and hereby is authorized to provide that any of the bonds or notes hereinbefore authorized may be made callable, with or without premium, prior to their stated dates of maturity. The bonds or notes hereby authorized shall be in such form and to otherwise contain such other terms and provisions as the Treasurer may approve, his or her approval to be conclusively evidenced by his/her execution thereof.
- h. Consolidation of Bond or Notes. Any or all of the bonds or notes issued hereunder may be consolidated with and become a part of any other issue of bonds or notes authorized to be issued by any previous or subsequent ordinance of the Town Council of the Town of Brunswick.

- i. Other Authorized Officials. If the Treasurer, Chair of the Town Council or Town Clerk are for any reason unavailable to approve and execute the bonds hereinbefore authorized or any other documents necessary or convenient to the issuance, execution and delivery of the bonds, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had performed such act.
- j. Absence of Officials Prior to Delivery. If any of the officials of the Town who have signed or sealed the bonds or notes shall cease to be such officials before the bonds or notes signed and sealed shall have been actually authenticated or delivered by the Town, such bonds and notes nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such bonds or notes had not ceased to be such officer or official; and also any such bonds and notes may be signed and sealed on behalf of the Town by those persons who, at the actual date of the execution of such bonds and notes, shall be the proper officials of the Town, although at the nominal date of such bonds and notes any such person shall not have been such officer or official.

#### **Section 5. Sale of Bonds or Notes and Registrar, Paying Agent and Transfer Agent**

- a. Official Statement. The Treasurer is authorized to prepare, or cause to be prepared, a Preliminary Official Statement and an Official Statement for use in the offering and sale of the bonds or notes. The Preliminary Official Statement and Official Statement shall be in such form and contain such information as may be approved by the Treasurer, with the advice of the underwriter for the bonds or notes and bond counsel for the Town. The distribution of the Preliminary Official Statement and the Official Statement in the name of and on behalf of the Town in connection with offering the bonds or notes is approved.
- b. Counsel. The Treasurer is authorized to select Issuer Counsel, Bond Counsel and any other counsel the Treasurer deems necessary in connection with the planning, sale and issuance of the notes or bonds, and to execute and deliver such contracts or agreements as may be necessary or appropriate in connection therewith.
- c. Underwriter. The Treasurer is authorized to select the underwriter for the bonds and notes, and to execute and deliver such contracts or agreements as may be necessary or appropriate in connection therewith.
- d. Registrar, Paying Agent and Transfer Agent. The Treasurer is authorized to select the registrar, paying agent, and transfer agent for the bonds or notes and to execute and deliver such contracts and agreements as may be necessary or appropriate to secure their services. The bonds and notes shall be transferable only on the registration books of the Town kept by the transfer agent. Upon surrender of the bonds or notes with an accompanying written instrument of exchange or transfer, executed by the registered owner or the owner's attorney, duly authorized in writing and satisfactory to the transfer agent, the Town and the transfer agent shall make a charge sufficient to cover any tax, fee or any other governmental charge required to be payable with respect to such exchange or

transfer. Subsequent to the first exchange or transfer, the cost of preparing new bonds or notes upon exchanges or transfer thereof shall be paid by the person requesting the same.

**Section 6. Refunding.** The Treasurer and Chair of the Town Council be and hereby are authorized to execute a refunding of general obligation bonds and notes herein authorized when the Treasurer and the Chair of the Town Council determine that such refunding is in the best interest of the Town. All delegated authority provided pursuant to this ordinance shall also apply to a refunding bond and note issue relating to the general obligation bonds and notes herein authorized.

**Section 7. Continuing Disclosure.** The Treasurer and Chair of the Town Council be and hereby are individually authorized to covenant, certify, and agree, on behalf of the Town, for the benefit of the holders of such bonds and notes, that the Town will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to ensure that the disclosure requirements imposed by Rule 15c12-12 of the Securities and Exchange Commission are met.

**Section 8. Investment Earnings and Other Bond Proceeds.** Any investment earnings on the proceeds of the bonds and notes and any other unexpended proceeds thereof are appropriated for the following purposes:

- a. To any costs of the Project in excess of the amounts authorized herein;
- b. In accordance with the applicable terms and conditions of the Town's Arbitrage and Use of Proceeds Certificate delivered in connection with the sale of the bonds or notes including, to the extent permitted thereunder, to interest on the bonds or notes, or to the Town's general fund;
- c. To any other qualified costs approved by the Town Council and not prohibited by the Town Charter or Ordinances, Maine law or the Internal Revenue Code.

**Section 9. Authority to Levy Tax for Debt Service.** In each of the years during which any of the bonds or notes are outstanding, there shall be levied a tax in an amount which, with other revenues, if any, available for that purpose, shall be sufficient to pay the interest on said bonds or notes, payable in such year, and the principal of such bonds maturing in such year.

**Section 10. Advances to Fund Project.** The Town is authorized to make advances, from the Town's general fund to a capital projects fund, in an aggregate amount not to exceed \$580,000, in anticipation of the issuance of bonds or notes, or for the purpose of financing any part of the Project. Advances used in lieu of bonds or notes authorized hereunder, are appropriated to finance the cost, or any part thereof, of the Project. The Treasurer is authorized to establish and amend all details of any advances including, but not limited to the term, interest rates, and payment schedule. The authority to issue the bonds and notes authorized herein shall remain and continue in full force and effect during the entire term of the advance(s). The proceeds of the bonds and notes issued hereunder may be used to repay the advance(s) of any portion thereof.

**Section 11. Declaration of Official Intent.** Advances from the Town's general fund may finance the original expenditures related to the Project. It is expected that those advances will be reimbursed in part or in whole by the issuance of bonds or notes authorized hereunder. It is the intent of the Town Council that this Ordinance shall constitute the Town's declaration of official intent within the meaning of Treasury Regulation 1.150-2.

**Section 12. Abandonment of Borrowing Authority.** The Treasurer is empowered to declare abandoned, the authority to issue any bonds or notes the Treasurer deems to be in excess of the amount necessary to complete the Project. Such a declaration once made may not be reversed other than by ordinance.

Proposed to Town Council      August 4, 2014  
Public Hearing:                      September 2, 2014  
Adopted by Town Council:

**Preliminary Estimate of Probable Cost**

**Reconstruction & Storm Drain Improvements of Nancy Dr, Patricia Rd and Pierce Lane  
Town of Brunswick**

**Project Description:** Storm drain improvements and reconstruction of Nancy Drive in 2014 or Spring 2015. Nancy Drive to be repaved with binder only in 2014 if storm drain work completed in time. Reconstruction of Patricia Rd and Pierce Ln in 2015 with final paving of all three streets in 2015.

JAF, Public Works Department

Print Date: July 23, 2014

<b>Description</b>	<b>Quantity</b>	<b>Unit</b>	<b>Unit Price</b>	<b>Estimated Total Cost</b>
<b>2014 Scope of Work (Nancy Dr)</b>				
<b>Install Storm Drain Improvements, River Rd &amp; Nancy Dr</b>				
15" ADS N-12 Storm Drain Line	90.0	l.f.	\$50.00	\$4,500
18" ADS N-12 Storm Drain Line	1,030.0	l.f.	\$60.00	\$61,800
24" ADS N-12 Storm Drain Line	760.0	l.f.	\$75.00	\$57,000
New or Replacement Pre-Cast 4' Dia Catch Basin, Complete	14.0	ea.	\$2,800.00	\$39,200
Traffic Control, Flaggers	320.0	hrs	\$25.00	\$8,000
Replace Asphalt Curb	210.0	l.f.	\$15.00	\$3,150
Replace HMA Asphalt Sidewalk	25.0	tons	\$175.00	\$4,400
Install Cast Iron Detectable Warning Field	16.0	s.f.	\$75.00	\$1,200
Install Pavement Markings		L.S.		\$500
Mobilize/Demobilize		L.S.		\$3,000
<b>Sub-Total for Storm Drain Contract</b>				<b>\$182,750</b>
<b>Public Works Crews to Improve Nancy Drive after Storm Drain Installed</b>				
Reclaim Nancy Drive (1,300' x 20')	4,044.4	s.y.	\$3.25	\$13,144
Add MDOT Grade A Gravel as Needed	876.3	c.y.	\$15.00	\$13,144
Install HMA Binder Course (1,300' x 28')	466.3	tons	\$80.00	\$37,303
Gravel for Driveway Aprons	108.3	c.y.	\$15.00	\$1,625
Install 12.5mm HMA Base Course for Driveway Aprons, 1.5" depth	87.8	tons	\$150.00	\$13,176
Mill Butt Joints	80.0	s.y.	\$20.00	\$1,600
Shoulder Gravel	96.3	c.y.	\$20.00	\$1,926
Topsoil	156.5	c.y.	\$20.00	\$3,130
General Supplies (Erosion control matls, grass seed, mulch, etc)		L.S.		\$8,000
<b>Sub-Total for Road Work</b>				<b>\$93,048</b>
<b>Total 2013 Nancy Dr Project Cost (Storm Drain + Road Work)</b>				<b>\$275,798</b>
Construction Contingency	<b>8%</b>			\$22,064
Update Storm Drain Final Design by Sitalines				\$4,000
<b>Total Nancy Drive 2014 Project Cost Including Contingency</b>				<b>\$302,000</b>
<b>2015 Scope of Work (Patricia Rd/Pierce Ln)</b>				
<b>Reconstruction by Town of Patricia Rd and Pierce Ln, no storm drain upgrades required</b>				
Reclaim Patricia Road (1,300' x 20')	4,044.4	s.y.	\$3.50	\$14,156
Reclaim Pierce Ln (600' x 28')	4,044.4	s.y.	\$3.50	\$14,156
Add MDOT Grade A Gravel as Needed	1,280.7	c.y.	\$15.00	\$19,211
Install 2" HMA Binder Course (1,900' x 28')	681.5	tons	\$80.00	\$54,519
Remove Pavement Aprons & Prepare Driveways for Paving	209.4	c.y.	\$15.00	\$3,142
Install 12.5mm HMA Base Course for Driveway Aprons, 1.5" depth	84.9	tons	\$150.00	\$12,737
Mill Butt Joints	160.0	s.y.	\$20.00	\$3,200
Install 9.5 mm HMA Top Course over Patricia/Pierce (1.5")	532.9	tons	\$90.00	\$47,961
Install 9.5 mm HMA Top Course over Nancy Dr (1.5")	368.9	tons	\$90.00	\$33,204
Install 9.5 mm HMA Top Course Driveway Aprons, Patricia/Pierce	84.9	tons	\$150.00	\$12,737
Install 9.5 mm HMA Top Course Driveway Aprons, 1.5", Nancy Dr	87.8	tons	\$150.00	\$13,176
Mill Butt Joints	240.0	s.y.	\$20.00	\$4,800
Shoulder Gravel	211.1	c.y.	\$22.00	\$4,644
Topsoil	228.7	c.y.	\$20.00	\$4,574
General Supplies (Erosion control matls, grass seed, mulch, etc)		L.S.		\$15,000
<b>Sub-Total for Road Work</b>				<b>\$257,216</b>
<b>Total 2015 Nancy Dr Project Cost (Storm Drain + Road Work)</b>				<b>\$257,000</b>
Contingency	<b>8%</b>			\$20,560
<b>Total Patricia Rd/Pierce Ln 2014/15 Project Cost Including Contingency</b>				<b>\$278,000</b>
<b>Grand Total Project Cost</b>				<b>\$580,000</b>
<b>Nancy Dr, Patricia Rd &amp; Pierce Ln Improvements (2014+2015)</b>				

ITEM 109

BACK UP MATERIALS

**TOWN OF BRUNSWICK, MAINE**

**An Ordinance Authorizing the Acquisition of a Trackless Sidewalk Tractor and Associated Attachments, with Total Project Costs Not to Exceed \$146,000 (plus any other authorized costs authorized costs), and Further Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$146,000 (plus cost of issuance)**

**WHEREAS**, the Town Council (the “Town Council”) of the Town of Brunswick (the “Town”) adopted a Capital Improvement Program for the fiscal years ending June 30, 2015-2019 (the “CIP”); and

**WHEREAS**, the CIP recommends annual funding for the replacement of Public Works vehicles and equipment (“Public Works Vehicle Reserve”);

**WHEREAS**, prior to the adoption of the 2014-15 annual municipal budget, funding for the Public Works Vehicle Reserve was reduced by \$100,000; and

**WHEREAS**, at the time, the Interim Town Manager advised the Town Council that there was still a need to replace the Public Works trackless sidewalk tractor (the “Project”) and that he would recommend it be funded with general obligation bonds;

**WHEREAS**, during the CIP review process the Town Engineer estimated the total cost of the Project to be \$146,000;

**WHEREAS**, the Interim Town Manager is now recommending that the entire cost of the Project be funded with general obligation bonds; and

**WHEREAS**, the Charter of the Town of Brunswick, Maine (the “Charter”) requires that any capital acquisition to be financed solely or partly by the issuance of bonds or notes to be authorized by ordinance;

**NOW THEREFORE THE FOLLOWING ORDINANCE IS ADOPTED.**

**Section 1. Funding Sources and Appropriations.**

- a. A total one hundred and forty-six thousand dollars (\$146,000), plus any additional amounts authorized under this ordinance, are appropriated to finance the cost of a new trackless sidewalk tractor and associated attachments (the “Project”).
- b. The issue and sale of the Town’s general obligation bonds or notes (and notes in anticipation thereof) is authorized in an aggregate principal amount not to exceed one hundred and forty-six thousand dollars (\$146,000), plus the cost of issuance. The proceeds of the bonds and notes are appropriated to finance the costs of the Project. The bonds and notes may also be used to reimburse the Town for any prior expenditures on the Project, or to refinance notes or advances as authorized herein.

**Section 2. Authorization to Purchase and Equip the Project.** The Town Manager is authorized to negotiate, execute, and deliver, in the name of and on behalf of the Town, such contracts, agreements, and other documents and certificates as the Town Manager may determine to be necessary or appropriate in connection with the Project. The aforementioned items shall be in such form and contain such terms and conditions as may be approved by the Town Manager. Such approval shall be conclusively evidenced by the Town Manager's execution thereof, provided however, that the Town Manager may delegate the authority granted hereunder as the Town Manager deems appropriate.

**Section 3. Project Costs Defined.** The term "cost" or "costs" as used herein and applied to the Project, or any portion thereof, includes:

- a. the purchase price or acquisition cost of all or any portion of the Project;
- b. any other costs identified in the Project budget, and the cost of any other items or services deemed to be cost under generally accepted accounting principles ("GAAP") as determined by the Town's Finance Director.

**Section 4. Details of the Bonds or Notes.**

- a. **Execution and Delivery of Bonds and Notes.** The bonds and notes issued hereunder, and any issued as the result of exchanges or transfers, shall be signed by the Treasurer and be countersigned by the Chair of the Town Council. The bonds and notes shall have the seal of the Town affixed thereon, and be attested by the Town Clerk. The Treasurer and Chair of the Town Council, from time to time, shall execute such bonds and notes as may be required to provide for exchanges or transfers of bonds and notes hereinbefore authorized.
- b. **Book Entry Certificates** In lieu of physical certificates of the bonds and notes, the Treasurer be and hereby is authorized to undertake all acts necessary to provide for the issuance and transfer of such bonds and notes in book-entry form pursuant to the Depository Trust Company Book-Entry Only System. As an alternative to the provisions herein regarding physical transfer of bonds, and the Treasurer is authorized and empowered to enter into a Letter of Representation or any other contract, agreement or understanding necessary or, in the Treasurer's opinion, appropriate in order to qualify the bonds for and participate in the Depository Trust Company Book-Entry Only System.
- c. **Tax Exempt Bonds Option.** The Treasurer and Chair of the Town Council are individually authorized to determine whether to issue the bonds and notes authorized herein as taxable bonds and notes or tax-exempt bonds and notes. To the extent such bonds and notes are issued as tax-exempt bonds, the Treasurer and Chair of the Town Council are individually authorized to covenant and agree, on behalf of the Town and for the benefit of the holders of such bonds and notes, that the Town will file any required reports and take any other action that may be necessary to ensure that interest on the bonds and notes will remain exempt from federal income taxation and that the Town will refrain from any action that would cause interest on the bonds and notes to be subject to federal income taxation.
- d. **No Arbitrage Certification.** The Treasurer and Chair of the Town Council are individually authorized to covenant and certify on behalf of the Town that no part of the

proceeds of the bonds and notes shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause such bonds or notes to be “arbitrage bonds” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended.

- e. Qualified Tax Exempt Obligations. The Treasurer is hereby authorized and empowered to take all such action as may be necessary to designate such bonds and/or notes as qualified tax-exempt obligations for purposes of Section 265(b) of the Code; it being the Town’s intention that the Treasurer, with advice of bond counsel, to make the required Section 265(b) election with respect to such bonds and notes, but only to the extent the election may be available and advisable as determined by the Treasurer.
- f. Principal Denominations. The principal amount of the bonds of the same maturity shall be such minimum denomination as the Treasurer, in the Treasurer’s discretion, may approve.
- g. Maturities and Interest Rates. The maturity(ies), interest rate(s) and sale price of the bonds or notes issued hereunder shall be either sent out to bid or negotiated by the Treasurer in such manner as the Treasurer deems appropriate and in the best interest of the Town and the financing of the above-referenced Project. The Treasurer be and hereby is authorized to provide that any of the bonds or notes hereinbefore authorized may be made callable, with or without premium, prior to their stated dates of maturity. The bonds or notes hereby authorized shall be in such form and to otherwise contain such other terms and provisions as the Treasurer may approve, his or her approval to be conclusively evidenced by his/her execution thereof.
- h. Consolidation of Bond or Notes. Any or all of the bonds or notes issued hereunder may be consolidated with and become a part of any other issue of bonds or notes authorized to be issued by any previous or subsequent ordinance of the Town Council of the Town of Brunswick.
- i. Other Authorized Officials. If the Treasurer, Chair of the Town Council or Town Clerk are for any reason unavailable to approve and execute the bonds hereinbefore authorized or any other documents necessary or convenient to the issuance, execution and delivery of the bonds, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had performed such act.
- j. Absence of Officials Prior to Delivery. If any of the officials of the Town who have signed or sealed the bonds or notes shall cease to be such officials before the bonds or notes signed and sealed shall have been actually authenticated or delivered by the Town, such bonds and notes nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such bonds or notes had not ceased to be such officer or official; and also any such bonds and notes may be signed and sealed on behalf of the Town by those persons who, at the actual date of the execution of such bonds and notes, shall be the proper officials of the Town, although at the nominal date of such bonds and notes any such person shall not have been such officer or official.

**Section 5. Sale of Bonds or Notes and Registrar, Paying Agent and Transfer Agent**

- a. **Official Statement.** The Treasurer is authorized to prepare, or cause to be prepared, a Preliminary Official Statement and an Official Statement for use in the offering and sale of the bonds or notes. The Preliminary Official Statement and Official Statement shall be in such form and contain such information as may be approved by the Treasurer, with the advice of the underwriter for the bonds or notes and bond counsel for the Town. The distribution of the Preliminary Official Statement and the Official Statement in the name of and on behalf of the Town in connection with offering the bonds or notes is approved.
- b. **Counsel.** The Treasurer is authorized to select Issuer Counsel, Bond Counsel and any other counsel the Treasurer deems necessary in connection with the planning, sale and issuance of the notes or bonds, and to execute and deliver such contracts or agreements as may be necessary or appropriate in connection therewith.
- c. **Underwriter.** The Treasurer is authorized to select the underwriter for the bonds and notes, and to execute and deliver such contracts or agreements as may be necessary or appropriate in connection therewith.
- d. **Registrar, Paying Agent and Transfer Agent.** The Treasurer is authorized to select the registrar, paying agent, and transfer agent for the bonds or notes and to execute and deliver such contracts and agreements as may be necessary or appropriate to secure their services. The bonds and notes shall be transferable only on the registration books of the Town kept by the transfer agent. Upon surrender of the bonds or notes with an accompanying written instrument of exchange or transfer, executed by the registered owner or the owner's attorney, duly authorized in writing and satisfactory to the transfer agent, the Town and the transfer agent shall make a charge sufficient to cover any tax, fee or any other governmental charge required to be payable with respect to such exchange or transfer. Subsequent to the first exchange or transfer, the cost of preparing new bonds or notes upon exchanges or transfer thereof shall be paid by the person requesting the same.

**Section 6. Refunding.** The Treasurer and Chair of the Town Council be and hereby are authorized to execute a refunding of general obligation bonds and notes herein authorized when the Treasurer and the Chair of the Town Council determine that such refunding is in the best interest of the Town. All delegated authority provided pursuant to this ordinance shall also apply to a refunding bond and note issue relating to the general obligation bonds and notes herein authorized.

**Section 7. Continuing Disclosure.** The Treasurer and Chair of the Town Council be and hereby are individually authorized to covenant, certify, and agree, on behalf of the Town, for the benefit of the holders of such bonds and notes, that the Town will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to ensure that the disclosure requirements imposed by Rule 15c12-12 of the Securities and Exchange Commission are met.

**Section 8. Investment Earnings and Other Bond Proceeds.** Any investment earnings on the proceeds of the bonds and notes and any other unexpended proceeds thereof are appropriated for the following purposes:

- a. To any costs of the Project in excess of the amounts authorized herein;
- b. In accordance with the applicable terms and conditions of the Town's Arbitrage and Use of Proceeds Certificate delivered in connection with the sale of the bonds or notes including, to the extent permitted thereunder, to interest on the bonds or notes, or to the Town's general fund;
- c. To any other qualified costs approved by the Town Council and not prohibited by the Town Charter or Ordinances, Maine law or the Internal Revenue Code.

**Section 9. Authority to Levy Tax for Debt Service.** In each of the years during which any of the bonds or notes are outstanding, there shall be levied a tax in an amount which, with other revenues, if any, available for that purpose, shall be sufficient to pay the interest on said bonds or notes, payable in such year, and the principal of such bonds maturing in such year.

**Section 10. Advances to Fund Project.** The Town is authorized to make advances, from the Town's general fund to a capital projects fund, in an aggregate amount not to exceed \$146,000, in anticipation of the issuance of bonds or notes, or for the purpose of financing any part of the Project. Advances used in lieu of bonds or notes authorized hereunder, are appropriated to finance the cost, or any part thereof, of the Project. The Treasurer is authorized to establish and amend all details of any advances including, but not limited to the term, interest rates, and payment schedule. The authority to issue the bonds and notes authorized herein shall remain and continue in full force and effect during the entire term of the advance(s). The proceeds of the bonds and notes issued hereunder may be used to repay the advance(s) of any portion thereof.

**Section 11. Declaration of Official Intent.** Advances from the Town's general fund may finance the original expenditures related to the Project. It is expected that those advances will be reimbursed in part or in whole by the issuance of bonds or notes authorized hereunder. It is the intent of the Town Council that this Ordinance shall constitute the Town's declaration of official intent within the meaning of Treasury Regulation 1.150-2.

**Section 12. Abandonment of Borrowing Authority.** The Treasurer is empowered to declare abandoned, the authority to issue any bonds or notes the Treasurer deems to be in excess of the amount necessary to complete the Project. Such a declaration once made may not be reversed other than by ordinance.

Proposed to Town Council: August 4, 2014  
 Public Hearing: September 2, 2013  
 Adopted by Town Council:

# H. P. FAIRFIELD, LLC

**BUDGET # 135539**



**"MUNICIPAL SPECIALISTS"**

PHONE: 207-885-4895 FAX: 866-896-9559

<http://www.hpfairfield.com>

FROM:

Travis Baker

65 Pleasant Hill Road

Scarborough, ME 04074

QUOTED TO: Town Of Brunswick  
106090 Public Works Dept.  
Brunswick, ME

DATE: March 28, 2014

CUSTOMER PHONE:

ATTN:

CUSTOMER FAX:

COMMENTS: 2014 Trackless Proposal

QTY	DESCRIPTION	PRICE	EXT. PRICE
1	NEW TRACKLESS MT6 SIDEWALK TRACTOR, 4 WHEEL DRIVE, TIER 3 ENGINE, HYDROSTATIC DRIVE, FULLY ARTICULATING AND OSCILLATING MAIN FRAME, 115 HP CUMMINS TURBO-CHARGED DIESEL ENGINE, 102 HP AT THE PTO, ROPS CERTIFIED SAFETY CAB, FULL INSTRUMENTATION, BARE AXLES WITH LIMITED SLIP, 16" RADIAL TIRES HYDRAULIC SYSTEM TO OPERATE ALL TRACTOR FUNCTIONS WITH JOYSTICK CONTROLS, A/C AND CAB PRESSURIZER, BACK UP ALARM, CAB MOUNTED STROBE, AIR RIDE HIGH BACK SEAT, JOYSTICK F/R BUTTON, PREPPED AND DELIVERED	\$145,888.00	\$145,888.00

ATTACHMENTS INCLUDED:

TRACKLESS 49" V-PLOW

TRACKLESS 7' ANGLE PLOW

TRACKLESS REAR MOUNT HYDRAULIC SANDER

TRACKLESS 51" RIBBON AUGER SNOWBLOWER

\*\*\* ONE YEAR WARRANTY PARTS AND LABOR \*\*\*

SIGNED

*Travis Baker*

ACKNOWLEDGED

QUOTE TOTAL

\$145,888.00

**Serving New England for over 60 Years**

**ITEM 110**

**BACK UP MATERIALS**

**Town of Brunswick – Town Council  
Proclamation to Recognize the 13th Anniversary of  
September 11, 2001**

***“A Day To Remember”***

- WHEREAS, the unprovoked terrorist attacks of September 11, 2001 have thrust the United States, and other countries, into conflicts never envisioned; and
- WHEREAS, the challenges facing all the civilized people of the world related to the war on terrorism will not end until those responsible are brought to justice; and
- WHEREAS, reminding the world, and ourselves, that the deaths of these people will always be remembered and that they will be forever loved is necessary to understanding our ongoing response to terrorism; and
- WHEREAS, a noble and appropriate way to accomplish this is through the annual celebration of their lives; and
- WHEREAS, this commemoration should be conducted each September 11 throughout the land to include:
- The promotion of global peace and goodwill;
  - The demonstration of America’s resolve and perseverance against terrorism;
  - The advancement of responsible citizenship;
  - The encouragement of patriotism and love of country; and
  - The poignant remembrance of those innocent victims who died on September 11, as heroes, one and all;

**NOW THEREFORE BE IT**

- RESOLVED, the Town of Brunswick, issues this proclamation to memorialize those men, women and children who lost their lives; and be it further
- RESOLVED, that this proclamation be publicized for all to see and to know that the citizens of Brunswick remember with eternal respect those whose lives were suddenly, without cause, and pointlessly taken from them on September 11, 2001.

May they forever rest in peace and abide in our memories.

ITEM 111

BACK UP MATERIALS

**MEMORANDUM**

TO: Town Council  
Town of Brunswick, Maine

FROM: John Eldridge  
Finance Director

DATE: August 24, 2014

RE: August Flood Damage

On August 13<sup>th</sup> and 14<sup>th</sup>, we experienced significant rainfall which resulted in damage to a number of roads. Following the storm, we made a number of temporary repairs to get the damaged roads reopened. We realized that more extensive work would be required for permanent repairs. Last week we did a more thorough analysis of the road damage. While it initially appeared as though the major damage was limited to River Road, Raymond Road, and Hacker Road we subsequently identified additional damage on Lunt Road and Collinsbrook Road. Given the size and location of the repairs, we engaged an engineer to assist in reviewing the damage and sizing the replacement culverts.

For two reasons the engineering analysis concluded that we need to install larger diameter culverts than existed. First, the engineers recalculated the water flow for the watersheds. Second, a state law, adopted in 2011 requires that the new culverts at these locations be embedded at least one foot or twenty-five percent of the culverts diameter, whichever is greater. A copy of that law is attached.

The cost of the repairs is now estimated at \$25,000 for the temporary repairs and \$175,000 for the permanent repairs, for a total of \$200,000. The repair estimates include the cost of the Public Works Department's labor and equipment. As I indicated in previous communications, we will submit these estimates for potential FEMA reimbursement. However, it appears there may not have been enough county-wide damage to trigger a FEMA event, a requirement for FEMA reimbursement. We are also looking at the possibility of other funding sources.

Attached is a report from John Foster, Town Engineer/Public Work Director. The report identifies the required repaired and the estimated costs. Also attached is an emergency appropriation resolution, authorizing the appropriation and expenditure of up to \$200,000.

We will be prepared to answer questions at the September 2<sup>nd</sup> Council meeting.

attachment

**TOWN OF BRUNSWICK, MAINE**

**Resolution for an Emergency Appropriation of \$200,000 from Unappropriated Available General Fund Revenues to Fund Unanticipated Expenditures to Repair Roads and Infrastructure that were Damaged by Heavy Rains and Flooding that Occurred in August of 2014**

**WHEREAS**, in August 2014 the Town experienced very heavy rainfall which damaged a number of roads and infrastructure of the Town of Brunswick; and

**WHEREAS**, to protect the public health, safety and welfare, and to provide for the convenience of the public, the Town of Brunswick has made temporary repairs to these roads and infrastructure; and

**WHEREAS**, the Town has engaged the service of an engineering firm to assist in the development of permanent repairs; and

**WHEREAS**, the total cost of the repairs, temporary and permanent, is estimated at \$200,000; and

**WHEREAS**, the scope and cost of the temporary and permanent repairs were not anticipated in the 2014-15 budget; and

**WHEREAS**, pursuant to section 510 of the Charter of the Town of Brunswick, the Town Manager has recommended that \$200,000 be appropriated from unappropriated available General Fund revenues for the purpose of funding the unanticipated road and infrastructure repairs; and

**WHEREAS**, the Town Council has determined the need to repair the roads and infrastructure to be an emergency under section 510 of the Charter of the Town of Brunswick;

**NOW THEREFORE BE IT RESOLVED** that the sum of \$200,000 is appropriated from unappropriated available General Fund revenues to be added to the 2014-15 budget in order to fund road and infrastructure repairs that the Town Manager deems or deemed necessary, necessitated by rainfall and flooding that occurred in August 2014.

**BE IT FURTHER RESOLVED** that any contracts and expenditures already made and related to the road and infrastructure repairs are ratified, confirmed, and approved.

Proposed to Town Council – September 2, 2014

Adopted by Town Council -

# Summary of Total Estimated Cost to Repair Flood Damage

**Storm Date: August 14, 2014**

***Town of Brunswick, Maine***

Prepared by: John Foster, PE, Town Engineer

Brunswick Public Works Dept, 207.725.6654

Print Date: August 21, 2014

<b>Location</b>	<b>Estimated Cost</b>
Raymond Road Washout	\$ 18,000
River Road Washout	\$ 53,000
Hacker Road Washout	\$ 30,000
Collinsbrook Road Washout	\$ 42,000
Lunt Road Washout	\$ 18,000
Bunganuc Road Washout	\$ 4,000
Design Engineering	\$ 6,000
Permitting	\$ 4,000
<b><i>Total Estimated Cost:</i></b>	<b>\$ 175,000</b>

# Flood Damage Preliminary Estimate of Costs

## August 14, 2014

### Town of Brunswick, Maine

Prepared by: John Foster, PE, Town Engineer  
Brunswick Public Works Dept, 207.725.6654

Print Date: August 21, 2014

Location	Quantity	Unit	Unit Price	Est. Total Cost
<b>Raymond Road Washout</b>				
Rental of Tracked Excavator	10.0	hrs.	\$ 150.00	\$ 1,500.00
E&SCM	L.S.			\$ 500.00
Replacement Culvert	60.0	l.f.	\$ 110.00	\$ 6,600.00
Mineral Rock for Culvert Bottom	18.0	tons	\$ 20.00	\$ 360.00
Gravel for Roadway, Delivered	115.6	tons	\$ 15.00	\$ 1,733.33
Geotextile Fabric for Rip-Rap	55.6	s.y.	\$ 4.00	\$ 222.22
6-8" Ledge Rock Rip-Rap	22.5	tons	\$ 15.00	\$ 337.50
Rental of Roller	2.0	days	\$ 300.00	\$ 600.00
Repaving of Roadway, 3" depth	23.4	tons	\$ 150.00	\$ 3,513.60
PWD Equipment Costs	L.S.			\$ 1,500.00
Contingency	5%			\$ 843.33
<b>Sub-Total for Raymond Road Washout</b>				<b>\$ 18,000.00</b>
<b>River Road Washout</b>				
E&SCM	L.S.			\$ 2,000.00
Traffic Control, 4 flaggers, signs	4.0	days	\$ 2,000.00	\$ 8,000.00
Rental of Message Boards, 2 ea, 1 wk	1.0	wks	\$ 1,500.00	\$ 1,500.00
Replacement Culvert	75.0	l.f.	\$ 120.00	\$ 9,000.00
Pipe Crew, 2 days	2.5	days	\$ 4,900.00	\$ 12,250.00
Mineral Rock for Culvert Bottom	22.5	tons	\$ 20.00	\$ 450.00
Gravel for Roadway, Delivered	173.3	tons	\$ 15.00	\$ 2,600.00
Geotextile Fabric for Rip-Rap	133.3	s.y.	\$ 4.00	\$ 533.33
6-8" Ledge Rock Rip-Rap	56.3	tons	\$ 15.00	\$ 843.75
Prep Road for Repaving	1.0	days	\$ 2,700.00	\$ 2,700.00
Milling of Transverse Joints	90.0	s.y.	\$ 25.00	\$ 2,250.00
Repaving of Roadway, 4" depth	40.0	tons	\$ 150.00	\$ 5,995.08
Restriping of Lines	100.0	l.f.	\$ 4.00	\$ 400.00
Reset Guard Rail	60.0	l.f.	\$ 25.00	\$ 1,500.00
Contingency	5%			\$ 2,501.11
<b>Sub-Total for River Road Washout</b>				<b>\$ 53,000.00</b>
<b>Hacker Road Washout</b>				
E&SCM	L.S.			\$ 1,000.00
Traffic Control	2.0	days	\$ 1,500.00	\$ 3,000.00
Replacement Culvert	70.0	l.f.	\$ 110.00	\$ 7,700.00
Pipe Crew, 2 days	1.5	days	\$ 4,900.00	\$ 7,350.00
Mineral Rock for Culvert Bottom	63.0	tons	\$ 20.00	\$ 1,260.00
Gravel for Roadway, Delivered	115.6	tons	\$ 15.00	\$ 1,733.33
Geotextile Fabric for Rip-Rap	66.7	s.y.	\$ 4.00	\$ 266.67
6-8" Ledge Rock Rip-Rap	45.0	tons	\$ 15.00	\$ 675.00
Prep Road for Repaving	0.5	days	\$ 2,700.00	\$ 1,350.00
Milling of Transverse Joints	60.0	s.y.	\$ 25.00	\$ 1,500.00
Repaving of Roadway, 3" depth	18.7	tons	\$ 150.00	\$ 2,810.88
Contingency	5%			\$ 1,432.29
<b>Sub-Total for Hacker Road Washout</b>				<b>\$ 30,000.00</b>

# Flood Damage Preliminary Estimate of Costs

## August 14, 2014

### Town of Brunswick, Maine

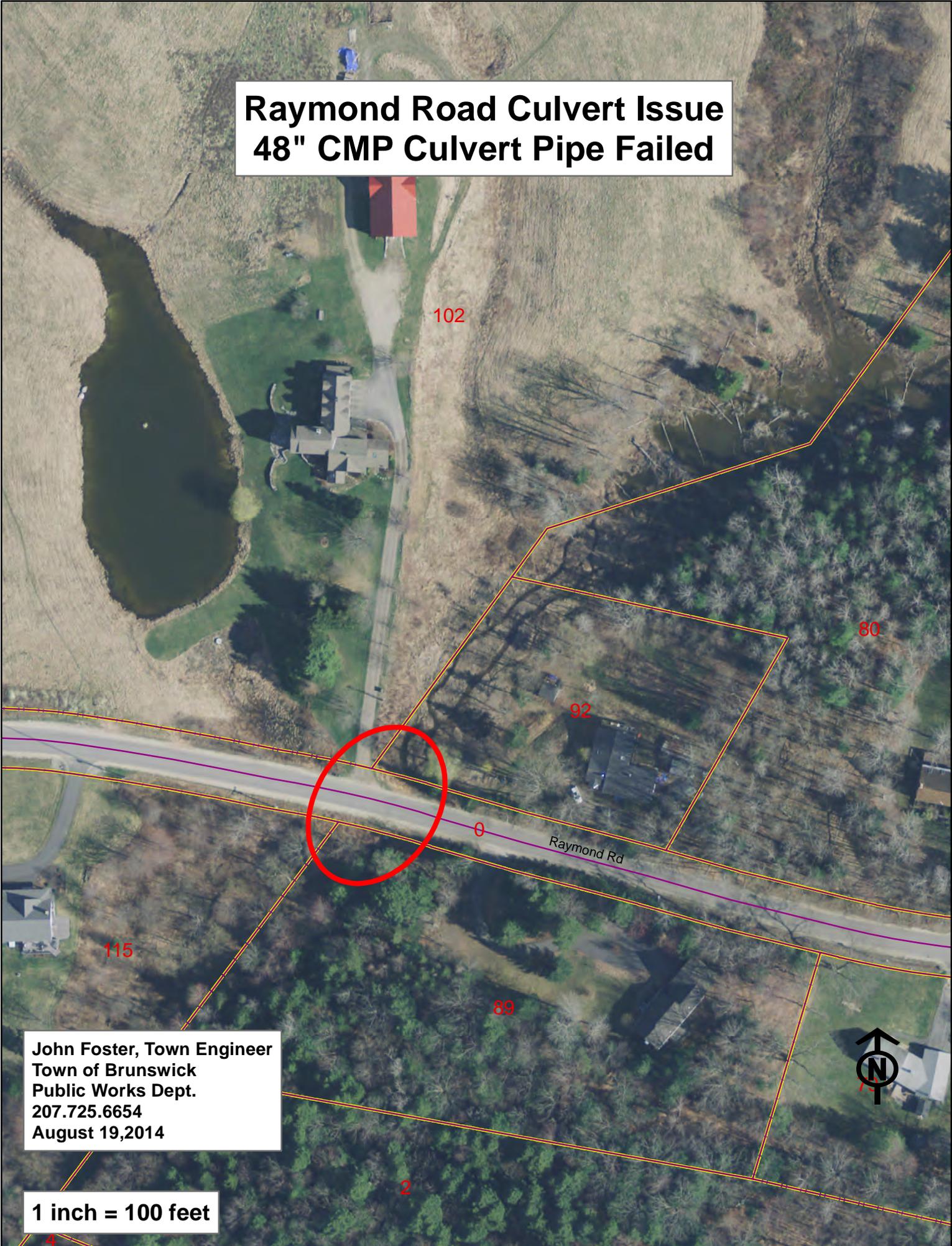
Prepared by: John Foster, PE, Town Engineer

Brunswick Public Works Dept, 207.725.6654

Print Date: August 21, 2014

Location	Quantity	Unit	Unit Price	Est. Total Cost
<b><i>Collinsbrook Road Washout</i></b>				
E&SCM	L.S.			\$ 2,500.00
Traffic Control	2.0	days	\$ 1,000.00	\$ 2,000.00
Replacement Culvert	75.0	l.f.	\$ 175.00	\$ 13,125.00
Pipe Crew, 2 days	2.0	days	\$ 4,900.00	\$ 9,800.00
Mineral Rock for Culvert Bottom	67.5	tons	\$ 20.00	\$ 1,350.00
Gravel for Roadway, Delivered	126.4	tons	\$ 15.00	\$ 1,895.83
Geotextile Fabric for Rip-Rap	100.0	s.y.	\$ 4.00	\$ 400.00
6-8" Ledge Rock Rip-Rap	67.5	tons	\$ 15.00	\$ 1,012.50
Prep Road for Repaving	1.0	days	\$ 2,700.00	\$ 2,700.00
Milling of Transverse Joints	60.0	s.y.	\$ 25.00	\$ 1,500.00
Repaving of Roadway, 3" depth	23.4	tons	\$ 150.00	\$ 3,513.60
Contingency	5%			\$ 1,989.85
Sub-Total for Collinsbrook Road Washout				\$ 42,000.00
<b><i>Lunt Road Washout</i></b>				
E&SCM	L.S.			\$ 500.00
Traffic Control, 2 flaggers, 1 days	2.0	days	\$ 1,000.00	\$ 2,000.00
Replacement Culvert	20.0	l.f.	\$ 55.00	\$ 1,100.00
Pipe Crew, 1 days	1.5	days	\$ 4,900.00	\$ 7,350.00
Gravel for Roadway, Delivered	86.7	tons	\$ 15.00	\$ 1,300.00
Geotextile Fabric for Rip-Rap	50.0	s.y.	\$ 4.00	\$ 200.00
6-8" Ledge Rock Rip-Rap	33.8	tons	\$ 15.00	\$ 506.25
Prep Road for Repaving	0.5	days	\$ 2,700.00	\$ 1,350.00
Milling of Transverse Joints	50.0	s.y.	\$ 25.00	\$ 1,250.00
Repaving of Roadway, 4" depth	9.4	tons	\$ 150.00	\$ 1,405.44
Contingency	5%			\$ 848.08
Sub-Total for Lunt Road Washout				\$ 18,000.00
<b><i>Bunganuc Road Washout</i></b>				
E&SCM	L.S.			\$ 100.00
Replacement Culvert	40.0	l.f.	\$ 16.03	\$ 641.20
Gravel for Roadway, Delivered	28.9	tons	\$ 15.00	\$ 433.33
Geotextile Fabric for Rip-Rap	22.2	s.y.	\$ 4.00	\$ 88.89
6-8" Ledge Rock Rip-Rap	15.0	tons	\$ 15.00	\$ 225.00
Repaving of Roadway, 3" depth	9.4	tons	\$ 150.00	\$ 1,405.44
PWD Equipment Costs	L.S.			\$ 1,000.00
Contingency	5%			\$ 194.69
Sub-Total for Bunganuc Road Washout				\$ 4,000.00

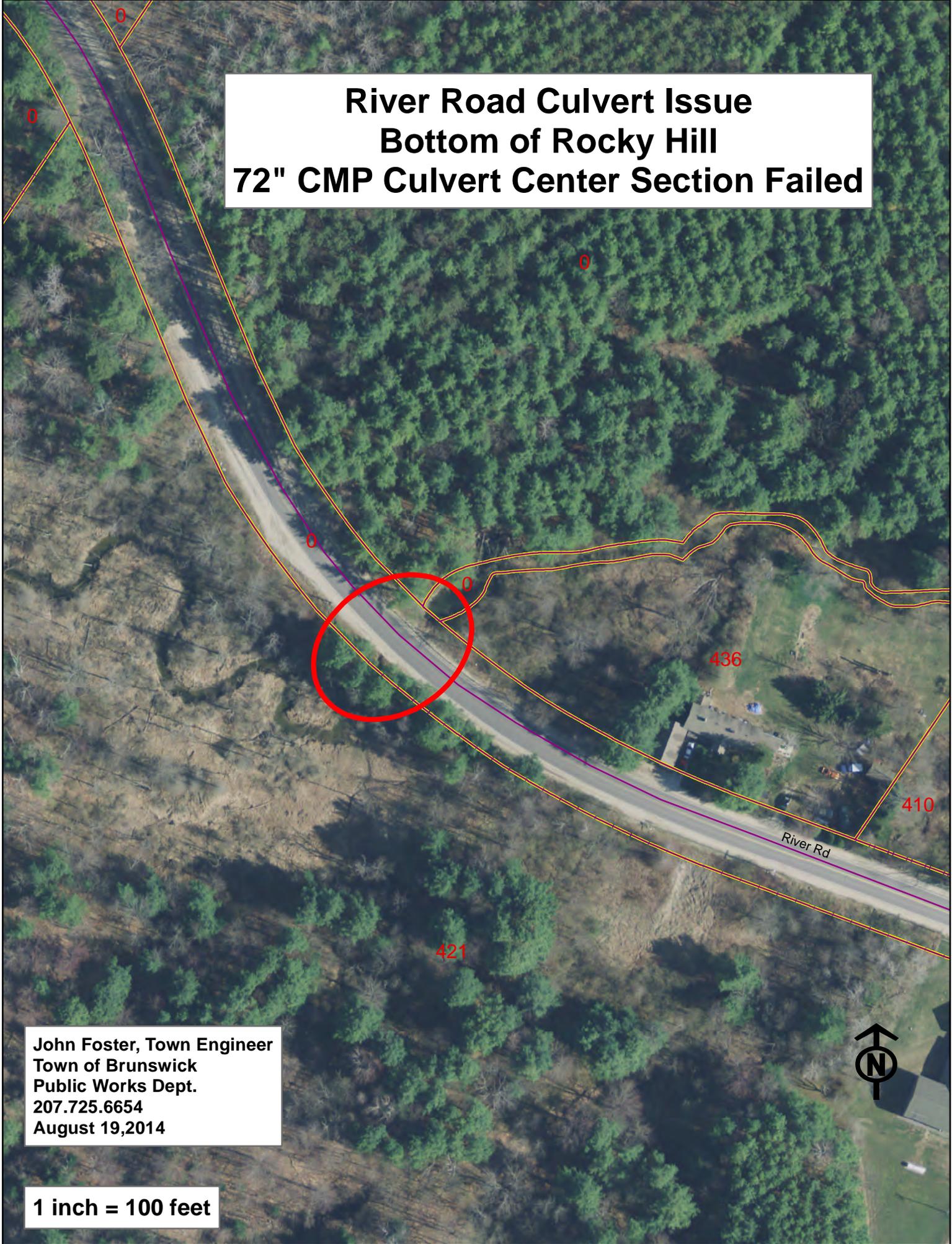
# Raymond Road Culvert Issue 48" CMP Culvert Pipe Failed



John Foster, Town Engineer  
Town of Brunswick  
Public Works Dept.  
207.725.6654  
August 19, 2014

1 inch = 100 feet

**River Road Culvert Issue  
Bottom of Rocky Hill  
72" CMP Culvert Center Section Failed**



**John Foster, Town Engineer  
Town of Brunswick  
Public Works Dept.  
207.725.6654  
August 19, 2014**



**1 inch = 100 feet**

# Collinsbrook Road Culvert Issue

## 48" x 72" CMP Pipe Arch Failed



John Foster, Town Engineer  
Town of Brunswick  
Public Works Dept.  
207.725.6654  
August 19, 2014

1 inch = 100 feet



Collinsbrook Rd

78

74

0

0

21

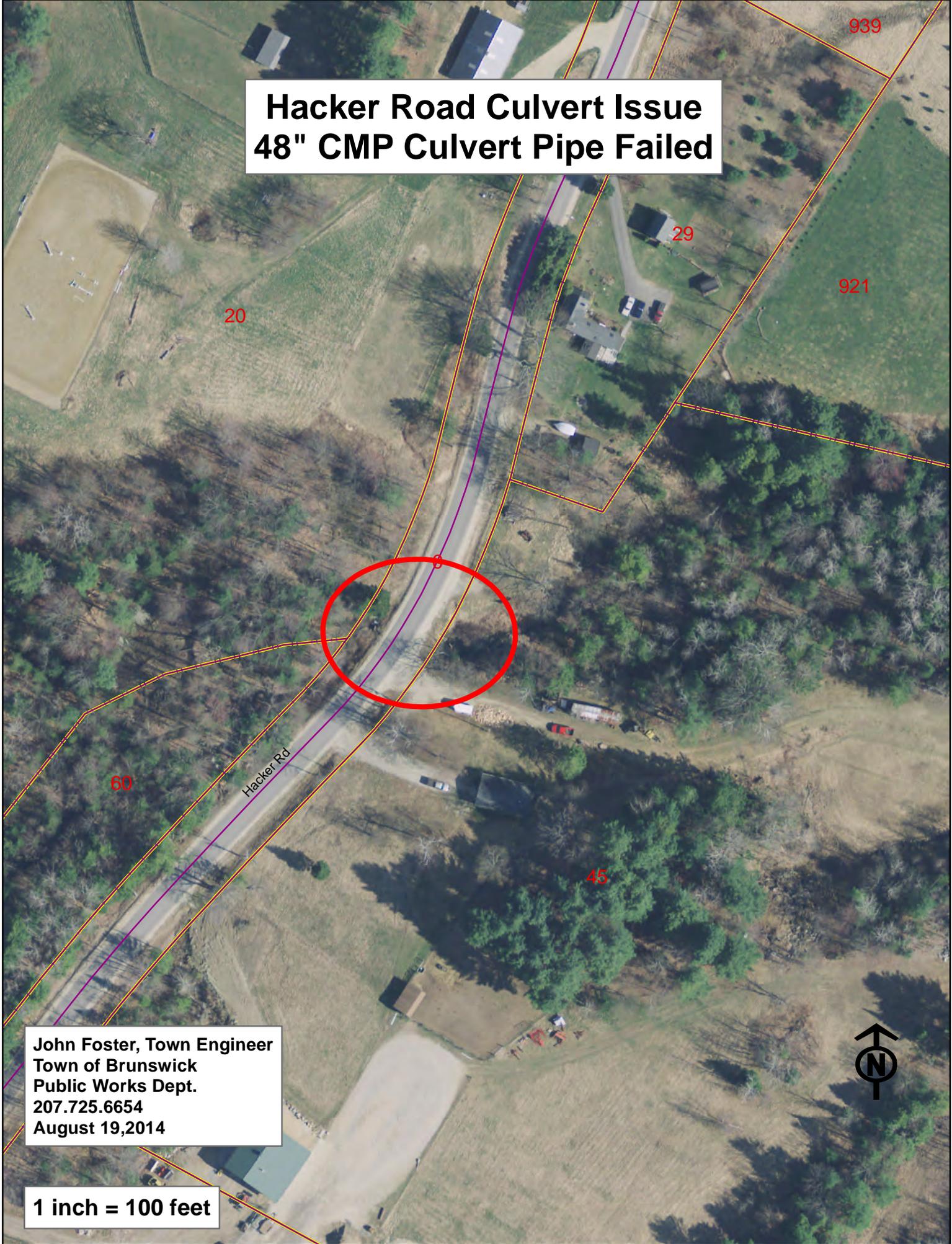
0

12

0

83

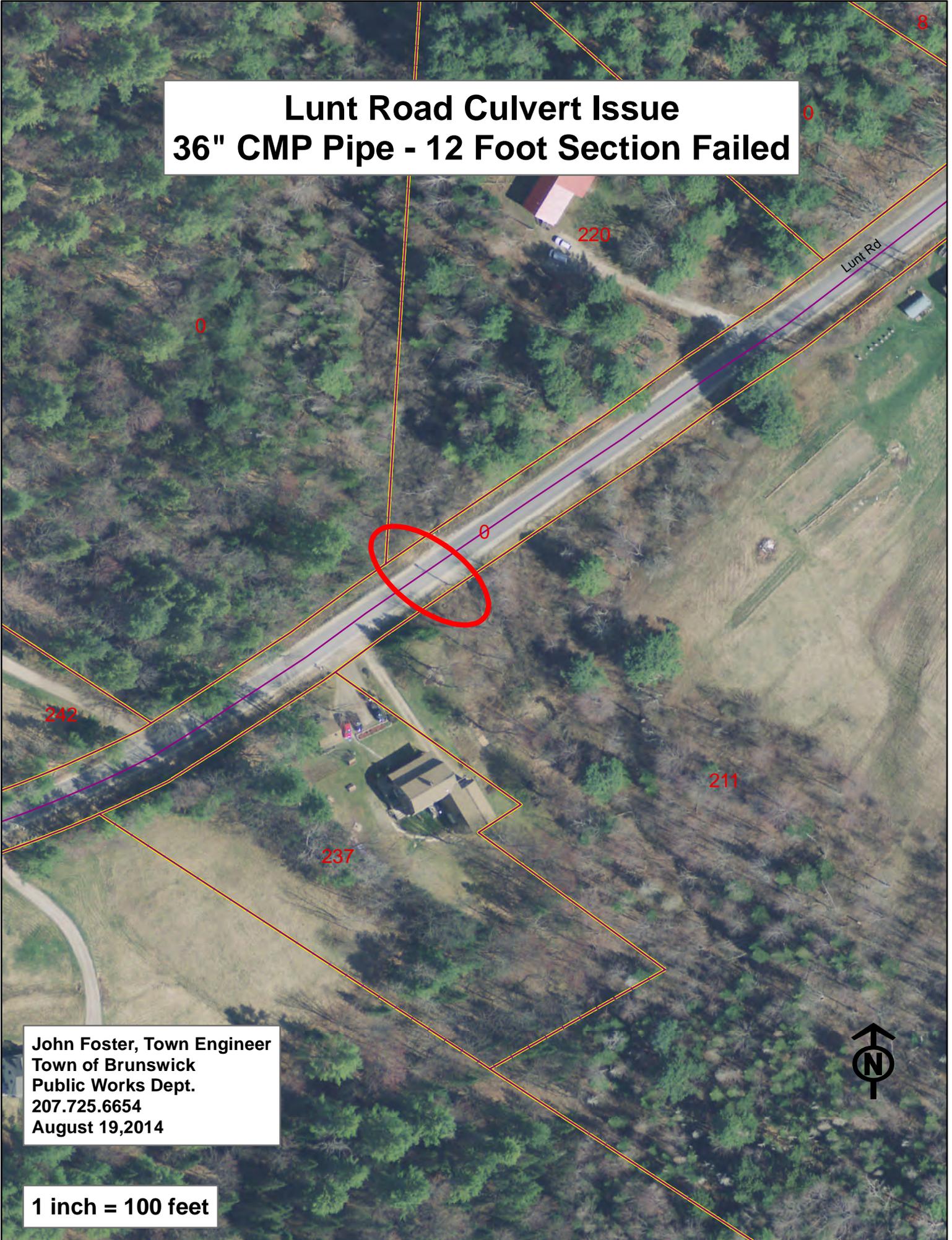
# Hacker Road Culvert Issue 48" CMP Culvert Pipe Failed



John Foster, Town Engineer  
Town of Brunswick  
Public Works Dept.  
207.725.6654  
August 19, 2014

1 inch = 100 feet

# Lunt Road Culvert Issue 36" CMP Pipe - 12 Foot Section Failed



John Foster, Town Engineer  
Town of Brunswick  
Public Works Dept.  
207.725.6654  
August 19, 2014

1 inch = 100 feet



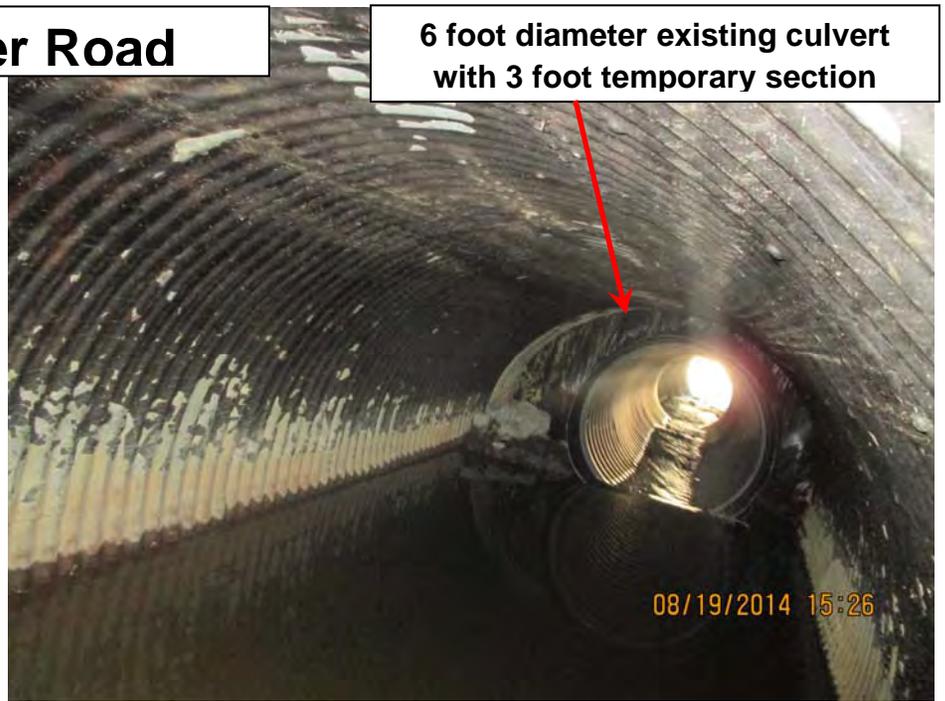
**Hacker Road**



Sinkholes on upstream side due to offset culvert pipe joint



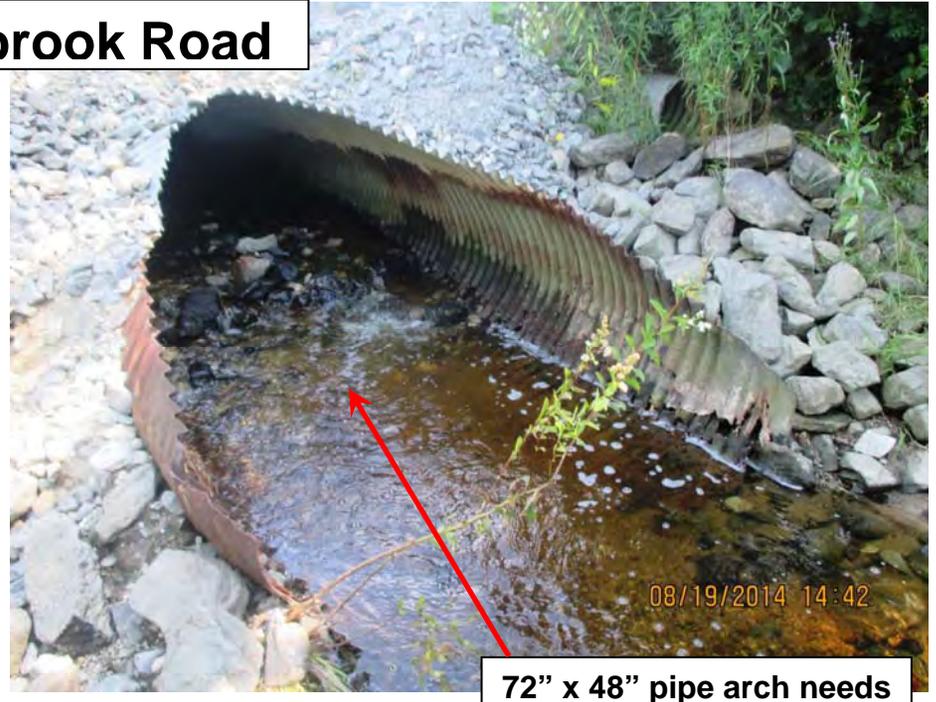
**River Road**



6 foot diameter existing culvert with 3 foot temporary section



**Collinsbrook Road**

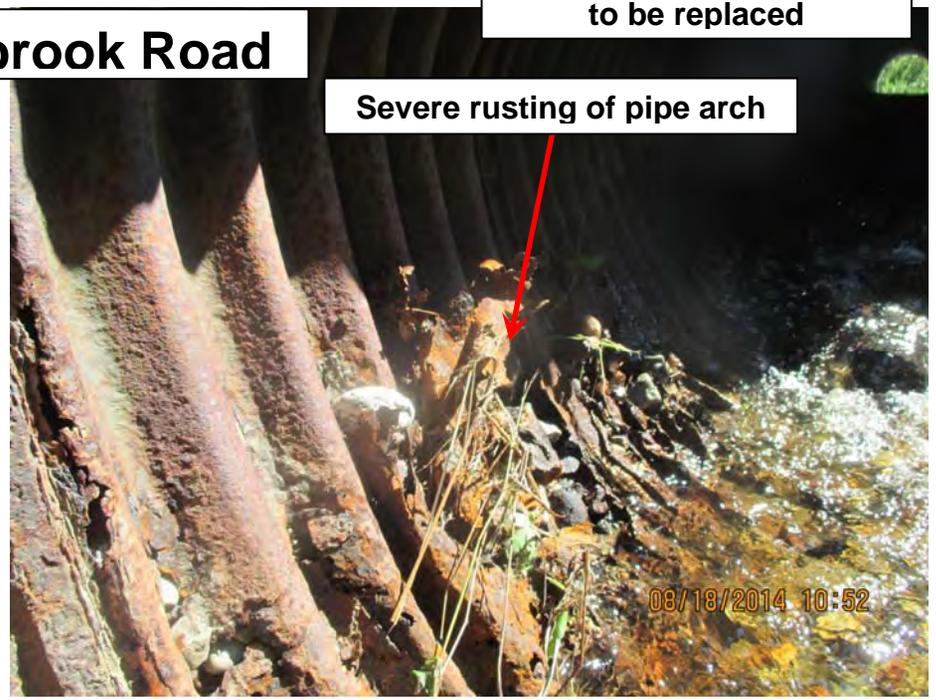


**72" x 48" pipe arch needs to be replaced**



**Temporary 36" pipe inserted into pipe**

**Collinsbrook Road**



**Severe rusting of pipe arch**



**Raymond Road**



**Offset joint above and rusted section obstructing flow.**



**Raymond Road**



**Lunt Road**

**Deteriorated end section needs to be replaced**

**2-B. Floating docks.** Replacement of a floating dock with another floating dock if the dimensions of the replacement dock do not exceed those of the dock being replaced and the configuration of the replacement dock is the same as the dock being replaced. In any action brought by the department against a person claiming an exemption under this subsection, the burden is on that person to demonstrate that the replacement dock satisfies the requirements of this subsection;

[ 1993, c. 617, §2 (NEW) .]

**2-C. Transportation reconstruction or replacement project within a community public water system primary protection area.** A transportation reconstruction or replacement project located within a community public water system primary protection area as long as a permit is not required due to the presence of any other type of protected natural resource;

[ 2007, c. 353, §12 (NEW) .]

**2-D. Existing crossings.** A permit is not required for the repair and maintenance of an existing crossing or for the replacement of an existing crossing, including ancillary crossing installation activities such as excavation and filling, in any protected natural resource area, as long as:

A. Erosion control measures are taken to prevent sedimentation of the water; [ 2011, c. 205, §3 (NEW) .]

B. The crossing does not block passage for fish in the protected natural resource area; and [ 2011, c. 205, §3 (NEW) .]

C. For replacement crossings of a river, stream or brook:

(1) The replacement crossing is designed, installed and maintained to match the natural stream grade to avoid drops or perching; and

(2) As site conditions allow, crossing structures that are not open bottomed are embedded in the stream bottom a minimum of one foot or at least 25% of the culvert or other structure's diameter, whichever is greater, except that a crossing structure does not have to be embedded more than 2 feet. [ 2011, c. 205, §3 (NEW) .]

For purposes of this subsection, "repair and maintenance" includes but is not limited to the riprapping of side slopes or culvert ends; removing debris and blockages within the crossing structure and at its inlet and outlet; and installing or replacing culvert ends if less than 50% of the crossing structure is being replaced.

[ 2011, c. 205, §3 (NEW) .]

### 3. Peat mining.

[ 1995, c. 700, §1 (RP) .]

**4. Interstate pipelines.** Alteration of freshwater wetlands associated with the construction, operation, maintenance or repair of an interstate pipeline, subject to article 6, where applicable;

[ 1987, c. 809, §2 (NEW) .]

**5. Gold panning.** Notwithstanding section 480-C, a permit shall not be required for panning gold, provided that stream banks are not disturbed and no unlicensed discharge is created;

[ 1987, c. 809, §2 (NEW) .]

**5-A. Motorized recreational gold prospecting.** Notwithstanding section 480-C, a permit is not required for motorized recreational gold prospecting as long as the provisions of this subsection are met.

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# CONSENT AGENDA - A BACK UP MATERIALS

**Draft**  
**BRUNSWICK TOWN COUNCIL**  
**Minutes**  
**August 4, 2014**  
**6:00 P.M. – Executive Session**  
**7:00 P.M.**  
**Council Chambers**  
**Town Hall**  
**85 Union Street**

**Councilors Present:** Chair Benet Pols, W. David Watson, Stephen S. Walker, Suzan Wilson, John M. Perreault, Gerald E. Favreau, Jane F. Millett, Sarah Brayman, and John Richardson, Jr.

**Councilors Absent:** None

**Town Staff Present:** John Eldridge, Finance Director/Interim Town Manager; Fran Smith, Town Clerk/Assistant to the Town Manager; Anna Breinich, Director of Planning and Development; John Foster, Public Works Director; Richard Rizzo, Chief of Police; Mark Waltz, Police Captain; Bryan Cobb, IT Manager; Julie Henze, Deputy Finance Director; Steve Langsdorf, Town Attorney; Jason McCarthy, Police Officer; and TV video crew.

Chair Pols called the meeting to order and called the roll.

**Executive session – Personnel matter regarding the Town Manager search per 1 M.R.S.A. §405(6)(A)**

**Councilor Walker moved, Councilor Perreault seconded, to go into executive session for a personnel matter regarding the Town Manager search per 1 M.R.S.A. §405(6)(A) The motion carried with nine (9) yeas.**

Meeting resumed at 7:02 p.m.

Chair Pols asked for the Pledge of Allegiance and acknowledgment that the meeting was properly noticed.

**Public Comment**      *(Time item discussion began was 7:13 p.m.)*      None

**Correspondence**      *(Time item discussion began was 7:14 p.m.)*

Councilor Perreault brought up a comment from a business owner who said that Councilor Perreault was not pro-business, and he also wanted to talk about conflict of interest with Councilor Millett listing his property. He requested a meeting on conflict of interest and other public access. Mr. Eldridge said there will be a workshop on this along with Council rules and Freedom of Access.

Councilor Millett said she received a letter from a resident of Cumberland Street, who had concerns with traffic, including large trucks and late night traffic from bars.

**Town Council Minutes**

**August 4, 2014**

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**Council Committee Updates** (*Time item discussion began was 7:18 p.m.*)      None

**Adjustments to the Agenda**

Chair Pols announced that the public hearing on Zoning Ordinance amendments that had been set for this evening is not on the agenda due to timing issues and further conversations with the applicant.

To add an item - To consider authorizing MMA to contract personality testing on Town Manager candidates.

**MANAGER'S REPORT**

- a) Sewer District update on pending charter changes due to recent state law change**  
(*Time item discussion began was 7:20 p.m.*)

**Lenny Blanchette**, Sewer District, spoke regarding this item. He responded to questions from Chair Pols, Councilor Favreau, Councilor Brayman, and Councilor Richardson.

Councilor Richardson also spoke regarding this item.

(*A copy of a memo from Lenny Blanchette will be attached to the official minutes.*)

- b) Acceptance of a donation of \$2,000 to fund Project Lifesaver (Action required)** (*Time item discussion began was 7:38 p.m.*)

Mr. Eldridge spoke regarding this item.

Chair Pols spoke regarding this item.

Councilor Brayman asked a question, to which Captain Waltz responded.

**Councilor Perreault moved, Councilor Watson seconded, to accept and expend a donation of \$2,000 to fund a portion of the Brunswick Police Department's participation in Project Lifesaver. The motion carried with nine (9) yeas.**

(*A copy of a memo from Captain Waltz is included in your packet.*)

- c) Nomination papers availability** (*Time item discussion began was 7:41 p.m.*)

Fran Smith, Town Clerk, spoke regarding this item.

**Town Council Minutes**

**August 4, 2014**

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**d) Update on train idling issue (*Time item discussion began was 7:42 p.m.*)**

Mr. Eldridge provided this update and responded to questions from Councilor Millett and Councilor Favreau.

**e) Update on Longfellow Avenue parking (*Time item discussion began was 7:51 p.m.*)**

Mr. Eldridge and Mark Waltz, Police Captain, spoke regarding this item.

**Jill Pearlman**, 34 Longfellow Avenue, spoke regarding this item.

Captain Waltz responded to questions from Councilor Favreau and Councilor Walker.

Councilor Millett spoke regarding this item.

**f) (ADDED) Updated Zoning Ordinance Rewrite Committee meeting schedule**

Mr. Eldridge spoke regarding this item.

**NEW BUSINESS**

**99. The Town Council will consider creating a Finance Committee, and will take any appropriate action. (Councilor Brayman) (*Time item discussion began was 8:08 p.m.*)**

Councilor Brayman spoke regarding this item.

Councilor Wilson, Chair Pols, Councilor Richardson, and Mr. Eldridge spoke regarding this item.

Councilor Favreau suggested having citizen members in the future.

**Councilor Brayman moved, Councilor Millett seconded, to approve creating a Finance Committee, as attached. The motion carried with nine (9) yeas.**

Chair Pols appointed Councilor Brayman and Councilor Millett, with one additional Councilor to be appointed.

*(A copy of the Finance Committee charge will be attached to the official minutes.)*

**100. The Town Council will receive a list of properties acquired through the tax lien foreclosure process and will take any appropriate action. (Manager) (*Time item discussion began was 8:24 p.m.*)**

Mr. Eldridge spoke regarding this item, and responded to questions from Councilor Millett, Councilor Perreault, Councilor Richardson, and Councilor Walker.

Councilor Favreau and Councilor Watson spoke regarding this item.

**Councilor Watson moved, Councilor Millett seconded, to send the list of properties acquired through the tax lien foreclosure process to the Finance Committee to review and make recommendations for further actions at the September 2, 2014 meeting. The motion carried with nine (9) yeas.**

*(A copy of a memo from Mr. Eldridge and a list of properties will be attached to the official minutes.)*

101. **The Town Council will consider authorizing the execution of the Maine Natural Resource Conservation Program Project Agreement relating to the removal of an earthen dam and the restoration of approximately 55.3 acres of wetlands at the Kate Furbish Preserve, and will take any appropriate action. (Manager) (Time item discussion began was 8:35 p.m.)**

Mr. Eldridge spoke regarding this item.

Councilor Walker spoke regarding this item, and responded to questions from Councilor Watson.

Councilor Wilson and Councilor Favreau spoke regarding this item.

**Chair Pols moved, Councilor Brayman seconded, to authorize the Town Manager to execute on behalf of the Town, the Maine Natural Resource Conservation Program Project Agreement relating to the removal of an earthen dam and the restoration of approximately 55.3 acres of wetlands at the Kate Furbish Preserve. The motion carried with eight (8) yeas. Councilor Walker abstained since he works for the Maine Natural Resource Conservation Program and will be the project manager. The motion carried with nine (9) yeas.**

*(A copy of the agreement and surveys will be attached to the official minutes.)*

102. **The Town Council will consider setting a public hearing for September 2, 2014, for “An Ordinance Authorizing Storm Drain Improvements and Reconstruction of Nancy Drive, Patricia Road and Pierce Lane, with Total Project Costs Not to Exceed \$580,000 (plus any other authorized costs), and Further Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$580,000 (plus the cost of issuance),” and will take any appropriate action. (Manager) (Time item discussion began was 8:43 p.m.)**

Mr. Eldridge spoke regarding this item.

**Councilor Perreault moved, Councilor Watson seconded, to set a public hearing for September 2, 2014, for “An Ordinance Authorizing Storm Drain Improvements and Reconstruction of Nancy Drive, Patricia Road and Pierce Lane, with Total Project Costs Not to Exceed \$580,000 (plus any other authorized costs), and Further Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$580,000 (plus the cost of issuance). The motion carried with nine (9) yeas.**

103. The Town Council will consider setting a public hearing for September 2, 2014, for “An Ordinance Authorizing the Acquisition of a Trackless Sidewalk Tractor and Associated Attachments, with Total Project Costs Not to Exceed \$146,000 (plus any other authorized costs), and Further Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$146,000 (plus cost of issuance),” and will take any appropriate action. (Manager) (*Time item discussion began was 8:46 p.m.*)

Mr. Eldridge spoke regarding this item.

Mr. Eldridge and John Foster, Public Works Director, responded to questions from Councilor Perreault.

Councilor Favreau asked a question, to which Mr. Eldridge responded.

**Councilor Perreault moved, Councilor Watson seconded, to set a public hearing for September 2, 2014, for “An Ordinance Authorizing the Acquisition of a Trackless Sidewalk Tractor and Associated Attachments, with Total Project Costs Not to Exceed \$146,000 (plus any other authorized costs authorized costs), and Further Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$146,000 (plus cost of issuance).” The motion carried with nine (9) yeas.**

104. The Town Council will consider adopting “A Resolution Authorizing the Overexpenditure of the 2013-14 Appropriation for Technology Services by an Amount Not to Exceed \$40,000.00,” and will take any appropriate action. (Manager) (*Time item discussion began was 8:51 p.m.*)

Mr. Eldridge spoke regarding this item.

**Chair Pols moved, Councilor Watson seconded, to adopt “A Resolution Authorizing the Overexpenditure of the 2013-14 Appropriation for Technology Services by an Amount Not to Exceed \$40,000.00.” The motion carried with nine (9) yeas.**

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

105. The Town Council will consider approving “A Resolution Authorizing Forgiveness of the Balance of an Advance to the School Department for the Renovation of Hawthorne School in the Amount of \$186,580,” and will take any appropriate action. (Manager) (*Time item discussion began was 8:56 p.m.*)

**Town Council Minutes**

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Mr. Eldridge spoke regarding this item.

Chair Pols and Councilor Favreau spoke regarding this item.

**Councilor Millett moved, Councilor Walker seconded, to adopt “A Resolution Authorizing Forgiveness of the Balance of an Advance to the School Department for the Renovation of Hawthorne School in the Amount of \$186,580.” The motion carried with eight (8) yeas. Councilor Watson was opposed.**

*(A copy of a memo from Mr. Eldridge and the approved resolution will be attached to the official minutes.)*

- 106. The Town Council will consider appointments to the Town’s Boards and Committees, and will take any appropriate action. (Appointments Committee) (Time item discussion began was 8:57 p.m.)**

Councilor Favreau made the below nominations:

Kristi Hatrick to serve on the Recreation Commission

Douglas Rice to serve on the Sewer Board of Trustees

Matthew Morgan to serve on the Zoning Board of Appeals (Associate member)

The Council unanimously approved the slate, as presented.

- 107. (ADDED) The Town Council will consider authorizing MMA to administer personality testing on up to three Town Manager candidates, and will take any appropriate action. (Chair Pols) (Time item discussion began was 8:59 p.m.)**

Chair Pols spoke regarding this item.

Councilor Wilson and Councilor Favreau spoke regarding this item.

**MAIN MOTION**

**Chair Pols moved, Councilor Watson seconded, to authorize MMA to hire an outside vendor to administer personality testing on up to three Town Manager candidates.**

**AMENDMENT TO MOTION**

**Councilor Richardson moved, Councilor Watson seconded, to allow up to \$2500.00 to be spent for up to three candidates. The motion carried with eight (8) yeas. Councilor Perreault was opposed.**

**VOTE ON MAIN MOTION WITH AMENDMENT:**

**Chair Pols moved, Councilor Watson seconded, to authorize MMA to hire an outside vendor to administer personality testing on up to three Town Manager candidates and to allow up to \$2500.00 to be spent for up to three candidates. The motion carried with eight (8) yeas. Councilor Perreault was opposed.**

**Town Council Minutes**

**August 4, 2014**

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**CONSENT AGENDA** (*Time item discussion began was 9:02 p.m.*)

- a) **Approval of the Minutes of July 21, 2014**
- b) **Approval of gas utility location permit applications for Maine Natural Gas for sections of Elm Street, Middle Street, Everett Street and Swett Street**

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

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

The meeting adjourned at 9:02 p.m.

**PLEASE NOTE: THESE MINUTES ARE ACTION MINUTES. THE ENTIRE MEETING CAN BE VIEWED AT [WWW.BRUNSWICKME.ORG](http://WWW.BRUNSWICKME.ORG).**

*Frances Smith  
Town Clerk/Assistant to the Town Manager  
August 6, 2014*

September 2, 2014  
*Date of Approval*

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Council Chair