

**BRUNSWICK TOWN COUNCIL**

**Agenda**

**December 1, 2014**

**6:30 P.M. – Executive Session**

**7:00 P.M. – Regular Meeting**

**Council Chambers**

**Town Hall**

**85 Union Street**

**Executive session – Acquisition of real property [1 M.R.S.A. §405(6)(C)]**

Pledge of Allegiance

Roll Call

Public Comment

Acknowledgment that meeting was properly noticed

Correspondence

Council Committee Updates

Adjustments to the Agenda:

**MANAGER’S REPORT:**

- a) Announcement of Sewer District’s public hearing on December 11, 2014, on proposed Charter amendment to expand District’s debt limit from \$20,000,000 to \$40,000,000
- b) Update on status of tax acquired properties subject to sale

**PUBLIC HEARING**

138. The Town Council will hear public comments on amendments to the Code of Ordinance Chapter 11 “Marine Activities, Structures and Ways” relative to allowing a late fee for a Letter of Intent and to changing bushel license requirements, and will take any appropriate action. (Manager)

**PUBLIC HEARING/ACTION**

139. The Town Council will hear public comments on amendments to the Code of Ordinance Chapter 15 “Traffic and Vehicles” relative to allowing overnight parking permits to residents of Longfellow Avenue, and will take any appropriate action. (Councilor Walker)

**PUBLIC HEARING/ACTION**

140. The Town Council will hear public comments on “An Ordinance Authorizing the Upgrading of Heating, Ventilation, Cooling, and Related Improvements at Emerson Station, with Total Project Costs Not to Exceed \$150,000 (plus any other costs authorized hereunder), and Further Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$150,000 (plus cost of issuance), plus any Additional Appropriation Authorized Hereunder,” and will take any appropriate action. (Manager)

**PUBLIC HEARING/ACTION**

**NEW BUSINESS**

141. The Town Council will consider approving a letter of support for a Land for Maine’s Future Grant to address public access needs in upper Woodward Cove, and will take any appropriate action. (Councilor Walker)
- ACTION**
142. The Town Council will consider sending a letter to IF& W regarding opening the Simpson Point boat ramp to boats on a seasonal basis October 1<sup>st</sup> to April 30<sup>th</sup>, and will take any necessary action. (Manager)
- ACTION**
143. The Town Council will discuss CGI Communications producing a video about the Town of Brunswick at no charge, by having the Town provide a letter of introduction to its businesses to solicit interest in purchasing CGI Communications video production services, and will determine if any future action is needed. (Manager)
- DISCUSSION**
144. The Town Council will consider supporting a Letter of Intent for a CDBG grant for Blue Dog Daycare for a project at Brunswick Landing, and will take any appropriate action. (Manager)
- ACTION**
145. The Town Council will consider authorizing the Town Manager to issue a Quitclaim Deed for the parcel depicted as Map 051 Lot 001 Sub 000 Typ 288 simultaneously with the property’s sale closing and the payment of taxes, and will take any appropriate action. (Manager)
- ACTION**

**CONSENT AGENDA**

- a) Approval of the Minutes of November 17, 2014
- b) Approval of the Minutes of October 27, 2014
- c) Approval of Quitclaim Deeds for parcels depicted as Map U40 Lot 012 Sub 000 Typ 000; Map CC2 Lot 047 Sub 000 Typ 000; Map U40 Lot 336 Sub 000 Typ 000; and a mobile home located on property at Map 051 Lot 001 Sub 000 Typ 311
- d) Appointment of Fran Smith at Registrar of Voters

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

**Brunswick Town Council  
Agenda  
December 1, 2014  
Council Notes and Suggested Motions**

**Executive session – Acquisition of real property [1 M.R.S.A. §405(6)(C)]**

*Suggested Motion:*

Motion to go into executive session to discuss acquisition of real property per 1 M.R.S.A. §405(6)(C).

**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) Announcement of Sewer District’s public hearing on December 11, 2014, on proposed Charter amendment to expand District’s debt limit from \$20,000,000 to \$40,000,000: This item is to inform the Council and public of this upcoming public hearing. Following the hearing, and assuming there are no issues from rate payers, the Sewer Trustees will request the Town Council to approve the District’s charter change, which is a requirement of their charter. If Council approval is granted, the issue goes to the Legislature for their approval and then will go to a vote of the voters within the boundaries of the Sewer District. That vote will be no earlier than June 2015, but more likely in November 2015. A copy of the public hearing notice is included in your packet.

*Suggested Motion:* No motion is required.

- b) Update on status of tax acquired properties subject to sale: This item is to update the Council on the status of these properties, which the Council had voted on September 15<sup>th</sup> to have a sale date of December 15<sup>th</sup> if back taxes were not paid by prior to that date. The action to sell the properties is consistent with the Town’s policy regarding tax acquired properties. The Town Manager does have the authority to extend the deadline on an individual basis. A copy of a list of the properties is included in your packet.

*Suggested Motion:* No motion is required.

**PUBLIC HEARING**

138. This item is the required public hearing on amendments to Chapter 11 Shellfish ordinance changes relative to allowing a late fee for a Letter of Intent and to make adjustments to the bushel license requirements. These changes need to be in effect prior to the date Intent forms are available, which is January 15<sup>th</sup>. Officer Devereaux will be at your meeting to answer any questions. A copy of the draft language is included in your packet.

Suggested Motion:

Motion to adopt amendments to the Code of Ordinance Chapter 11 “Marine Activities, Structures and Ways” relative to allowing a late fee for a Letter of Intent and changing the bushel license requirements.

139. This item is sponsored by Councilor Walker and is the required public hearing on amendments to the Code of Ordinance Chapter 15 “Traffic and Vehicles” regarding allowing an overnight parking permit to residents of Longfellow Avenue. Captain Waltz worked with residents of the street to address concerns they have regarding overnight parking and have agreed on this solution. He will be at your meeting to answer any questions. Copies of a memo from Captain Waltz and the draft language are included in your packet.

Suggested Motion:

Motion to adopt amendments to the Code of Ordinance Chapter 15 “Traffic and Vehicles” relative to allowing an overnight parking permit to residents of Longfellow Avenue.

140. This item is the required public hearing on “An Ordinance Authorizing the Upgrading of Heating, Ventilation, Cooling, and Related Improvements at Emerson Station, with Total Project Costs Not to Exceed \$150,000 (plus any other costs authorized hereunder), and Further Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$150,000 (plus cost of issuance), plus any Additional Appropriation Authorized Hereunder.” Issues with the HVAC system have been discussed at past Council meetings, and after working with Wright Pierce, the Town believes it is appropriate to move forward with improvements at this time. Copies of Manager Eldridge’s memo, the proposed bond ordinance, public hearing notice, and a letter from Wright-Pierce are included in your packet.

Suggested Motion:

Motion to adopt “An Ordinance Authorizing the Upgrading of Heating, Ventilation, Cooling, and Related Improvements at Emerson Station, with Total Project Costs Not to Exceed \$150,000 (plus any other costs authorized hereunder), and Further Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$150,000 (plus cost of issuance), plus any Additional Appropriation Authorized Hereunder.”

**NEW BUSINESS**

141. This item is sponsored by Councilor Walker and asks for the Council to consider approving a letter of support for a Land of Maine’s Future Grant to assist in the cost of buying an upper Woodward Cove property. The Council has already pledged a \$1,000 towards this project and this letter would assist with other funding options. A copy of the draft letter is included in your packet.

Suggested Motion:

Motion to approve a letter of support for a Land for Maine’s Future Grant to address public access needs in upper Woodward Cove.

142. This item asks for the Council to consider sending a letter to the IF & W regarding opening the Simpson Point boat ramp to boats on a seasonal basis from October 1<sup>st</sup> to April 30<sup>th</sup>. This request comes from the Brunswick River and Coastal Waters Commission, which voted unanimously to send this recommendation to the Council. The Council discussed this item at the October 6<sup>th</sup> meeting and it comes back for possible action at this meeting. Officer Devereaux will be present to answer any questions. Copies of historical materials regarding the discussion of opening, along with a request from the Commission, are included in your packet.

Suggested Motion:

Motion to send a letter to IF& W regarding opening the Simpson Point boat ramp for boats on a seasonal basis October 1<sup>st</sup> to April 30<sup>th</sup>.

143. This is a discussion item. CGI Communications, located in Rochester, New York, contacted the Brunswick Department of Economic & Community Development about their cost free Community Showcase Video Program that they operate in partnership with the National League of Cities (NLC) and the U.S. Conference of Mayors. The videos CGI produces promote tourism, educate and welcome future residents, help recruit new businesses and are then featured as a link on the official municipal website, social media sites and other local websites that aid in the promotion of the communities. In Maine, this year, they are already working with Auburn, Biddeford, Lewiston and Rockland. CGI Communications has offered to include the Town of Brunswick in this program year's production schedule (2014-15). In return for producing five short videos for Brunswick at no cost, CGI requests the opportunity to use a "letter of introduction" from the Town to its businesses to solicit their interest in purchasing CGI Communications video production services, which would then be hosted on the CGI website and linked to the Town's videos. CGI Communications can queue the Town of Brunswick in to their production schedule for late spring/early summer next year (May – June 2015). Linda Smith, the Business Development Manager, will be available to answer any questions. Copies of memo with attachments are included in your packet.

Suggested Motion: This is a discussion item for possible action on December 15<sup>th</sup>.

144. This item asks the Council to consider supporting a Letter of Intent for a CDBG grant for Blue Dog Daycare for a project at Brunswick Landing. The Letter of Intent will be reviewed by DECD staff, and the Town of Brunswick may or may not be invited to apply on behalf of the business. If the Town is invited to apply, DECD will set a target date (likely in February) for a full application to be submitted. A public hearing is a required part of the full application, so this item will come back before the Town Council for a request to set a public hearing and then for the public hearing. Copies of the memo, the draft Letter of Intent, budget and flyer are included in your packet.

Suggested Motion:

Motion to authorize the Town Manager to sign and submit the Letter of Intent to the Department of Economic & Community Development (DECD) on behalf of Blue Dog Daycare in order to meet the Friday, December 5, 2014 deadline.

145. This item authorizes the Town Manager to issue a Quitclaim Deed for a property where the taxes will be paid prior to its issuance, and will be done in conjunction with the sale of the property to a different owner. (This is similar to one done for another property owner on November 3<sup>rd</sup>.) Copies of a memo from the Finance Director and the quitclaim deed are included in your packet.

Suggested Motion:

Motion to authorize the Town Manager to issue a Quitclaim Deed for the parcel depicted as Map 051 Lot 001 Sub 000 Typ 288 simultaneously with the sale closing and the payment of taxes.

**CONSENT AGENDA**

- a) Approval of the Minutes of November 17, 2014: A copy of the minutes is included in your packet.
- b) Approval of the Minutes of October 27, 2014: A copy of the minutes is included in your packet.
- c) Approval of Quitclaim Deeds for parcels depicted as Map U40 Lot 012 Sub 000 Typ 000; Map CC2 Lot 047 Sub 000 Typ 000; Map U40 Lot 336 Sub 000 Typ 000; and a mobile home located on property at Map 051 Lot 001 Sub 000 Typ 311: This item deeds back properties to their owners, who have paid all back taxes. Copies of the deeds are included in your packet.
- d) Appointment of Fran Smith at Registrar of Voters: This is a biannual appointment of the registrar of voters for a term to expire December 31, 2016.

Suggested Motion:

Motion to approve the Consent Agenda.

Suggested Motion:

Motion to adjourn the meeting.

# MANAGER REPORT A BACK UP MATERIALS

**BRUNSWICK SEWER DISTRICT**  
**NOTICE OF PUBLIC HEARING**  
**AND REGULAR MEETING**

The Board of Trustees of the Brunswick Sewer District will hold a public hearing at 6:30 p.m. on Thursday, December 11, 2014 in the Board Room at the District offices at 10 Pine Tree Rd, Brunswick, Maine.

The purpose of the hearing is to provide information and receive public comment on a proposed amendment to the District's Charter to increase the District's debt limit from \$20,000,000 to \$40,000,000.

The regular monthly meeting will immediately follow the public hearing. The public is invited to attend and participate.

---

# MANAGER'S REPORT - B BACK UP MATERIALS

**Town of Brunswick  
Tax Acquired Properties**

| Parcel       | Location          | Mobile Home    | Total Due 12/15/14 | Date Acquired      | Comments                            |
|--------------|-------------------|----------------|--------------------|--------------------|-------------------------------------|
| 051001000446 | 53 Theodore Dr    | 2002 Astro     | \$3,205.64         | February 22, 2013  | Signed cert Mail, no contact        |
| 051001000035 | 38 Tufton St      | 1990 Commodore | \$4,106.54         | September 13, 2008 | Signed cert Mail, no contact        |
| 022054000050 | 64 Linnell Circle | 94 Skyline     | <u>\$2,285.09</u>  | February 18, 2011  | Signed cert Mail, Came in 9/22/14   |
|              |                   |                | \$9,597.27         |                    |                                     |
| 046012000000 | 403 Bath Rd       |                | \$7,070.77         | February 22, 2013  | Discussions in progress             |
| 051001000025 | 18 Tufton St      | 2004 Fleetwood | \$2,939.88         | February 22, 2013  | Discussion on pmt.                  |
| 051001000449 | 58 Theodore Dr    | 98 Clarion     | \$794.85           | February 23, 2012  | Making pmts.                        |
| U08063000000 | 16 Jordan Ave     |                | \$14,965.97        | February 22, 2013  | Discussion on pmt.                  |
| 02701600F000 | 195 Casco Rd      | 68 Americana   | \$8,956.66         | February 18, 2011  | Discussion on pmt.                  |
| MP4008000000 | 946 Mere Pt Rd    |                | \$47,093.45        | February 18, 2011  | Discussion in progress              |
| 02900300A000 | 77 Bunganuc Rd    |                | \$14,049.20        | February 22, 2013  | Discussion in progress              |
| 045003000131 | 22 Shea St        | 1995 Pinegrove | \$1,096.66         | February 24, 2014  | Making pmts.                        |
| 045003000034 | 35 Karen Ln       | 1989 Skyline   | <u>\$699.98</u>    | February 22, 2013  | No contact, small sporadic payments |
|              |                   |                | \$97,667.42        |                    |                                     |
| 022054000096 | 21 Lynch St       | 1988 Skyline   | \$1,726.47         | February 15, 2008  | Pmt. Arrangement                    |
| 051001000467 | 76 Theodore Drive | 1987 Skyline   | \$3,068.53         | February 23, 2007  | Pmt. Arrangement                    |
| 045003000169 | 30 Long St        | 2003 Pinegrove | \$810.54           | February 18, 2011  | Pmt. Arrangement                    |
| 051001000417 | 70 Franklin Pkwy  | 91 Commodore   | \$1,003.77         | February 18, 2011  | Pmt. Arrangement                    |
| 051001000288 | 45 Primrose Ln    | 2001 Marlette  | <u>\$2,799.68</u>  | February 22, 2013  | Closing 12/5/14                     |
|              |                   |                | \$9,408.99         |                    |                                     |

ITEM 138

BACK UP MATERIALS

PART II - MUNICIPAL CODE OF ORDINANCES

Chapter 11 MARINE ACTIVITIES, STRUCTURES AND WAYS

**Chapter 11 MARINE ACTIVITIES, STRUCTURES AND WAYS** [u](#)

ARTICLE I. - HARBOR, COASTAL, TIDAL AND NAVIGABLE FRESH WATERS

ARTICLE II. - RESERVED

ARTICLE III. - SHELLFISHING

---

FOOTNOTE(S):

---

--- (1) ---

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

**State Law reference**— Waters and navigation, 38 M.R.S.A. § 1 et seq. [\(Back\)](#)

**ARTICLE I. HARBOR, COASTAL, TIDAL AND NAVIGABLE FRESH WATERS**

[Sec. 11-1. Definitions.](#)

[Sec. 11-2. Channels.](#)

[Sec. 11-3. Harbormaster.](#)

[Sec. 11-4. Moorings.](#)

[Sec. 11-5. Operation of watercraft.](#)

[Sec. 11-6. Town launch facilities.](#)

[Sec. 11-7. Disruptive conduct.](#)

[Sec. 11-8. Menaces to navigation.](#)

[Sec. 11-9. Dumping of sewage prohibited.](#)

[Sec. 11-10. Failure to obey order of the harbormaster.](#)

[Sec. 11-11. Forfeiture.](#)

[Sec. 11-12. Enforcement.](#)

[Sec. 11-13. Boat storage.](#)

[Secs. 11-14—11-25. Reserved.](#)

PART II - MUNICIPAL CODE OF ORDINANCES

Chapter 11 MARINE ACTIVITIES, STRUCTURES AND WAYS

**Sec. 11-1. Definitions.**

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

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

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

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

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

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

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

(Ord. of 4-4-05)

**Sec. 11-2. Channels.**

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

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

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

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

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

(Ord. of 4-4-05)

**Sec. 11-3. Harbormaster.**

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

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

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

PART II - MUNICIPAL CODE OF ORDINANCES

Chapter 11 MARINE ACTIVITIES, STRUCTURES AND WAYS

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

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

**Sec. 11-4. Moorings.**

- (a) *Registration.* All moorings located in the harbor, coastal, tidal and navigable fresh waters of Brunswick shall be registered. Registration shall be on forms provided by the harbormaster that, at a minimum, require the following information:

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

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

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

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

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

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

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

(Ord. of 4-4-05)

PART II - MUNICIPAL CODE OF ORDINANCES

Chapter 11 MARINE ACTIVITIES, STRUCTURES AND WAYS

**Sec. 11-5. Operation of watercraft.**

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

(Ord. of 4-4-05)

**Sec. 11-6. Town launch facilities.**

- (a) Use of town launch facilities consistent with the provisions of this article shall be permitted. Commercial uses of town launch facilities require a special activity permit from the town clerk.
- (b) The following activities are prohibited at town launch facilities:
  - (1) Storage of bait, catch, or gear for unreasonable periods of time, as determined by the harbormaster.
  - (2) Processing of seafood products; for the purposes of this section, "processing" does not include washing clams by repeated submersion of bushel bags in the water.
  - (3) Anchoring or mooring.
  - (4) Tying up to floats for more than thirty (30) minutes.
  - (5) Swimming or fishing in designated areas.
  - (6) Power loading or unloading, boat washing, boat painting, and bilge draining.

**Cross reference— Public Wharfs and Landings, ch. 14-139**

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

**Sec. 11-7. Disruptive conduct.**

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

(Ord. of 4-4-05)

**Sec. 11-8. Menaces to navigation.**

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

(Ord. of 4-4-05)

**Sec. 11-9. Dumping of sewage prohibited.**

No person may discharge, spill or permit to be discharged sewage, garbage, or other pollutants from any boat into the harbor, coastal, tidal and navigable fresh waters within the boundaries of the Town of

PART II - MUNICIPAL CODE OF ORDINANCES

Chapter 11 MARINE ACTIVITIES, STRUCTURES AND WAYS

Brunswick or onto the ice or banks thereof in such a manner that the same may fall or be washed into such waters or in such a manner that the drainage may flow into such waters.

(Ord. of 4-4-05)

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

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

(Ord. of 4-4-05)

**Sec. 11-11. Forfeiture.**

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

(Ord. of 4-4-05)

**Sec. 11-12. Enforcement.**

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

(Ord. of 4-4-05)

**Sec. 11-13. Boat storage.**

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

(Ord. of 6-20-11(1))

**Secs. 11-14—11-25. Reserved.**

**ARTICLE II. RESERVED [\[2\]](#)**

**[Secs. 11-26—11-70. Reserved.](#)**

PART II - MUNICIPAL CODE OF ORDINANCES

Chapter 11 MARINE ACTIVITIES, STRUCTURES AND WAYS

**Secs. 11-26—11-70. Reserved.**

---

FOOTNOTE(S):

---

--- (2) ---

**Editor's note**— An ordinance of April 4, 2005, repealed art. II, divs. 1 and 2, §§ 11-26, 11-51—11-53, in its entirety. Formerly, said article pertained to harbor, as enacted by an ordinance adopted April 1, 1974; as amended. The user is directed to art. I of this chapter for similar provisions enacted by the ordinance of April 4, 2005. ([Back](#))

**ARTICLE III. SHELLFISHING** <sup>[3]</sup>

DIVISION 1. - GENERALLY

DIVISION 2. - MARINE RESOURCE COMMITTEE

DIVISION 3. - SHELLFISH REGIONAL ADVISORY COMMISSION

DIVISION 4. - LICENSE

DIVISION 5. - REGULATIONS

---

FOOTNOTE(S):

---

--- (3) ---

**Cross reference**— Conservation Commission, § 2-76 et seq.; parks and recreation areas, § 14-96 et seq. ([Back](#))

**State Law reference**— Municipal Shellfish Conservation Programs, 12 M.R.S.A. § 6671 et seq. ([Back](#))

***DIVISION 1. GENERALLY***

[Sec. 11-71. Definitions.](#)

[Sec. 11-72. Authority.](#)

[Sec. 11-73. Purpose.](#)

[Sec. 11-74. Conservation, management of resources.](#)

[Sec. 11-75. Enforcement.](#)

[Sec. 11-76. Penalty.](#)

PART II - MUNICIPAL CODE OF ORDINANCES

Chapter 11 MARINE ACTIVITIES, STRUCTURES AND WAYS

[Sec. 11-77. Amendment.](#)

[Secs. 11-78—11-95. Reserved.](#)

**Sec. 11-71. Definitions.**

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

*Bushel* means a measurement consisting of four (4) pecks or thirty-two (32) quarts of shellfish.

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

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

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

*Immediate family* means spouse and children.

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

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

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

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

*Shellfish* means softshell clams (*Mya arenaria*), quahogs (*Mercenaria mercenaria*), razor clams (*Ensis ditectces*), American oysters (*Crussostrea virginica*), and European oysters (*Ostrea edulis*).

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

(Ord. of 3-6-89, § 104; Ord. of 2-5-90, § 104; Ord. of 2-18-92, Ord. of 4-5-93, Ord. of 2-22-94; Ord. of 3-16-99; Ord. of 1-18-00(1); Ord. of 2-6-01(1); Ord. of 4-7-08(1); Ord. of 12-7-09; Ord. of 4-1-13; Ord. of 4-7-14)

**Cross reference**— Definitions and rules of construction generally, § 1-2.

**Sec. 11-72. Authority.**

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

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

**Sec. 11-73. Purpose.**

The purpose of this chapter is as follows:

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

## PART II - MUNICIPAL CODE OF ORDINANCES

### Chapter 11 MARINE ACTIVITIES, STRUCTURES AND WAYS

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

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

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

It is hereby determined as follows:

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

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

#### **Sec. 11-75. Enforcement.**

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

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

#### **Sec. 11-76. Penalty.**

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

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

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

#### **Sec. 11-77. Amendment.**

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

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

PART II - MUNICIPAL CODE OF ORDINANCES

Chapter 11 MARINE ACTIVITIES, STRUCTURES AND WAYS

**Secs. 11-78—11-95. Reserved.**

***DIVISION 2. MARINE RESOURCE COMMITTEE*** <sup>14</sup>

[Sec. 11-96. Established, members, etc.](#)

[Sec. 11-97. Powers and duties.](#)

[Secs. 11-98—11-110. Reserved.](#)

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

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

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

**Sec. 11-97. Powers and duties.**

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

- (1) To administer and coordinate the shellfish sustainability program.
- (2) To recommend to the town council how the money appropriated for shellfish sustainability programs should be spent.
- (3) To survey the coastal waters to obtain and maintain current information on shellfish resources, including:
  - a. The determination of size frequency.
  - b. The determination of growth rate.
  - c. The estimation of the available standing crop.
  - d. The estimation of potential yield.
  - e. The identification of sources of harmful pollution.
  - f. The identification of other resource problems, such as green crab predation and mussel competition.

PART II - MUNICIPAL CODE OF ORDINANCES

Chapter 11 MARINE ACTIVITIES, STRUCTURES AND WAYS

- (4) To determine the current level of use of the shellfish resources.
- (5) To cooperate with the Department of Marine Resources and others in carrying on experimental programs.
- (6) To prepare and promulgate a shellfish sustainability plan in cooperation with the Department of Marine Resources based on the results of the shellfish survey, recommending area rotation, seeding, transplanting, predator control, and the opening and closing of the coastal waters.
- (7) To collect harvest data documenting local values of shellfish resources.
- (8) To make an annual written report to the town and the Department of Marine Resources detailing funds available, expenditures made, shellfish population data, results of all conservation and experimental programs, enforcement activities, and sources of pollution, predation, competition and other resource problems.
- (9) To establish annually in conjunction with the Department of Marine Resources the number of commercial shellfish harvesting licenses to be issued.

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

**Secs. 11-98—11-110. Reserved.**

---

FOOTNOTE(S):

---

--- (4) ---

**Cross reference**— Boards, committees, commissions, § 2-51 et seq. ([Back](#))

***DIVISION 3. SHELLFISH REGIONAL ADVISORY COMMISSION*** <sup>[5]</sup>

[Secs. 11-111—11-130. Reserved.](#)

**Secs. 11-111—11-130. Reserved.**

---

FOOTNOTE(S):

---

--- (5) ---

## PART II - MUNICIPAL CODE OF ORDINANCES

### Chapter 11 MARINE ACTIVITIES, STRUCTURES AND WAYS

**Editor's note**— Former Div. 3, §§ 11-111—11-114, relative to the shellfish advisory commission, was deleted by an ordinance adopted Aug. 15, 1994, due to no remaining reciprocal agreements. The provisions of former Div. 3, derived from §§ 401—404 of an ordinance of March 6, 1989; §§ 401—404 of an ordinance of Feb. 5, 1990; an ordinance of Feb. 18, 1992; an ordinance of April 5, 1993; and an ordinance of Feb. 22, 1994. ([Back](#))

#### ***DIVISION 4. LICENSE*** <sup>[6]</sup>

[Sec. 11-131. License required.](#)

[Sec. 11-132. Categories.](#)

[Sec. 11-133. Qualification of licensee.](#)

[Sec. 11-134. Application.](#)

[Sec. 11-135. Misrepresentation; change of residence.](#)

[Sec. 11-136. Fees.](#)

[Sec. 11-137. Exhibition of license.](#)

[Sec. 11-138. Consent to inspection for shellfish.](#)

[Sec. 11-139. Stopping for inspection.](#)

[Sec. 11-140. Limitation on number of licenses.](#)

[Sec. 11-141. Suspension.](#)

[Sec. 11-142. Aiding and abetting.](#)

[Sec. 11-143. Suspension based on state shellfish license being suspended.](#)

[Sec. 11-144. Hearing.](#)

[Sec. 11-145. Expiration.](#)

[Secs. 11-146—11-160. Reserved.](#)

#### **Sec. 11-131. License required.**

A person shall not take or possess shellfish from coastal waters of the town without first obtaining a license from the town clerk or the town clerk's designee.

(Ord. of 3-6-89, § 301; Ord. of 2-5-90, § 301; Ord. of 3-4-91; Ord. of 2-18-92; Ord. of 4-5-93, Ord. of 2-22-94; Ord. of 8-15-94; Ord. of 3-16-99; Ord. of 12-7-09)

#### **Sec. 11-132. Categories.**

(a) There are seven (7) types of licenses as follows:

- (1) *Resident commercial shellfish license.* This license entitles the licensee to harvest any amount of shellfish from the coastal waters of the town where and when it is otherwise lawful to do so.
- (2) *Nonresident commercial shellfish license.* This license entitles the licensee to take or possess any amount of shellfish from the coastal waters of the town where and when it is otherwise lawful to do so.

PART II - MUNICIPAL CODE OF ORDINANCES

Chapter 11 MARINE ACTIVITIES, STRUCTURES AND WAYS

- (3) *Resident recreational shellfish license.* This license is available to residents and nonresident owners of real estate within the town as well as immediate family members of nonresident real estate owners within the town and entitles the licensee to take or possess no more than one (1) peck of shellfish per tide from the coastal waters of the town, not for sale, but for the use of the harvester and the harvester's immediate family, where and when it is otherwise lawful to do so.
  - (4) *Nonresident recreational shellfish license.* This license entitles the licensee to take or possess no more than (1) peck of shellfish per tide from the coastal waters of the town, not for sale, but for the use of the harvester and the harvester's immediate family, where and when it is otherwise lawful to do so.
  - (5) *Resident student shellfish license.* This license allows the licensee to harvest one (1) bushel of shellfish per tide from June 15 (inclusive) to September 1 (inclusive) from the coastal waters of the town to where and when it is otherwise lawful to do so.
  - (6) *Nonresident student shellfish license.* This license allows the licensee to harvest one (1) bushel of shellfish per tide from June 15 (inclusive) to September 1 (inclusive) from the coastal waters of the town where and when it is otherwise lawful to do so.
  - (7) *Bushel license.* This license allows the licensee to harvest one (1) bushel of soft shell clams and one (1) bushel of quahogs in any one (1) twenty-four-hour period that begins at midnight throughout the year.
- (b) The town shall provide ten (10) percent of the resident commercial, recreational and student licenses to nonresidents.
- (c) Any license issued under this division is subject to the partial or total closing of coastal waters under section 11-161 of this chapter.

(Ord. of 3-6-89, § 304; Ord. of 2-5-90, § 304; Ord. of 3-4-91; Ord. of 2-18-92; Ord. of 4-5-93; Ord. of 2-22-94; Ord. of 8-15-94; Ord. of 1-16-96; Ord. of 3-16-99; Ord. of 1-18-00(1); Ord. of 2-6-01(1); Ord. of 12-7-09; Ord. of 4-1-13)

**Sec. 11-133. Qualification of licensee.**

- (a) *Residency and other qualifications.*
- (1) An applicant for a resident commercial shellfish license shall be a resident of the town whose Brunswick shellfish license is not currently under suspension for a second closed area conviction pursuant to this chapter and whose state shellfish license is not currently under suspension.
  - (2) An applicant for a nonresident commercial shellfish license is any person who is not a resident of the town whose Brunswick shellfish license is not currently under suspension for a closed area conviction pursuant to this chapter, and whose state shellfish license is not currently under suspension.
  - (3) An applicant for a resident recreational shellfish license must be either a resident of the town or nonresident owner of real estate within the town or immediate family member of nonresident owner of real estate within the town and whose municipal and state shellfish license is not currently under suspension.
  - (4) An applicant for a nonresident recreational shellfish license is any person who is not a resident of the town and whose municipal and state shellfish license is not currently under suspension.
  - (5) The place of residence of an applicant as stated on any other license is not determinative of the applicant's true place of residence. Where necessary, the town clerk shall require the applicant to produce evidence of his residence before issuing the license.

PART II - MUNICIPAL CODE OF ORDINANCES

Chapter 11 MARINE ACTIVITIES, STRUCTURES AND WAYS

- (6) An applicant for a resident student shellfish license shall be a resident of the town who has attained his or her thirteenth birthday but has not yet attained his or her twenty-first birthday as of March 1 of the year of application and whose shellfish is not under suspension pursuant to this chapter. The applicant shall be enrolled full-time in a primary or secondary school or educational program.
- (7) An applicant for a nonresident student shellfish license shall be a nonresident of the town who has attained his or her thirteenth birthday but has not yet attained his or her twenty-first birthday as of March 1 of the year of application and whose shellfish license is not under suspension pursuant to this chapter. The applicant shall be enrolled full-time in a primary or secondary school or educational program.
- (8) A qualified applicant for a bushel license shall be an individual who has reached the age of sixty (60) and has previously held a commercial license for the last ~~ten (10) consecutive~~ **eight out of ten** years, or held a bushel license in the prior year. An applicant who applies for and receives a bushel license will lose all credit for having held a commercial license in prior years for purposes of any future application for a commercial license. A recipient of a bushel license will be guaranteed a bushel license in future years if all other requirements of this chapter are met.
- (b) *Conservation time.* A licensed commercial shellfish harvester must obtain a total of twenty (20) conservation credit points between May 1 and February 15 in order to remain eligible to obtain a license for the next licensing year. Bushel license holders are exempt from any conservation time requirements. **Student shellfish license holders and commercial license holders over the age of 62 as of the date of the application deadline set forth in Section 11-134 is EXEMPT from any conservation credit requirements.**
- (1) *Conservation credit activities.* Participation in any of the following activities results in the granting of conservation credit as specified:
- Participation in any one (1) of the following activities shall deem a harvester eligible to receive two (2) conservation credit points per event attended:
- a. Documented attendance at a Brunswick Marine Resource Committee meeting or Brunswick Marine Resource Committee public hearing.
  - b. Documented attendance at a regional or state shellfish committee meeting.
  - c. Documented attendance at a shellfish conference (i.e., Fisherman's Forum).
- Participation in any one (1) of the following activities shall deem a harvester eligible to receive five (5) conservation credit points per event attended:
- a. Participation in a Brunswick Marine Resource Committee sponsored shellfish reseeded project.
  - b. Participation in a Brunswick Marine Resource Committee sponsored experimental shellfish enhancement project.
  - c. Participation in Town of Brunswick annual shellfish surveys.
  - d. Participation in Town of Brunswick water quality monitoring event.
  - e. Participation in an organized coastal or environmental cleanup along within the Town of Brunswick.
  - f. Participation in non-point pollution identification or remediation project within the Town of Brunswick.
  - g. Participation in a Town of Brunswick shellfish predation control project or habitat restoration effort.

PART II - MUNICIPAL CODE OF ORDINANCES

Chapter 11 MARINE ACTIVITIES, STRUCTURES AND WAYS

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

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

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

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

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

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

- (4) *Approved absence from conservation credit requirement.* Harvesters who have not completed a full twenty (20) points of conservation credit in a given license year are only eligible for a license if their absence from participation in conservation credit activities are approved by the marine resource committee.

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

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

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

(Ord. of 3-6-89, § 307; Ord. of 2-5-90, § 307; Ord. of 2-18-92; Ord. of 4-5-93; Ord. of 2-22-94; Ord. of 8-15-94; Ord. of 1-16-96; Emergency Ord. of 1-13-97; Emergency Ord. of 2-3-97; Ord. of 2-3-97; Ord. of 3-16-99; Ord. of 1-18-00(1); Ord. of 2-6-01(1); Ord. of 11-2-05(1); Ord. of 4-7-08(1); Ord. of 12-7-09; Ord. of 4-1-13; Ord. of 4-7-14)

**Sec. 11-134. Application.**

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

PART II - MUNICIPAL CODE OF ORDINANCES

Chapter 11 MARINE ACTIVITIES, STRUCTURES AND WAYS

- (b) An application for a student shellfish license shall also be in the form of an affidavit, which shall include:
- (1) Proof that the applicant has attained his or her thirteenth birthday but has not yet attained his or her twenty-first birthday as of March 1 of the license year.
  - (2) Proof of residency.
  - (3) Proof of enrollment in a school or state approved educational program.
  - (4) A letter of recommendation from the superintendent or equivalent official in the school or educational program.

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

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

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

- (a) It shall be a violation of this article for any person to falsify or give false information in connection with a shellfish license application. In addition to any criminal penalties which may result from a violation of this chapter, the shellfish license granted to any person who gives false information on a shellfish license application shall be void after notice and hearing.
- (b) A person holding a resident commercial shellfish license or a resident student shellfish license shall physically reside at a fixed, permanent, and principal home in the town during the license period, or shall surrender the license. If a person does not do so, the license shall be void after notice and hearing.
- (c) A person holding a resident recreational shellfish license shall physically reside at a fixed, permanent, and principal home in the town or be a nonresident owner of real estate within the town or immediate family member of nonresident real estate owner within the town during the license period, or shall surrender the license. If a person does not do so, the license shall be void after notice and hearing.
- (d) A person applying for, or holding a shellfish license under this chapter, shall notify the town clerk within ten (10) business days of an address change, regardless of whether the address change is also a change of residency.

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

**Sec. 11-136. Fees.**

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

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

PART II - MUNICIPAL CODE OF ORDINANCES

Chapter 11 MARINE ACTIVITIES, STRUCTURES AND WAYS

- (5) Resident student shellfish license, seventy-five dollars (\$75.00).
- (6) Nonresident student shellfish license, one hundred twenty-five dollars (\$125.00).
- (7) Bushel license, one hundred seventy-five dollars (\$175.00).

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

**Sec. 11-137. Exhibition of license.**

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

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

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

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

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

**Sec. 11-139. Stopping for inspection.**

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

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

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

**Editor's note—**

Former § 11-139, relative to a prohibition on night shellfish harvesting, was amended in its entirety by an ordinance adopted Feb. 18, 1992. The provisions of former § 11-139 derived

PART II - MUNICIPAL CODE OF ORDINANCES

Chapter 11 MARINE ACTIVITIES, STRUCTURES AND WAYS

from § 301(4) of an ordinance adopted March 6, 1989 and § 301(4) of an ordinance adopted Feb. 5, 1990.

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

(a) The shellfish resources are limited. A commercial, recreational, bushel or student shellfish harvester can be expected to harvest a certain volume of shellfish per year; therefore, the number of shellfish harvesters must be controlled to preserve the shellfish resource. The number of available shellfish licenses of each type will vary from year to year according to the findings and estimates of the marine resource committee and the state marine resource regional biologist based on data concerning resource capabilities and management requirements consistent with proper resource utilization as determined by shellfish population surveys conducted pursuant to section 11-97. Prior to the first Friday in March, the marine resource committee will set the number of recreational licenses. Commencing with the first Monday of April, the town clerk shall issue resident recreational licenses until the allotted numbers have been issued. Commencing with the first Monday in April, the town clerk shall maintain a chronological list of nonresidents seeking recreational shellfish licenses. When the number of resident recreational shellfish licenses reaches a number where a nonresident recreational shellfish license may be issued, the town clerk shall by telephone and U.S. mail attempt notification of the applicant with the highest priority on the list. That person shall purchase the license within seven (7) business days from the date notification is attempted. If the purchase is not made in that time period, that person loses their priority and the town clerk shall attempt notification of the next person on the list using the same process.

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

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

Any person who does not complete and return to the town clerk by 4:30 p.m. on the second Friday of March a fully completed notice of intent on the form prepared by the town clerk along with two (2) proofs of residency, shall not be eligible to be an applicant for a resident or nonresident commercial license in the next coming license period, provided, however, that any person having missed the filing deadline of the second Friday of March may pay a non-refundable late fee of six hundred dollars (\$600.00) by the third Friday of March and the late fee shall be accompanied by the notice of intent form and two (2) proofs of residency. The late fee shall be in addition to those fees required under Sect. 11-136. ~~if the~~ Any person who does not file a notice of intent for two (2) successive license periods, shall not be considered as previously having held a Brunswick resident or nonresident commercial shellfish license.

Any person who does not complete and return to the town clerk by 4:30 p.m. on the second Friday of March a fully completed notice of intent on the form prepared by the town clerk along with two (2) proofs of residency, shall not be eligible to be an applicant for a bushel license in the next coming license period and shall not be considered as previously having held a bushel license. provided, any person having missed the filing deadline of the second Friday of March may pay a non-refundable late fee of four hundred dollars (\$400.00) by the third Friday in March and the late fee shall be accompanied by the notice of intent form and two (2) proofs of residency. The late fee shall be in addition to those fees required under Sect. 11-136.

The notice of intent must be delivered in person, and must be received by the town clerk by the ~~above deadline.~~ 4:30 p.m. on the second Friday of March, or, in the case of payment of a late fee, must be delivered in person and received by the town clerk by the third Friday of

## PART II - MUNICIPAL CODE OF ORDINANCES

### Chapter 11 MARINE ACTIVITIES, STRUCTURES AND WAYS

**March.** In the event the Brunswick Municipal Offices are closed during any portion of the normal office hours on ~~the second Friday of March~~ **either of these dates**, the deadline for submitting a notice of intent shall be extended to the close of business on the next normal business day the municipal offices are open.

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

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

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

- a. Shellfish population surveys, conducted in accordance with the Maine Department of Marine Resources Municipal Shellfish Management Program. A complete shellfish inventory including all growing areas within the Town of Brunswick jurisdiction shall be completed every two (2) years, or upon the recommendation of the marine resources officer or the marine resources committee.
  - b. Standing crop analysis, as determined by the shellfish population surveys.
  - c. License availability, based on the standing crop analysis.
  - d. Historical harvest data, as determined by the Maine Department of Marine Resources Municipal Shellfish Management Program.
  - e. Harvester and public input.
  - f. The committee must take into account all of the above factors in determining the number of resident commercial shellfish licenses to be made available. However, the final number of licenses made available shall not vary more than fifteen (15) percent from the number determined solely by the standing crop analysis under criterion (c) above.
- (3) The marine resources committee will notify the town clerk in writing prior to the second Friday of March of the number of shellfish licenses, by type and class, to be made available for issue.

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

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

## PART II - MUNICIPAL CODE OF ORDINANCES

### Chapter 11 MARINE ACTIVITIES, STRUCTURES AND WAYS

shall present to the town clerk written authorization and a written statement from a physician regarding the applicant's condition.

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

#### RESIDENT

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

#### NONRESIDENT

- a. Applicants who have held nonresident commercial licenses for ten (10) of the last ten (10) years.
- b. Applicants who have held nonresident commercial licenses for nine (9) of the last ten (10) years.
- c. Applicants who have held nonresident commercial licenses for eight (8) of the last ten (10) years.
- d. Applicants who have held nonresident commercial licenses for seven (7) of the last ten (10) years.
- e. Applicants who have held nonresident commercial licenses for six (6) of the last ten (10) years.

## PART II - MUNICIPAL CODE OF ORDINANCES

### Chapter 11 MARINE ACTIVITIES, STRUCTURES AND WAYS

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

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

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

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

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

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

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

On the Monday immediately following the return deadline, the town clerk shall hold a lottery to select the applicant or applicants who shall receive licenses. Licenses shall be purchased by the end of business on Tuesday, the next day. If the licenses are not purchased by that time, they shall be offered to the next succeeding person or persons in the lottery who shall have two (2) business days after notification to purchase the license.

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

## PART II - MUNICIPAL CODE OF ORDINANCES

### Chapter 11 MARINE ACTIVITIES, STRUCTURES AND WAYS

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

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

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

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

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

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

- (5) The town clerk or the town clerk's designee shall begin to issue resident and nonresident recreational shellfish licenses on the first Monday in April.
- (c) Reserved.
- (d) The following procedure will be followed to control student shellfish license availability:
- (1) Prior to the first Friday in March, the marine resource committee will establish the number of student shellfish licenses to be made available. Not less than ten (10) percent of the student shellfish licenses shall be made available to nonresidents, except that if the number established is five (5) or fewer, none is required to be made available to nonresidents, and if the number is more than five (5) but fewer than ten (10), at least one (1) is required.  
  
The marine resources committee will notify the town clerk in writing prior to the second Friday of March of the number of student licenses to be made available for issue.
  - (2) Notice of intent application for student licenses will be available on the first Friday in April at the Town Clerk's Office, 28 Federal Street, Brunswick. The town clerk shall publish a notice of availability of student notice of intent applications for shellfish harvesting in a newspaper of general circulation no later than the first Friday of April. Student harvesters must deliver a

## PART II - MUNICIPAL CODE OF ORDINANCES

### Chapter 11 MARINE ACTIVITIES, STRUCTURES AND WAYS

completed notice of intent to the town clerk's department, in person, no later than 4:30 p.m. on the first Friday of May. If there are more applicants than there are licenses available, the selection process shall be by lottery. On the second Friday in May, the town clerk shall hold a lottery if needed to select the applicant or applicants who shall receive licenses. Licenses shall be purchased by the end of business on the third Friday of May. If the licenses are not purchased by that time, they shall be offered to the next succeeding person or persons in the lottery who shall have seven (7) business days after the town clerk by telephone and U.S. mail notifies the person or persons to purchase the license.

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

- (3) Student shellfish license holders will need to appear in person at the time they purchase their licenses to have their pictures taken for their licenses. The town clerk's office will mail out licenses to student license holders by June 10.
- (4) Before taking shellfish on June 15, the student shellfish licensees shall provide the certified municipal shellfish conservation warden, or his or her designee, proof that the information in the application remains correct.
- (e) Notice of the dates, places, times and the procedures for the recreational license sales shall be published in a trade or industry publication, or in a newspaper or combination of newspapers with general circulation, which the municipal officers consider effective in reaching persons affected, not less than ten (10) days prior to the initial sale date and shall be posted in the municipal offices. A copy of the notice shall be provided to the commissioner of marine resources.

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

#### **Sec. 11-141. Suspension.**

- (a) *Violation of article.* The town marine resource committee shall, after notice and hearing, suspend any and all licenses issued under this article if a person is convicted in court of violating any section of this article.
- (b) Suspension based on conviction in a town closed conservation area. The marine resource committee shall, after notice and hearing, suspend any and all licenses issued under this article when the license holder has been convicted in court of harvesting shellfish from a town closed conservation area. The suspension shall be one hundred eighty (180) days for a first conviction; and the remainder of the shellfish year for a second conviction. In addition, a person with a second conviction shall not qualify as an applicant for five (5) years from the date of the second conviction.
- (c) Suspension based upon violation of recreational license or bushel license requirement. The marine resource committee shall, after notice and hearing, suspend any and all licenses issued under this article when they find the harvester has violated the requirements of this article for recreational, student or bushel licenses. The suspension shall be twelve (12) months for the first finding. The suspension shall be for the balance of the license year for the second finding and, in addition, a harvester with a second finding shall not qualify as an applicant for a recreational, student or bushel license for five (5) years from the date of the second finding.
- (d) The marine resource committee shall, after notice and hearing, suspend any and all licenses issued under this article, if the license holder refuses to allow inspection or seizure under section 11-138. This suspension may not exceed two (2) years.

PART II - MUNICIPAL CODE OF ORDINANCES

Chapter 11 MARINE ACTIVITIES, STRUCTURES AND WAYS

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

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

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

(f) *Applicable standards.* Any conviction for violations occurring more than five (5) years before the most recent date of violation resulting in a conviction shall not be counted in determining lengths of suspension.

(Ord. of 3-6-89, § 311; Ord. of 2-5-90, § 311; Ord. of 3-4-91; Ord. of 2-18-92; Ord. of 4-5-93; Ord. of 2-22-94; Ord. of 8-15-94; Emergency Ord. of 1-13-97; Emergency Ord. of 2-3-97; Ord. of 2-3-97; Ord. of 3-16-99; Ord. of 1-18-00(1); Ord. of 2-6-01(1); Ord. of 12-7-09; Ord. of 4-1-13)

**Sec. 11-142. Aiding and abetting.**

A harvester holding a commercial license or bushel license who aids or abets the harvest of shellfish in violation of this article shall be subject to the same penalties as the person he has assisted.

(Ord. of 3-6-89, § 312; Ord. of 2-5-90, § 312; Ord. of 2-18-92; Ord. of 4-5-93; Ord. of 3-16-99; Ord. of 1-18-00(1); Ord. of 12-7-09; Ord. of 4-1-13)

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

The marine resource committee shall, after notice and hearing, suspend any and all licenses issued by this article when the license holder's State of Maine Department of Marine Resources Shellfish License is suspended. The suspension shall remain in effect until the license holder's State of Maine Department of Marine Resources Shellfish License is reinstated.

(Ord. of 3-6-89, § 313; Ord. of 2-5-90, § 313; Ord. of 3-4-91; Ord. of 2-18-92; Ord. of 4-5-93; Ord. of 8-15-94; Ord. of 3-16-99; Ord. of 12-7-09)

**Sec. 11-144. Hearing.**

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

(Ord. of 3-4-91; Ord. of 2-18-92; Ord. of 4-5-93; Ord. of 3-16-99; Ord. of 12-7-09)

**Sec. 11-145. Expiration.**

Resident commercial shellfish and nonresident commercial licenses and bushel licenses issued under authority of this article shall expire on the fourth Friday of April in the following calendar year. Resident student shellfish and nonresident student shellfish licenses issued under the authority of this

PART II - MUNICIPAL CODE OF ORDINANCES

Chapter 11 MARINE ACTIVITIES, STRUCTURES AND WAYS

article shall expire September 1. Resident recreational and nonresident recreational licenses issued under authority of this article shall expire on the day before the first Monday of April.

(Ord. of 3-6-89, § 306; Ord. of 2-5-90, § 306; Ord. of 2-18-92; Ord. of 8-15-94; Ord. of 3-16-99; Ord. of 12-2-02; Ord. of 11-3-03; Ord. of 12-7-09; Ord. of 4-1-13)

**Secs. 11-146—11-160. Reserved.**

---

FOOTNOTE(S):

---

--- (6) ---

**Cross reference**— Licenses and business regulations, ch. 10. [\(Back\)](#)

***DIVISION 5. REGULATIONS***

[Sec. 11-161. Opening and closing of coastal waters.](#)

[Sec. 11-162. Shellfish size and tolerance of harvest.](#)

[Sec. 11-163. Method of determining tolerance.](#)

[Sec. 11-164. Night shellfish harvesting prohibited.](#)

[Sec. 11-165. Sunday shellfish harvesting prohibited.](#)

[Sec. 11-166. Automatic closures and openings.](#)

[Sec. 11-167. Leaving unguarded ice holes.](#)

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

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

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

- (b) After the hearing is closed, the marine resource committee shall make findings of fact on the relevant evidence presented. They shall then make a conclusion based on those findings of fact as to

PART II - MUNICIPAL CODE OF ORDINANCES

Chapter 11 MARINE ACTIVITIES, STRUCTURES AND WAYS

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

- (c) When the marine resource committee opens or closes the coastal waters, the committee's action may be reviewed at a regularly or specially scheduled town council meeting. The town council may uphold, reverse or amend the opening or closing decision of the marine resource committee.

(Ord. of 3-6-89, § 203; Ord. of 2-5-90, § 203; Ord. of 2-18-92; Ord. of 4-5-93; Ord. of 2-22-94; Ord. of 3-16-99; Ord. of 1-18-00(1); Ord. of 2-6-01(1); Ord. of 12-7-09)

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

A person shall not harvest or possess softshell clams which are less than two (2) inches in the longest diameter to the amount of more than ten (10) percent of any lot; quahogs which are less than one (1) inch in width; or oysters which are less than three (3) inches in length.

(Ord. of 3-6-89, § 302; Ord. of 2-5-90, § 302; Ord. of 2-18-92; Ord. of 3-16-99; Ord. of 1-18-00(1); Ord. of 4-7-08(1); Ord. of 12-7-09)

**Sec. 11-163. Method of determining tolerance.**

The tolerance of ten (10) percent must be determined by a numerical count of not less than one (1) nor more than four (4) pecks taken at random from various parts of the lot. If the entire lot contains less than one (1) peck, the tolerance must be determined by numerical count of the entire lot.

(Ord. of 3-6-89, § 303; Ord. of 2-5-90, § 303; Ord. of 2-18-92; Ord. of 3-16-99; Ord. of 12-7-09)

**Sec. 11-164. Night shellfish harvesting prohibited.**

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

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

**Sec. 11-165. Sunday shellfish harvesting prohibited.**

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

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

PART II - MUNICIPAL CODE OF ORDINANCES

Chapter 11 MARINE ACTIVITIES, STRUCTURES AND WAYS

**Sec. 11-166. Automatic closures and openings.**

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

(Ord. of 12-7-09)

**Sec. 11-167. Leaving unguarded ice holes.**

- (a) Any person who removes ice or causes its removal from any stream, pond, lake, or coastal waters, within the jurisdictional boundaries of the Town of Brunswick, thereby leaving an opening that exceeds one and one-half (1½) feet in width or exceeds four and one-half (4½) feet in length, shall place a fence around the entire perimeter of the opening made by such removal as described below:
- (1) Wooden stakes or poles, no more than one and one-half (1½) inches in width and at least three and one-half (3½) feet in height above the surface of the ice shall be properly spaced around the perimeter of the opening.
  - (2) Safety tape, no less than two (2) inches in width, shall be displayed in such a manner that it will enclose the entire perimeter of the opening in the ice. Safety tape shall have the name of the person responsible for creating the ice hole, along with that person's phone number and address, clearly printed in one-inch block letters.
  - (3) The safety tape shall be suspended not less than three and one-half (3½) feet above the surface of the ice.
  - (4) It shall be the responsibility of the person who removes the ice and erects the fence to retrieve the fence and tape when the opening has safely frozen over or before the melting of the ice at the end of the winter season.
- (b) Any person who removes ice or causes its removal from any stream, pond, lake, or coastal waters within the jurisdictional boundaries of the Town of Brunswick, thereby leaving an opening that is less than one and one-half (1½) feet in width and less than four and one-half (4½) feet in length, shall place a visual warning device of pine or evergreen boughs or any natural biodegradable debris such as tree limbs or brush around the entire perimeter of the opening made by such removal; provided, however, that an opening that is less than twelve (12) inches in diameter is exempt from the requirements of this section.

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

ITEM 139

BACK UP MATERIALS

Memorandum

To: TM Eldridge  
From: Capt. Waltz  
Re: Proposed Changes to Longfellow Street Parking  
Date: November 10, 2014

---

On September 29, 2014, I met with the residents of Longfellow Street. We identified their concerns: (1) a desire to have a way for residents to have a reasonable amount of overnight parking for themselves and their guests; and (2) a desire to avoid having student cars parked on Longfellow Street for long periods. We then discussed an acceptable way to address the concerns. The two most popular solutions were a resident parking permit (with some limitations applied to it) and/or a seasonal lifting of the overnight parking ban. From the perspective of the PD and PW, the signs would get too confusing to do both, so we suggested that the solution be one or the other. The group coalesced around a permit allowing overnight parking for residents of the street.

There was some discussion as to the definition of a “resident” and the group wanted the owner of a tax parcel to be the person entitled to obtain the permit (as opposed to a tenant – though the owner can obtain the permit and give it to the tenant for use). The group agreed to a \$25.00 annual fee to offset the costs of issuing the permits and either before or after the meeting, at least six people have indicated a willingness to purchase a permit. The group wanted the permits not to be vehicle specific (the hanging card could be used by the property owner or their guest), but wanted a maximum of two able to be purchased per household.

Attached are the ordinance changes I propose to put the changes desired by the residents of Longfellow Street into effect. They are summarized as follows:

*Sec. 15-8 . If a holder of a disability parking permit fails to display it when using a disability parking space, there is a \$10.00 fine. This change will allow a similar fine if someone fails to display their Longfellow Avenue resident parking permit.*

*Sec. 15-71 (13). At some point in the past, permitted employee parking was created. While not currently in use, I needed to distinguish these permits from the Longfellow permits. Accordingly, I propose adding the words “for town owned lots” to Sec. 15-71 (13).*

*Sec. 15-71(14) is the new section created to allow resident parking permits for particular streets/purposes.*

*Sec. 15-73(g) is an amendment to the overnight parking ban on Longfellow to allow for the resident permits.*

## Chapter 15

### TRAFFIC AND VEHICLES\*

---

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

---

**Art. I. In General, §§ 15-1--15-25**

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

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

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

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

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

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

#### ARTICLE I.

#### IN GENERAL

...

#### **Sec. 15-8. Parking penalty.**

A person who parks a motor vehicle in violation of Article IV Sections 15-71 and 15-73 will be subject to a penalty fine of twenty-five dollars (\$25.00), with the exception of a resident permit holder failing properly display to their valid permit, in which case the penalty fine shall be reduced to ten dollars (\$10.00).

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

...

## ARTICLE IV.

### STOPPING, STANDING, PARKING\*

---

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

---

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

The following rules govern the stopping and parking of vehicles: ....

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

(14) *Parking limited to residents with permits.* A person shall not stop or park a vehicle on a street upon which parking for a particular purpose or time period is limited to particular residents with permits unless an unexpired resident permit issued by the Town of Brunswick is hanging from the vehicle's rear view mirror. For the purpose of this section, a resident is defined an owner of a property on a designated street, as set forth on the assessing records of the Town of Brunswick. A property owner may obtain up to two resident parking permits per tax lot, which permits may be displayed in the vehicle of the property owner, a tenant of the property owner, a family member of the property owner or tenant, or a guest/invitee of the property owner or tenant. The permits are issued to the property owner and are not vehicle specific. Each a permit shall cost \$25.00 per year and the expiration date shall be displayed prominently on the permit. Resident parking permits do not entitle to the permit holder to disregard a snow emergency parking ban. Longfellow Avenue resident parking shall be limited to Longfellow Avenue residents.

#### Sec. 15-73. Overnight parking restricted.

(a) ...

(g) A person shall not park a vehicle on Longfellow Avenue, both sides, commencing at Harpswell Road and extending westerly to Maine Street between the hours of 1:00 a.m. and 6:00 a.m. unless the vehicle displays an unexpired Longfellow Avenue resident parking permit issued in accordance with Sec. 15-71 (14).

...

ITEM 140

BACK UP MATERIALS

**MEMORANDUM**

TO: Town Council  
Town of Brunswick, Maine

FROM: John S. Eldridge  
Town Manager

DATE: November 13, 2014

RE: Emerson Station  
HVAC Upgrades

---

Attached is a bond ordinance authorizing the issuance of bonds for \$150,000 of improvements to the HVAC system and related improvements at Emerson Station. The public hearing would be held on December 1<sup>st</sup>.

Recently we met with Wright Piece to discuss the project and how to proceed. Attached is a project budget and a proposal from Wright Pierce to develop specifications and to supervise the project. We propose that we negotiate the improvements with Johnson and Jordan, the contractor that installed and has maintained the systems at Emerson Station. Given this company's knowledge of the systems, we believe the Town would be best served with this approach.

**EMERSON FIRE STATION  
HVAC EVALUATION UPDATED ESTIMATED COSTS**

November 12, 2014

| #                                   | PROPOSED IMPROVEMENT                                  | EST COST           |
|-------------------------------------|---|--------------------|
| 1                                   | Optimize Boiler Operation                             | \$2,500            |
| 2                                   | Improve Apparatus Bay Heating                         | \$6,000            |
| 3                                   | Improve Apparatus Bay Zone Pressurization             | \$5,000            |
| 4                                   | Provide Supply Air in Equipment Storage/ Support Area | 14,000             |
| 5                                   | Provide Dehumidification for the Admin Area           | Delay until needed |
| 6                                   | Provide Perimeter Radiant Heat in the Admin Area      | \$23,000           |
| 7                                   | Provide Positive Air Pressurization in the Admin Area | 20,000             |
| 8                                   | New Door in the Decon Room                            | \$2,000            |
| 9                                   | Seal Top of Masonry Walls                             | \$2,000            |
| 10                                  | Install Insulation stops in Attic                     | \$5,000            |
| 11                                  | Correct the Attic Insulation                          | Completed          |
| 12                                  | Improve Venting of the Attic at the Adm in Area       | \$5,000            |
| 12A                                 | Spray Foam Attic Insulation Alternative               | Not recommended    |
| 13                                  | Rebalance the Kitchen Supply and Exhaust Airflow      | \$3,000            |
|                                     |   |                    |
| Net Costs                           |   | \$87,500           |
| Contractor Overhead and Profit      |   | \$13,200           |
| Contingency and Direct Costs        |   | \$35,300           |
| Additional Project Cost Contingency |   | \$14,000           |
| <b>Total</b>                        |   | <b>\$150,000</b>   |

**TOWN OF BRUNSWICK, MAINE**

**An Ordinance Authorizing the Upgrading of Heating, Ventilation, Cooling, and Related Improvements at Emerson Station, with Total Project Costs Not to Exceed \$150,000 (plus any other costs authorized hereunder), and Further Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$150,000 (plus cost of issuance), plus any Additional Appropriation Authorized Hereunder**

**WHEREAS**, the Town Council (the “Town Council”) of the Town of Brunswick (the “Town”) has adopted a Capital Improvement Program for the fiscal years ending June 30, 2015-19 (the “CIP”); and

**WHEREAS**, the CIP recommends improvements to the heating, ventilation, and air handling systems at Emerson Station along with other improvements identified in the project budget as developed by the Fire Department; (the “Emerson Station HVAC Upgrade Project) and,

**WHEREAS**, the Fire Department, with its consulting engineer has established a project budget of \$150,000, all of which is expected to be financed with the issue 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 of one hundred and fifty thousand (\$150,000), plus any additional amounts authorized under this ordinance, are appropriated to finance the cost of air quality measures including acquisition and installation of heating, ventilation, cooling, and related improvements at Emerson Station (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 fifty thousand dollars (\$150,000), 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 Acquire and Install Heating, Ventilation, Cooling, and Related Improvements at Emerson Station.** 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, and engineering, and other professional services associated with the Project;
- b. the costs related to applying for and obtaining all permits and licenses,
- c. 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;
- d. 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;
- e. 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;
- f. 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;
- g. any other costs identified in the Project budget provided with the proposal, 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 \$454,080 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.

Public Hearing: December 1, 2014  
Adopted by Town Council:

**TOWN OF BRUNSWICK  
NOTICE OF PUBLIC HEARING**

The Town Council will hold a public hearing on Monday, December 1, 2014 at 7:00 p.m. in the Council Chambers of the Brunswick Town Hall, 85 Union Street, to consider the following:

**An Ordinance Authorizing the Upgrading of Heating, Ventilation, Cooling, and Related Improvements at Emerson Station, with Total Project Costs Not to Exceed \$150,000 (plus any other costs authorized hereunder), and Further Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$150,000 (plus cost of issuance), plus any Additional Appropriation Authorized Hereunder**

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

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

Frances M. Smith  
Town Clerk of Brunswick, Maine

\_\_\_\_\_, 2014

Printed in the *Times Record* on \_\_\_\_\_, 2014

August 28, 2014  
W-P Project Number 12826

Brunswick Fire Department  
21 Townhall Place  
Brunswick, Maine 04011

Attn: Chief Kenneth Brillant

Dear Chief,

It was good to have the opportunity to meet with you and John Eldridge the Town Manager to discuss your expectations for the Emerson Fire Station.

#### BACKGROUND

In the fall of 2013, the Town retained Wright-Pierce to conduct an evaluation of the HVAC systems at the Emerson Fire Station. We were tasked with identifying the problems experienced by the Fire Department. Our report titled Emerson Fire Station HVAC Evaluation dated June 2014, summarized our findings and provided recommendations for improvements to the HVAC systems. These recommendations consisted primarily of enhancements to the existing systems and new systems to provide additional operational flexibility for the building occupants. These can be summarized as:

1. Take steps to limit the negative pressure in the building
2. Provide capability for HV-1 in the Apparatus Bays to utilize return air from within the space versus drawing all outside air.
3. Provide an additional heating system in the Administrative Area with local controls.
4. Modify the existing control systems and provide additional controls to integrate the improvements and provide operational flexibility.

In the spring of this year, Ouellet Associates took the initiative to examine the existing conditions and performed a detailed commissioning at the Emerson Fire Station. In their Commissioning Report sent to John Eldridge on May 5, 2014, they documented the existing conditions, reviewed Wright-Pierce's report and provided recommendations. Ouellet's findings indicated that many of the systems and controls had been modified from the original design settings over the last 8 years. In their report they recommended that the systems be reset to their original design settings and operations.

We appreciate the opportunity to meet with you to review the two reports and to get input on your preferences on how things should proceed. It is our understanding that the Town is simply looking to



understand how they should move forward now that all of the information is available. Based on the findings in each report and our understanding of the Town's expectations at the Emerson Fire Station, we have updated and summarized our recommendations below. Wright-Pierce acknowledges that most of these recommendations involve enhancements to the existing systems and new additional systems to provide operational flexibility. I have organized our recommendations in numerical order, utilizing the numbers from our original report. These recommendations are based on our evaluation report, Ouellet's Commissioning Report and our understanding of your expectations for the Emerson Fire Station. I have attempted to be as brief as possible. For more detail please refer to the previous reports from both Wright-Pierce and Ouellet Associates.

## RECOMMENDATIONS

### 1. Optimize the Boiler Operation

Based on our meeting, we understand that the problem with one boiler cutting out has been corrected. W-P also recommends that the boiler firing settings be changed so that the output water temperature be increased to 190 F when the outside temperature is 20 F verses the current settings. This will provide higher temperature heating water earlier rather than allowing the outside temperature to drop to 0 F before the heating system cycles up.

In their report Ouellet Associates indicted that circulation pumps #2 and #5 are set in manual over-ride mode and the in-floor radiant heat control valves have been randomly adjusted. Wright-Pierce also noticed that flow rate on control valve #3 was fluctuating. The circulation pumps should be set run in automatic, the controls to valve #3 should be corrected and the system flows should be rebalanced.

### 2. Improve Apparatus Bay Heating and Item 3. Improve Apparatus Bay Zone Pressurization

The exhaust fans, fans #4 and #5 in the Apparatus Bays have since been set to manual operation. This was likely done in an attempt to limit the negative pressure that is occurring in these spaces. The secondary heating unit for this space HV-1 is designed to utilize 100% outside air. This results in a higher heating load for this space than is desirable.

Prior to returning these fans and HV-1 to normal operation, Wright-Pierce recommends that improvements be made to the heating unit HV-1. These enhancements would allow this unit to utilize some air returned from the space verses 100% outside air. Sensors could be installed that to measure the level of carbon monoxide in the space and assure that only the amount of fresh air actually required is provided by HV-1. Additional controls could then be installed to link the operation of the fans in this area with HV-1 in order to maintain the proper air balance.

### 3. Provide Supply Air in Equipment/Support Area

Ouellet's report indicated that exhaust fan #1 serving the restroom and exhaust fan #2 which serves the Locker Room have been set to manual operation. Again this was likely done in an attempt to limit the negative pressure that is occurring in these spaces. In order to address the issue of negative pressurization, Wright-Pierce recommends that supply air be provided to these



spaces and that the controls for the new air supply system and the existing exhaust system be interlocked.

4. Provide Dehumidification for the Administration Area

Wright-Pierce recommends the condition be re-evaluated after completion of all other work. If problems still persist than dehumidification can be installed as separate stand-alone system in the future.

5. Provide Perimeter Radiant Heat in the Administration Area

It is our understanding that this is an important issue for the occupants of the building. Installation of a new fin tube radiant heat system with individual temperature control for each space would provide flexibility in the heating of the building and improved comfort for the occupants.

6. Provide Positive Air Pressurization in the Administration Area

Wright-Pierce agrees with Ouellet's recommendation that the outside air dampers be rebalanced to allow fresh air to these spaces. In addition we recommend that a system of return air ductwork be installed for each air distribution system. This will allow much tighter pressure control for these spaces. It would also facilitate the option to provide enhanced economizer cooling.

7. New Door for the Decon Room

As opposed to a typical commercial exterior door, this door currently opens swinging into the building. Any wind or negative pressure within the building causes the door to pull away from the weather-stripping. More robust weather-stripping could be utilized, but the better option would be to replace the door with one that swings out of the building.

8. Seal Tops of Masonry Walls

Both of the reports provided to the Town agree that the joints at the top of the exterior walls should be sealed. Our report also discussed the option for adding spray foam insulation in the attic. Though this would provide a positive seal at all joints in the ceilings, it is a fairly costly option to pursue. In lieu of this effort, simply sealing around all joints at penetrations through the gypsum wall board and plywood ceilings should suffice.

9. Install Insulation Stops in the Attic

Prop-a-vents should be installed along the north eave identified by Ouellet Associates that is currently blocked with insulation.

10. Attic Insulation

We understand from Ouellet's report that the small amount of attic insulation that was displaced by a trade subcontractor(s) has been correctly reset.



**11. Attic Ventilation**

Ventilation of the attic space above the Administration Area is currently done by way of an exhaust fan. Passive ventilation is preferable, but the roof configuration and low slope conditions could lead to water infiltration at any vents if they were installed. We agree that installation of passive vents should not be considered at this time.

**12. Balance the Kitchen Supply and Exhaust Air Flow**

As Ouellet's noted in their Commissioning Report the range hood exhaust fan should be interlocked with the supply fan. This will reduce the negative pressure, but not eliminate the issue. Increasing the capacity of the supply fan by roughly 10% will help to keep the air balance in this area within a more desirable range.

**TABLE**

The following table which is taken from our report summarizes our current recommendations for improvements at the Emerson Fire Station.

**SUMMARY OF RECOMMENDATIONS**

| #   | PROPOSED IMPROVEMENT                                  | REMARKS            |
|-----|---|--------------------|
| 1   | Optimize Boiler Operation                             | Recommended        |
| 2   | Improve Apparatus Bay Heating                         | Recommended        |
| 3   | Improve Apparatus Bay Zone Pressurization             | Recommended        |
| 4   | Provide Supply Air in Equipment Storage/ Support Area | Recommended        |
| 5   | Provide Dehumidification for the Admin Area           | Delay until needed |
| 6   | Provide Perimeter Radiant Heat in the Admin Area      | Recommended        |
| 7   | Provide Positive Air Pressurization in the Admin Area | Recommended        |
| 8   | New Door in the Decon Room                            | Recommended        |
| 9   | Seal Top of Masonry Walls                             | Recommended        |
| 10  | Install Insulation stops in Attic                     | Recommended        |
| 11  | Correct the Attic Insulation                          | Completed          |
| 12  | Install Venting of the Attic at the Admin Area        | Recommended        |
| 12A | Spray Foam Attic Insulation Alternative               | Not recommended    |
| 13  | Rebalance the Kitchen Supply and Exhaust Airflow      | Recommended        |



In general Wright-Pierce is in agreement with Ouellet's findings that many of the systems are no longer operating at their original design settings. Beyond this concern, it is our understanding that the Fire Department would like to take steps to further improve the performance and operational flexibility of the HVAC systems at the Emerson Fire Station. In this letter Wright-Pierce presents recommendations for the Fire Departments' and Town's consideration. Once the specific improvements are selected and implemented, all of the existing systems will need to be rebalanced, reset and/or coordinated with the operation of the additional systems.

Thank you again for meeting with us and allowing us the opportunity to better understand your expectations at the Emerson Fire Station. If Wright-Pierce can be of further assistance in this mater, please feel free to contact me, Dan Pratt at 207-725-8721.

Sincerely,  
WRIGHT-PIERCE

A handwritten signature in black ink, appearing to read 'Dan I. Pratt', written in a cursive style.

Daniel I. Pratt, P.E.  
Project Manager

ITEM 141

BACK UP MATERIALS



# Town of Brunswick, Maine

INCORPORATED 1739

OFFICE OF THE TOWN MANAGER

85 UNION STREET

BRUNSWICK, MAINE 04011-2418

TELEPHONE 207-725-6659

FAX 207-725-6663

December 1, 2014

Department of Agriculture, Conservation and Forestry  
Attn: Land for Maine's Future Program  
90 Blossom Drive-Deering Building  
State House Station #28  
Augusta, ME 04333-0028

Re: Woodward Cove Park

Dear Board Members:

On behalf of the Town of Brunswick I would like to express our enthusiastic support for the Brunswick-Topsham Land Trust's proposal to the Land for Maine's Future Program Water Access Fund, *Woodward Cove Park*, which would acquire permanent public access to the commercially and ecologically important waters of Woodward Cove.

The Town is committed to contributing \$1,000 towards the successful completion of this project, and will assist the Land Trust in management planning and stewardship of the property. The anticipated source of funding is non-federal in origin and will be provided specifically for fee acquisition of the subject property.

Woodward Cove and its rich saltmarsh and intertidal mudflat communities support an important component of Brunswick's natural diversity and marine resource heritage. This cove is one of our least protected, and least accessible coastal assets. Protection of the 25-acre project area will bolster the town's on-going efforts to protect coastal resources and provide citizens and visitors alike with access to the Brunswick shoreline.

Thank you for your consideration of this proposal, and please do not hesitate to contact me if I can be of any further assistance during the review of the above reference proposal.

Sincerely,

John S. Eldridge  
Town Manager

Cc: Steve Walker

ITEM 142

BACK UP MATERIALS



# Town of Brunswick, Maine

INCORPORATED 1739  
MARINE RESOURCES & HARBOR MANAGEMENT  
85 PLEASANT STREET  
BRUNSWICK, MAINE 04011  
TELEPHONE 207-725-5521 FAX 207-725-6663  
Email – [ddevereaux@brunswickpd.org](mailto:ddevereaux@brunswickpd.org)



Daniel R. Devereaux  
Marine Resource Officer  
Harbormaster

TO: The Brunswick Town Council  
CC: John Eldridge, Acting Town Manager  
FROM: Mark Worthing (Rivers & Coastal Waters Commission Chair)  
DATE: August 4, 2014  
SUBJECT: Simpson's Point Boat Ramp Seasonal Opening Recommendation

On July 23, 2014 the Brunswick Rivers & Coastal Waters Commission voted unanimously to send the following recommendation to the Town Council;

The Rivers & Coastal Waters Commission recommends to the Brunswick Town Council that they request that the Maine Department of Environmental Protection allow the reopening of the Simpson's Point boat ramp to boats with submerged propellers on a seasonal basis from October 1 through April 30 each year, beginning October 1<sup>st</sup> 2014.

This decision was based on the following reasons;

- 1) *Eelgrass. MER Assessment Corporation has monitored the eelgrass since 2008 and concluded in their November 2012 report that the decline in eelgrass at Simpson's Point is clearly unrelated to motor vessel traffic. The report was inconclusive as to what other factors may have caused the decline.*
- 2) *Safety of shellfish harvesters. Opening Simpson's Point in the offseason would allow harvesters the option of avoiding open waters during the harsh winter seasons while pursuing their livelihoods. The travel distance to harvest areas from MPBL to Upper Middle Bay is approximately 4.5 nautical miles as compared to 1 mile from Simpsons Point.*
- 3) *Public opinion. At the RCWC public forum of July 16, 2014, citizens expressed willingness and need to share the resources of Simpson's Point and to compromise for the safety of all.*

**BRUNSWICK MARINE RESOURCE COMMITTEE**  
**28 FEDERAL STREET**  
**BRUNSWICK, MAINE 04011**  
**207-725-6631**

Brunswick Town Council  
28 Federal St.  
Brunswick, Maine 04011

August 22, 2010

Honorable Brunswick Town Councilors,

We are contacting you in regard to the Coastal Wetland Compensation Plan for the Merepoint Boat Launch (sec. 3.3.1), which details the eel grass mitigation efforts for the Merepoint Boat Launch. As part of MPBL eel grass mitigation effort, it was decided that the Simpsons Point Boat launch would be restricted to hand carry watercraft access only. This item was brought up before the Marine Resource Committee in 2007 at which time Chairman Raymond Trombley expressed concern surrounding the restriction and the possible hardship and safety issues this restriction may cause to local shellfish harvesters (see attached letter). Since the restriction was enacted the Marine Resource Committee and the Brunswick Marine Resource Division has yielded several complaints from sportsmen and shellfish harvesters that are now forced to launch their boats at the MPBL, only to travel back past the Simpsons Point Landing to reach the prolific hunting and fishing grounds in upper reaches of Middle Bay.

This Simpsons Point restriction was brought up again by members of the BMRC in 2008 and 2009. In late 2009, the Brunswick Marine Division contacted IF&W and MEDEP to see what, if anything could be done to amend the MPBL wetland compensation plan to allow offseason motorized launches at Simpsons Point after the eel grass has defoliated. At that time, MEDEP advised IF&W they would have to submit a minor revision application to amend the plan and that it would be reviewed by MEDEP personnel (see attached request). In the spring of 2010 the BMRC was made aware the MEDEP was considering IF&W's requests. Brunswick Marine Resource Officer and Harbormaster Dan Devereaux had made the BMRC aware that MEDEP had expressed concern over the denudation of existing eel grass during offseason launching and MEDEP could request that some form of monitoring occur during the seasonal opening. In the spring of 2010, Devereaux provided an update of the offseason reopening to the Brunswick Town Council. The Town Council suggested that the facts and details of any reopening be discussed in greater detail at the BMRC level. Over the course of this summer, the BMRC has discussed the Simpsons Point offseason reopening in great detail and on numerous occasions amongst ourselves and with the public. The general consensus of the committee and the public is to reopen the launch from November 15 to May 1<sup>st</sup> of each year. One of the major contributing factors leading to this decision was the safety concerns of harvesters and sportsmen launching boats to reach the most upper portions of Middle Bay in the colder months.

It is apparent to the committee that even though the MPBL provides a great benefit for recreational boater access to Northern reaches of Casco Bay, it provides little benefit to commercial shellfish harvesters and sportsmen who generally hunt and fish in the upper reaches of Middle Bay and the surrounding islands. During the colder months it gets increasingly difficult to traverse the steep launching surface at MPBL; once ice forms, it becomes a risky venture to launch or retrieve any vessel. This was brought to our attention last year as there were near tragedies from rigs sliding into the frigid waters, due to icy launching surfaces. As a result it, was determined that only one launching lane would remain open and a salt barrel installed during the offseason. The BMRC is also concerned that harvesters and sportsmen put themselves in great danger attempting to navigate from the MPBL to the upper reaches of Middle Bay in the inclement weather during the winter months.

The environmental benefits do not outweigh risks of the possibility of loss of human life. We feel that a balance can be struck between opening the launch during a time when the eel grass is less likely to be disturbed and the safety risks are high at the MPBL. We would encourage your support for the reopening of the Simpsons Point Boat Launch during the offseason, starting this November.

If you have any questions or concerns, please feel free to contact me at your earliest convenience.

Respectfully,

Mark Latti, Marine Resource Chairman

Cc     Manager Brown  
          CMDR Hagan

December 17, 2009

Leon Boucher  
Federal Aid Coordinator/Chief Planner  
Maine Department of Inland Fish and Wildlife  
21 State House Station  
Augusta, Maine 04011

Dear Mr. Boucher,

I am writing in regards to the Coastal Wetland Compensation Plan for the Merepoint Boat Launch section 3.3.1, which deals specifically with the eel grass mitigation at the Simpson Point Boat Launch.

As part of the Merepoint Wetland Compensation Plan, it was determined that Simpson Point Boat Launch, which is a partial tide boat launch and owned by the Town of Brunswick, would be restricted to hand carry watercraft and airboat use exclusively. This restriction was put in place to help rejuvenate an estimated 8000 square feet of eel grass that had been denuded due to direct physical disturbances to the eel grass beds caused by boat motor clippings. With this being said, it was determined by local authorities that bollards would be installed to prohibit any trailered launches at Simpson Point. This seemed to be the only feasible way to ensure that propelled boat launches would no longer occur at the site.

Simpson Point was predominately used by shellfish harvesters seeking quick boat access to the nearby clam flats. Since the closure of Simpsons Point, shellfish harvesters have been forced to launch their boats from the Merepoint Boat Launch. Over the course of the last two years, the Town of Brunswick has received numerous complaints from harvesters and sportsmen alike concerned about launching and motoring up the bay, particularly in the colder months and during small craft advisories. Based on my observations over the course of last fall and winter, these complaints are very legitimate. Typically shellfish harvesters and duck hunters operate skiffs or sculls less than 16 feet in length, leaving concern for the seaworthiness of these types of vessels in rougher seas like those in the direct vicinity of the MPBL. My observations along with the complaints were made public at the final meeting of the Merepoint Citizens Advisory Council (CAC) on November 30<sup>th</sup> 2009. After lengthy discussions, the CAC recommended that the Simpson Point situation be discussed at the Brunswick Marine Resource Committee's (BMRC) next meeting and that the BMRC look into the possibility of reopening Simpson Point in the fall, winter and early spring months to motorized watercraft.

At the December 7<sup>th</sup> meeting of the Brunswick Town Council, this issue was also raised during the final report on the MPBL. On December 14<sup>th</sup>, it was discussed at the Brunswick Marine Resource Committee meeting. On December 16<sup>th</sup>, it was discussed at the Brunswick Recreation Commission's meeting. It was the consensus of each of the groups that effort should be made to reopen the Simpson Point Launch for the sole purpose of off season propellered launches, without jeopardizing the efforts of the MPBL Wetland Compensation Plan.

The Brunswick Police Marine Divisions primary concern is the safety of the public, and one of the main goals is to prevent tragedies prior to them occurring. Based on my observations over the winter of 2008, we have determined that the MPBL is comprised of a very steep grade launching surface. Once this surface begins to ice over, it becomes inherently dangerous for small boats and rigs to launch from this site. Because of the location of the MPBL as explained above, the boat ride to reach the shellfishing areas in Middle Bay is 2 to 3 miles longer when compared to Simpson Point. With the addition of the colder water temperatures, floating ice packs and frigid air temperatures compounded by the additional distance traveled on the water will surely become a recipe for disaster for those forced to launch at MPBL.

Therefore, the Brunswick Police Marine Division respectfully requests that IF&W seriously consider requesting a reopening of Simpson Point Boat Launch for propellered launches from November 15<sup>th</sup> to May 1<sup>st</sup>. The Town of Brunswick is committed to the eel grass compensation efforts and would reinstall the bollards to ensure that no launches would occur during the eel grass growing season from May 2<sup>nd</sup> to November 14<sup>th</sup> of each year.

If you have any questions or concerns, please contact me at your very earliest convenience.

Respectfully,

Daniel R. Devereaux MRO/HM  
Brunswick Police Marine Unit

cc: Richard Rizzo, Police Chief  
Gary Brown, Town Manager  
Suzan Wilson, Chair BMRC  
Jackie Sartoris, Chair CAC  
Steve Walker, MEIF&W  
Dawn Hallowell, MEDEP  
Brunswick Town Council  
Tom Farrell, Brunswick Parks and Recreation Director

**BRUNSWICK MARINE RESOURCE COMMITTEE**  
**28 FEDERAL STREET**  
**BRUNSWICK, MAINE 04011**  
**207-725-6631**

Brunswick Town Council  
28 Federal St.  
Brunswick, Maine 04011

June 27<sup>th</sup>, 2007

Honorable Brunswick Town Councilors,

On the June 25<sup>th</sup> 2007 the Brunswick Marine Resource Committee discussed the proposed closure of Simpson Point Boat Launching facility upon the opening of the Mere Point Boat Launch. There were several committee members, and members of the audience who adamantly oppose the closing of the Simpson Point Launch to all propeller boats. Over the course of my tenure as a commercial shellfish harvester I have observed significant increases in our eelgrass beds both in Middle and Maquoit Bays. The committee feels that having commercial harvesters launching from near the tip of Merepoint is impractical, not safe, and less friendly to the environment than if they were to be allowed to continue to use the Simpson Launch.

Almost all powerboats (14 to 18 foot) leave the Simpson Point Landing at or near tide levels that support enough water to float the skiff and run the outboard, without fouling the propeller in the abundance of eelgrass that already exist at or near the launching site. It is the opinion of many people that the only damage caused is the mere clippings of the very tips of the eelgrass plants as the propeller passes over the top of the plant. In my unscientific opinion, activity above the plants root and stem system will not jeopardize the integrity of the entire plant. Often times these boating activities help distribute seeds to surrounding areas causing larger, not smaller, eelgrass beds. Closing this launch solely for mitigation of eelgrass will not solve any problems that currently exist at or near Simpson Point, as commercial harvesters will cross this the same eelgrass bed regardless to access the intertidal zones of Middle Bay, only now they have to cross it at a lower tide level and from nearly three miles away, all the while spewing engine exhaust, oil, and gasoline into the ocean. Having the knowledge and experience of working on the water, and specifically around this launch we believe there are better ways to protect/support eelgrass habitat than to close the landing to all powerboats.

The BMRC is not sure what if anything can be done at this point to try to develop alternative methods/restrictions to help keep this landing available to small powerboats but we would like the opportunity to discuss the issue with the council or a representative thereof.

We look forward to talking with you as we approach the closure date. The BMRC would also like to take this opportunity to thank the Brunswick Town Council and IF&W for all the hard work and hours spent securing public access and making the Mere Point Boat Launch reality. Once again thank you and job well done.

Respectfully Submitted,

Raymond Trombley, Marine Resource Chairman

Cc MPO Devereaux  
NRP Lévesque  
Manager Gerrish  
Inland Fish and Wildlife

ITEM 143

BACK UP MATERIALS



# Town of Brunswick, Maine

INCORPORATED 1739

ECONOMIC AND COMMUNITY  
DEVELOPMENT

85 UNION STREET

BRUNSWICK, MAINE 04011-1583

TELEPHONE 207-721-0292

FAX 207-725-6663

## MEMORANDUM

**TO:** Town Council Members  
**FROM:** Linda Smith, Business Development Manager  
**RE:** CGI Communications Marketing Opportunity  
**DATE:** November 21, 2014

On October 9, 2014, CGI Communications, located in Rochester, New York, contacted the Brunswick Department of Economic & Community Development about their cost free Community Showcase Video Program that they operate in partnership with the National League of Cities (NLC) and the U.S. Conference of Mayors. As part of their partnership with the NLC, they offer a *Savings and Solutions Program* to towns and cities throughout the USA. This program allows CGI to allocate enough funds in the beginning of their program year to select a number of communities in each state to highlight for their Community Video Program. (See [www.cgicomunications.com](http://www.cgicomunications.com).)

Each year, CGI Communications offers to develop a series of promotional and educational videos to select communities in each state. The videos promote tourism, educate and welcome future residents, help recruit new businesses and are then featured as a link on the official municipal website, social media sites and other local websites that aid in the promotion of the communities. In Maine, this year, they are already working with Auburn, Biddeford, Lewiston and Rockland. CGI Communications has offered to include the Town of Brunswick in this program year's production schedule (2014-15), too.

On October 15, 2014, CGI Communications hosted a conference call and linked "webinar" on their productions and approach for the Town and other interested partners. Debora King, Brunswick Downtown Association Executive Director, and I participated. Based on what we learned, I convened a follow-up meeting on October 23, 2014 with the Brunswick Downtown Association (BDA), Maine Regional Redevelopment Authority (MRRA), and the Southern Midcoast Maine Chamber (SMMC) to confirm our interest. I emailed CGI some follow-up questions after our meeting and once they supplied answers, all of our potential partners agreed this was a good proposal to move forward.

In essence, the grant that CGI receives via the Savings & Solutions Program supports the development of five 60-90 second municipal videos. Two of the videos are fixed topics: a welcome video and a community non-profit profile video. Three of the videos can be focused on the areas we choose such as our downtown, economic development, education, arts and

culture, etc. The agreement that the Town of Brunswick would need to have with CGI Communications is attached (*see CGI-Brunswick Agreement*).

In return for producing the five videos for a municipality at no cost, CGI requests the opportunity to use a "letter of introduction" from the Town to its businesses to solicit their interest in purchasing CGI Communications video production services, which would then be hosted on the CGI website and linked to the Town's videos. An example is what Canton, Ohio has on their home page - see <http://cantonohio.gov/>. If you go to the link, scroll down to "Take A Video Tour", and click on one of the bars (Welcome, Quality of Life, Education, etc.). This will take you from the municipal website to the CGI website and start the municipal video show. Surrounding the municipal video display space are icons from the Canton, Ohio businesses, which have chosen to have a video developed by CGI Communications (at a cost ranging from \$1,000 to \$5,000).

The "letter of introduction" (*see attached*) is placed on the Town's official letterhead and the contact name on the bottom of the letter is the main contact from the Town (in this case, the Business Development Manager) and/or a CGI contact, if the Town prefers. CGI generates the list of Brunswick businesses internally by working with a third party company supplemented by their own research. The Town of Brunswick does not generate the list.

CGI Communications would queue the Town of Brunswick in to their production schedule for late spring / early summer next year (May – June 2015). The Town, BDA, MRRA and SMMC can all generate video clips and still photographs over the next few months to supplement the CGI efforts. This is an excellent opportunity for the town to obtain highly professional productions for its website. Since we do not have a budget to create production videos such as these, and our partners in the community such as MRRA, SMMC and BDA concur that having these resources would help us more effectively market the great Town of Brunswick, I would ask that the Council support this opportunity. Thanks for your consideration of this project. I look forward to answering any questions you may have.

DATE

Dear Valued Business Owner:

The Town of Brunswick is excited to announce a partnership with CGI Communications, Inc. to produce a series of online videos highlighting all our community has to offer its residents, visitors, and businesses.

Technology has changed the world and businesses must adapt or risk falling behind. For many businesses, getting noticed online is a challenge, particularly when competing with big brands with large marketing departments and seemingly endless marketing budgets. But more and more local companies are finding success cutting through the clutter with online video.

Statistics show that **video improves online visibility** and **drives more action** online than plain images and text. According to the BIA Kelsey Group, viewers engage more after watching a video, with clicks for more information increasing by 30-40% and phone inquiries by 16-20%.

With an easily viewable interface on the official city website [www.brunswickme.org](http://www.brunswickme.org) their video program will encourage viewers to learn more about area attractions, economic development opportunities, quality of life, and so much more. The Town of Brunswick is dedicated to highlighting the advantages of living and working in our community, and we feel that this program can do just that!

CGI will be contacting you to educate you further on their digital marketing tools and how to enhance your online presence. We encourage you to consider participating in this program as it provides an exciting new opportunity to showcase your business and our community. If you have questions about this advertising opportunity, please contact me at \_\_\_\_\_.

Best Regards,

Signatory  
Title

# The 2014 Community Showcase Video Program

CGI Communications, Inc.  
130 East Main Street, 5th Floor  
Rochester, NY 14604  
(800) 398-3029 phone  
(866) 429-8611 fax

Name: Linda Smith  
Title: Business Development Manager  
Address: 85 Union Street  
City, State, Zip: Brunswick, ME 04011  
Phone: 207-721-0292  
Email: lsmith@brunswickme.org  
Website: www.brunswickme.org

This agreement is between CGI Communications, Inc. ("CGI") and the City of Brunswick (the "City") and shall remain in effect from the date it is signed by both parties until the third anniversary of the date that the completed and approved Community Video Program is made available for viewing via a link on the [www.brunswickme.org](http://www.brunswickme.org) homepage, including any alternate versions of your homepage, for viewer access on different devices. Any termination or modification of this Agreement shall not take effect until the expiration of the current term.

## CGI shall provide a Community Video Program as follows:

- One Welcome video from your Mayor or other civic leader
- Up to three additional videos to showcase various aspects of your community, for a total of (four) 1 minute community highlight videos
- One Community Organization chapter to promote charities, nonprofits and community development organizations
- Script writing and video content consultation
- A videographer will come to your location to film videos
- We reserve the right to use still images and photos for video production
- All aspects of video production and editing, from raw footage to final video including professional voiceovers and background music
- Final draft of Community Video Showcase content subject to your approval (up to 3 sets of revisions allowed). Any request for approval of revision, including final draft, shall be deemed approved if no response received by us within thirty (30) days of request
- Patented OneClick  Technology and encoding of all videos into multiple streaming digital formats to play on all computer systems, devices, browsers, and Internet connection speeds; recognized player formats include WindowsMedia  and QuickTime
- Store and stream all videos on CGI's dedicated server
- Business sponsors allowed on the perimeter of video panels
- Businesses will be allowed to purchase various digital media products and services from CGI and its affiliates
- Duration of sponsor participation will be one to two years and CGI is solely responsible for sponsorship fulfillment including all related aspects of marketing, production, printing, and distribution
- Viewer access of the Community Video Program from your website shall be facilitated by CGI, providing HTML source code for a graphic link to be prominently displayed on the [www.brunswickme.org](http://www.brunswickme.org) website homepage as follows: "Coming Soon" graphic link designed to coordinate with existing website color theme to be provided within 10 business days of execution of this agreement; "Video Tour" graphic link to be provided to replace the "Coming Soon" link upon completion and approval of videos
- CGI will own copyrights of the master Community Video Program
- The City will assume no cost or liability for this project and CGI will honor any request for termination of sales upon 30 day Notice and only if the City continuously provides the Community Video linkage from its Homepage for the duration of this contract

## Program Add-On:

- CGI will provide its GOCast recording app and up to three (3) instant GOCast video widgets for placement on the City website. Each Cast allows for up to two (2) minutes of video which can be replaced or updated anytime.

## The City of Brunswick shall:

- Provide a letter of introduction for the program on its letterhead
- Assist with the content and script for the Community Video Showcase
- Grant CGI the right to use City's name in connection with the preparation, production, and marketing of the Program
- Display the "Coming Soon" graphic link prominently on the [www.brunswickme.org](http://www.brunswickme.org) homepage within 10 business days of receipt of HTML source code
- Display the "Video Tour" link, of no less than 150 by 400 pixels, prominently on its [www.brunswickme.org](http://www.brunswickme.org) homepage, including any alternate versions of your home page, for viewer access on different devices for the entire term of this agreement
- Ensure that this agreement remains valid and in force until the agreed upon expiration date, regardless of administration
- Grant full and exclusive streaming video rights for CGI and its subsidiaries, affiliates, successors and assigns to stream all video content on Community Video Program and all related CGI Programs, including but not limited to its "Community Video Network"
- Represent and warrant that any and all photographs, videos, and other content it submits to us for use in any video or other production does not infringe on any third party's copyrighted material, trademark or other intellectual privacy or publicity rights and shall defend and indemnify us from any such claim or action

This Agreement constitutes the entire agreement of the parties and supersedes any and all prior communications, understandings and agreements, whether oral or written. No modification or claimed waiver of any provision shall be valid except by written amendment signed by the parties herein.

We, the undersigned, have read and understand the above information and have full authority to sign this agreement.

The City of Brunswick, ME

CGI Communications, Inc.

Signature:



Name (printed):

Name (printed): Nicole Rongo

Title:

Title: Vice President of Marketing

Date:

Date: October 15, 2014

ITEM 144

BACK UP MATERIALS



# Town of Brunswick, Maine

INCORPORATED 1739

ECONOMIC AND COMMUNITY  
DEVELOPMENT

85 UNION STREET

BRUNSWICK, MAINE 04011-1583

TELEPHONE 207-721-0292

FAX 207-725-6663

## MEMORANDUM

**TO:** Town Council Members  
**FROM:** Linda Smith, Business Development Manager  
**RE:** MicroEnterprise – Blue Dog Daycare Letter of Intent  
**DATE:** November 25, 2014

The Department of Economic and Community Development has a program, the MicroEnterprise Grant Program, which provides a grant to the Town of Brunswick for up to \$50,000, which is then lent to a Brunswick start-up or microbusiness that has five or fewer employees, one of whom owns the enterprise, and whose family income is considered Low to Moderate Income. The Town of Brunswick in turn loans the funds to the business which signs an agreement that they will repay the loan if they do not continue to hold and maintain the business for five years. If the owner should sell or dissolve the business or dispose of grant funded assets repayment is as follows: Year 1 - 100%; Year 2 - 80%; Year 3 - 60%; Year 4 - 40%; Year 5 - 20%; Year 6 - no repayment.

Blue Dog Daycare is a start-up business in the Town of Brunswick. They provide dog day care services to up to forty (40) dogs on a daily basis. They are located on the Brunswick Landing at 41 Acadia Drive. A flyer highlighting their services and fees is attached. While they have made a substantial investment in the new business, they need additional financial resources for several facility improvements (see Project Description in the attached Letter of Intent). The MicroEnterprise Grant Program could provide that financial resource while allowing the new business to maintain a strong cash flow position as they grow their business.

This is a great opportunity to access state resources to support a new Brunswick small business. I would ask that the Council support this Letter of Intent. Thanks for your consideration of this project. I look forward to answering any questions you may have.

State of Maine  
Community Development Block Grant Program  
2014 Micro-Enterprise Assistance Program

## Letter of Intent to Apply

Due at DECD on or before the first Friday of each month by 4:00 p.m.

Letters of Intent may be submitted via email to: [ocd.loi@maine.gov](mailto:ocd.loi@maine.gov)

Please enter "MEA LOI" in the subject line.

All communities wishing to apply for a 2014 Micro-Enterprise Assistance Grant must use this Letter of Intent to document compliance with requirements established by Title I of the Housing and Community Development Act of 1974, as amended and the State of Maine CDBG program. Applicants who submit a completed Letter of Intent and demonstrate meeting a CDBG National Objective will be notified by OCD that they are eligible to submit a final application. Eligibility to submit a final application does not imply final project approval or funding. **Funds will not be available until after July 1, 2014.**

### A. APPLICANT ELIGIBILITY

#### 1. Legal Applicant:

|  |  |   |                                  |
|--|--|---|----------------------------------|
| Applicant:   | <b>Town of Brunswick</b>                     | Phone:  | <b>207-725-6659</b>              |
| Address:   | <b>85 Union Street</b>                       | Fax:  | <b>207-725-6663</b>              |
| City, ZIP+Four:  | <b>Brunswick, ME 04011-2418</b>              | E-Mail:   | <b>jeldridge@brunswickme.org</b> |
| Chief Official:  | <b>John Eldridge, Town Manager</b>           |   |                                  |
| DPM name and date of Consultation (required):            | <b>Terry Ann Holden on November 13, 2014</b> |   |                                  |
| Census Tracts #(s) Where Proposed Activities Will Occur: | <b>Brunswick Station - 08395</b>             |   |                                  |
| Year of Slum & Blight Declaration                        | <b>N/A</b>                                   | Parameters of Slum & Blight area (such as High St. to Green St. to Main St. etc.) | <b>N/A</b>                       |
| National Objective (Low/Mod, or S/B)                     | <b>Low/Mod</b>                               | Percent of blighted buildings in area   | <b>N/A</b>                       |

#### 2. Applying on Behalf of Sub-Grantee (if applicable):

|              |                               |         |                                  |
|--------------|-------------------------------|---------|----------------------------------|
| Sub-Grantee: | <b>Blue Dog Daycare</b>       | Phone:  | <b>207-406-2712</b>              |
| Address:     | <b>41 Acadia Drive</b>        | Fax:    | <b>N/A</b>                       |
| City, ZIP:   | <b>Brunswick, Maine 04011</b> | E-Mail: | <b>meghanpizzolato@yshoo.com</b> |
| Agency Rep:  | <b>Meghan Osborne</b>         | Title   | <b>Owner</b>                     |

#### 3. Engineer/Architect consulted for project & providing cost estimates:

|            |            |         |  |
|------------|------------|---------|--|
| Name:      | <b>N/A</b> | Phone:  |  |
| Firm:      |            | Fax:    |  |
| Address:   |            | E-Mail: |  |
| City, ZIP: |            |         |  |

### B. ELIGIBLE ACTIVITY CATEGORIES

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

|          |  |
|----------|--|
| <b>X</b> | <b>1. Micro-Enterprise Assistance</b> (accomplishment type: 08 Businesses) |
|          | <b>2. Business Façade Grants</b> (accomplishment type: 08 Businesses)      |

### C. PROJECT INFORMATION

Provide a clear, concise description of the proposed project using the space below. The scope of work should be very specific in identifying how the money will be used in meeting a National Objective.

Blue Dog Daycare is owned and operated by a Low Moderate Income (LMI) individual. She also currently employs “x” LMI employees. The business is newly located at the Brunswick Landing in the Town of Brunswick (as of November 2014) and the service she is supplying, day care for dogs, is also new to the Town of Brunswick. The owner, Meghan Osborne, is seeking a grant through the Department of Economic and Community Development’s MicroEnterprise program for the following activities:

- Rubberized flooring to replace the current floors which are eroded concrete surfaces; the new flooring is cost effective, good for the animals’ paws, reduces sound, provides a sanitary surface, and requires minimal replacement;
- Privacy fencing to complete the fencing around the compound which will reduce the animals’ view of cars & pedestrians passing by and therefore reduce noise (barking);
- Exterior landscaping to eradicate plants which are potentially harmful to the animals’ paws; replace the gravel and weeds with wood chips; and, build / install dog play equipment
- Exterior painting of the building
- Install self-serve tubs, mats and dryer equipment for customers to use with their dogs; and,
- Provide technical enhancements to upgrade the company website and develop / add customized interactive dog training curriculum.

### D. COST ESTIMATES & PROJECT FUNDING – UNDER DEVELOPMENT

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

|                               |                    |               |                    |
|-------------------------------|--------------------|---------------|--------------------|
| Total Estimated Project Cost: | \$49,000.00 (est.) | CDBG Request: | \$49,000.00 (est.) |
|-------------------------------|--------------------|---------------|--------------------|

| Activity                                    | Amount          | Date Secured |
|---|-----------------|--------------|
| Flooring materials & installation           | \$8,000         | CDBG / TBD   |
| Privacy fencing                             | \$4,000         | CDBG / TBD   |
| Exterior Landscaping                        | \$6,000         | CDBG / TBD   |
| Exterior painting                           | \$5,000         | CDBG / TBD   |
| Technical systems upgrade                   | \$4,000         | CDBG / TBD   |
| Self-serve dog wash room & equipment set-up | \$22,000        | CDBG / TBD   |
| <b>TOTAL:</b>                               | <b>\$49,000</b> |              |

### E. COMPREHENSIVE PLAN

List the dates on which your local comprehensive plan was adopted, updated (if applicable) and deemed consistent by SPO.

|                    |                   |
|--------------------|-------------------|
| Adopted Date:      | <b>9-15-2008</b>  |
| Updated:           | <b>2008</b>       |
| SPO Approval Date: | <b>10-29-2003</b> |

|   |  |
|---|--|
| Community does not have an adopted and consistent comprehensive plan. |  |
| Date Comprehensive Plan Expected to be Adopted and Consistent:        |  |
|   |  |

DUNS #: **077466274**

*This must be the town or city number, not the Police Department, and not the sewer or water district.*

Applicant DUNS (Dunn & Bradstreet) #: IN PROCESS (visit [www.nea.gov/grants/apply/DUNS.html](http://www.nea.gov/grants/apply/DUNS.html) to obtain a number)

## F. NATIONAL OBJECTIVE

Check all applicable boxes below indicating how the National Objectives will be met and attach all required documentation listed in the appropriate box.

| BENEFITTING LOW-TO-MODERATE INCOME PERSONS (IMI) |   |
|--|---|
|  | <b>Community-Wide LMI National Objective</b><br><input checked="" type="checkbox"/> Attach Census Figures indicating 51% or more of the community is LMI along with a completed <u>Beneficiary Profile</u> <b>OR</b> recent survey materials meeting the requirements set forth in OCD Policy Letter Number 19 and Income Survey Methodology Handbook.)           |
|  | <b>Target Area LMI National Objective</b><br><input checked="" type="checkbox"/> Attach Census Figures indicating 51% or more of the target area is LMI along with a completed <u>Beneficiary Profile</u> <b>OR</b> recent survey materials meeting the requirements set forth in OCD Policy Letter Number 19 and Income Survey Methodology Handbook.)            |
| X  | <b>Limited Clientele LMI National Objective</b><br><input checked="" type="checkbox"/> Attach written documentation that the proposed CDBG activity will serve only LMI persons or a HUD recognized Limited Clientele group as set forth by the United States Department of Housing and Urban Development in 24 CFR Part 570 and the State of Maine CDBG Program. |
| ELIMINATION OF SLUMS AND BLIGHTING CONDITIONS    |   |
|  | <b>Elimination or Prevention of Slums and Blight on an Area-Wide Basis</b><br><input checked="" type="checkbox"/> Attach completed Slum & Blight Declaration meeting the requirements of Maine State Statute 30-A, Chapter 205, Section 5202 and regulations set forth by the United States Department of Housing and Urban Development in 24 CFR Part 570.       |
|  | <b>Elimination or Prevention of Slums and Blight on a Spot Basis</b><br><input checked="" type="checkbox"/> Attach completed Spot Blight Designation form and required attachments which meets regulations set forth by the United States Department of Housing and Urban Development in 24 CFR Part 570.   |

## Applicant Certifications

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

|                                      |                   |                  |
|--------------------------------------|-------------------|------------------|
|                                      | Town of Brunswick | December 5, 2014 |
| Signature of Chief Executive Officer | Name of Community | Date: mm/dd/year |



## **BLUE DOG DAYCARE**

41 Acadia Drive  
Brunswick, ME 04011  
207-406-2712  
[www.thebluedogdaycare.com](http://www.thebluedogdaycare.com)

Blue Dog Daycare is a safe place where your dog comes to play and learn. A day filled with exercise, socialization, training and fun!

### **HOURS**

Monday-Friday: 7:00-7:00  
Saturday: 7:00-5:00  
Sunday: Closed

### **DAYCARE RATES**

Full Day: \$20  
10-Day Pass: \$180  
1/2 Day: \$15  
10-Day Pass: \$140  
Full Day w/ Training: \$25  
Taxi Service: \$15-\$20

### **TRAINING RATES**

Private 1-Hour: \$45  
Private 4-Week: \$160  
Group 4-Week: \$120

ITEM 145

BACK UP MATERIALS



# Town of Brunswick, Maine

INCORPORATED 1739

OFFICE OF THE FINANCE DIRECTOR

85 UNION STREET

BRUNSWICK, MAINE 04011-2418

TELEPHONE 207-725-6652

FAX 207-725-4107

Date: November 18, 2014

To: Town Council  
Brunswick, Maine

From: Julie Henze  
Finance Director

Subject: Request for Authorization to issue Quitclaim Deed

In accordance with the Town Council's decision to take action on tax acquired properties, the Town Manager has been in discussions with previous owners to facilitate payment of outstanding taxes and fees before the deadline of December 15, 2014.

The previous owner of the property at 45 Primrose Lane is currently negotiating a sale of the property, with a portion of the sale proceeds to pay the outstanding obligations to the Town. The closing is currently scheduled for Friday, December 5, 2014. We are requesting Council authorization for the Town Manager to issue a quitclaim deed for this property, on the same day and simultaneous with the sale closing and the payment of taxes.

The proposed quitclaim deed is attached.

**MUNICIPAL QUITCLAIM DEED**

The Town of Brunswick, a body corporate, located at 85 Union Street, Brunswick, Maine, by and through its Town Manager duly authorized by its Town Council, on December 1, 2014 for consideration paid, release to **Keefer, Diane**, of Brunswick, ME any interest the Town of Brunswick may have acquired in real estate by virtue of Tax Lien Certificates filed in the Cumberland County Registry of Deeds as follows:

| <b>Book</b>  | <b>Page</b> | <b>Date Recorded</b>   | <b>For Tax Year</b> |
|--------------|-------------|------------------------|---------------------|
| <b>28905</b> | <b>33</b>   | <b>August 22, 2011</b> | <b>2010</b>         |
| <b>29866</b> | <b>56</b>   | <b>August 24, 2012</b> | <b>2011</b>         |

The real estate is located in the Town of Brunswick, County of Cumberland and State of Maine, and is described as follows:

A certain Mobile Home on land depicted as Map 051 Lot 001 Sub 000 Typ 288 as shown on the Tax Maps and further described in the records of the Tax Assessor of the Town of Brunswick, Maine. Said maps and records dated, April 1, 2010 and April 1, 2011.

The Town of Brunswick has caused this instrument to be signed in its corporate name by its duly authorized Town Manager this **5th** day of **December 2014**.

Signed, Sealed and Delivered by John S. Eldridge, III, Town Manager of the Town of Brunswick.

**TOWN OF BRUNSWICK**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
John S. Eldridge, III  
Town Manager

STATE OF MAINE  
Cumberland, ss.

December 5, 2014

Personally appeared the above named John S. Eldridge, III, Town Manager of the Town of Brunswick, and acknowledged the above instrument to be his free act and deed in his said capacity and the free act and deed of the Town of Brunswick.

Before me,

\_\_\_\_\_  
Frances M. Smith  
Notary Public  
Commission expires – January 23, 2015

---

# CONSENT AGENDA - A BACK UP MATERIALS

**Draft**  
**BRUNSWICK TOWN COUNCIL**  
**Minutes**  
**November 17, 2014**  
**6:00 P.M. - Executive Session**  
**7:00 P.M. – Regular Meeting**  
**Council Chambers**  
**Town Hall**  
**85 Union Street**

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

**Councilors Absent:** Councilor Suzan Wilson

**Town Staff Present:** John Eldridge, Town Manager; Fran Smith, Town Clerk/Assistant to the Town Manager; Anna Breinich, Director of Planning and Development; Tom Farrell, Parks and Recreation Director; Julie Henze, Finance Director; Linda Smith, Business Development Manager; Mark Waltz, Police Commander; Steve Langsdorf, Town Attorney; Dan Devereaux, Marine Resources Officer; Terry Goan, Police Officer; and TV video crew

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

**Executive Sessions:**

- a) Consultations with legal counsel regarding pending or contemplated litigation [1 M.R.S.A. §405(6)(E)] and
- b) A personnel matter [1 M.R.S.A. §405(6)(A)]

**Councilor Millett moved, Councilor Favreau seconded, to go into executive session for a consultation with legal counsel regarding pending or contemplated litigation per 1 M.R.S.A. §405(6)(E) regarding the Kestrel lawsuit; and to go into executive session for a personnel matter per 1 M.R.S.A. §405(6)(A) regarding hiring a Finance Director. The motion carried with eight (8) yeas.**

**MEETING RESUMED AT 7:00 P.M.**

Chair Pols resumed the meeting, led the Pledge of Allegiance and acknowledged that the meeting was properly noticed.

**Public Comment**     *(This item was discussed at 7:00 p.m.)*

**Pem Schaeffer**, Crestview Lane, spoke regarding the Amtrak's economic benefits to the community and requested that Bowdoin College and the Town conduct a combined study to determine these benefits. He would like this to be a formal item for Council, but has not received support from the Councilors he spoke with.

**Town Council Minutes**

**November 17, 2014**

**Page 2**

Chair Pols and Councilor Millett spoke regarding the study.

**Correspondence**      *(This item was discussed at 7:09 p.m.)*

Chair Pols recognized the Girls U14 Brunswick Soccer Club, who won the Soccer Maine's State Championships. The team and coach were present for this recognition.

Councilor Perreault and Councilor Watson spoke about the High School football team's Eastern Maine championship and playing in the State game.

**Council Committee Updates** *(This item was discussed at 7:17 p.m.)*

Reports were given regarding the Teen Center, which is having its 10<sup>th</sup> anniversary, and the Finance Committee.

**Adjustments to the Agenda** *(This item was discussed at 7:19 p.m.)*

None

**MANAGER'S REPORT**

**a) Financial Update** *(This item was discussed at 7:20 p.m.)*

Mr. Eldridge spoke regarding this item, and also the culvert replacement. He responded to a question from Councilor Perreault.

*(A copy of a memo about the culvert replacement program will be included in your packet.)*

**b) Announcement of the postponement of the DEP public hearing on the Stormwater Application for the proposed layover facility** *(This item was discussed at 7:28 p.m.)*

Mr. Eldridge spoke regarding this item.

**c) Election update** *(This item was discussed at 7:29 p.m.)*

Fran Smith, Town Clerk, spoke regarding this item.

Councilor Walker, Councilor Perreault, Chair Pols, Councilor Favreau, and Councilor Watson spoke regarding this item and asked questions, to which Ms. Smith responded.

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

**PUBLIC HEARING**

- 130. The Town Council will hear public comments on a special amusement license for AKI, Inc., located at 94 Maine Street, and will take any appropriate action. (Manager) (This item was discussed at 7:54 p.m.)**

Chair Pols opened the public hearing; hearing no comments, he closed the public hearing.

**Councilor Perreault moved, Councilor Walker seconded, to approve a special amusement license for AKI, Inc., located at 94 Maine Street. The motion carried with eight (8) yeas.**

- 131. The Town Council will hear public comments on the Midcoast Regional Redevelopment Authority's Community Development Block Grant to support the Make it in America grant, and will take any appropriate action. (Manager) (This item was discussed at 7:56 p.m.)**

Manager Eldridge spoke regarding this item.

Chair Pols opened the public hearing.

Linda Smith, Business Development Manager, spoke regarding this item.

Chair Pols closed the public hearing.

Chair Pols, Councilor Perreault, and Councilor Favreau spoke regarding this item.

*No action was required.*

- 132. The Town Council will hear public comments on the Frosty's Donuts, LLC Community Development Block Grant project update, and will take any appropriate action. (Manager) (This item was discussed at 7:57 p.m.)**

Chair Pols opened the public hearing.

**Shelby St. Andre**, Owner of Frosty's, responded to a question from Councilor Brayman.

Councilor Richardson spoke regarding this item.

Chair Pols closed the public hearing.

*No action was required.*

**NEW BUSINESS**

- 133. The Town Council will consider setting a public hearing for December 1, 2014, on amendments to the Code of Ordinance Chapter 11 "Marine Activities, Structures**

**Town Council Minutes**

**November 17, 2014**

**Page 4**

**and Ways” relative to allowing a late fee for a Letter of Intent and to changing bushel license requirements, and will take any appropriate action. (Manager) (This item was discussed at 8:02 p.m.)**

Mr. Eldridge and Officer Devereaux spoke regarding this item.

Councilor Perreault, Councilor Walker, and Councilor Brayman spoke and asked questions, to which Officer Devereaux responded.

Chair Pols spoke regarding this item.

**Chair Pols moved, Councilor Walker seconded, to set a public hearing for December 1, 2014, on the Code of Ordinance Chapter 11 “Marine Activities, Structures and Ways” relative to allowing a late fee for a Letter of Intent and changing the bushel license requirements. The motion carried with eight (8) yeas.**

**134. The Town Council will consider setting a public hearing for December 1, 2014, on amendments to the Code of Ordinance Chapter 15 “Traffic and Vehicles” relative to allowing overnight parking permits to residents of Longfellow Avenue, and will take any appropriate action. (Councilor Walker) (This item was discussed at 8:13 p.m.)**

Councilor Walker spoke regarding this item.

Captain Waltz spoke and responded questions from Councilor Perreault.

**Councilor Walker moved, Councilor Watson seconded, to set a public hearing for December 1, 2014, on amendments to the Code of Ordinance Chapter 15 “Traffic and Vehicles” relative to allowing an overnight parking permit to residents of Longfellow Avenue. The motion carried with eight (8) yeas.**

**135. The Town Council will discuss the possibility of the Greater Portland METRO Bus providing commuter rides to and from Brunswick, and will determine if any future action is needed. (Chair Pols) (This item was discussed at 8:22 p.m.)**

Chair Pols spoke regarding this item.

Councilor Millett and Mr. Eldridge also spoke regarding this item.

**Karen Topp**, 58 Federal Street, spoke regarding this item.

Councilor Walker and Councilor Brayman asked questions, to which Chair Pols and Mr. Eldridge responded.

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

136. The Town Council will consider setting a public hearing for December 1, 2014, on “An Ordinance Authorizing the Upgrading of Heating, Ventilation, Cooling, and Related Improvements at Emerson Station, with Total Project Costs Not to Exceed \$150,000 (plus any other costs authorized hereunder), and Further Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$150,000 (plus cost of issuance), plus any Additional Appropriation Authorized Hereunder,” and will take any appropriate action. (Manager) *(This item was discussed at 8:31 p.m.)*

Mr. Eldridge spoke regarding this item and responded to question from Councilor Perreault.

**Chair Pols moved, Councilor Watson seconded, to set a public hearing for December 1, 2014, on “An Ordinance Authorizing the Upgrading of Heating, Ventilation, Cooling, and Related Improvements at Emerson Station, with Total Project Costs Not to Exceed \$150,000 (plus any other costs authorized hereunder), and Further Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$150,000 (plus cost of issuance), plus any Additional Appropriation Authorized Hereunder.” The motion carried with eight (8) yeas.**

137. The Town Council will consider confirming the appointment of Julie Henze as the Finance Director, and will take any appropriate action. (Manager) *(This item was discussed at 8:35 p.m.)*

Manager Eldridge spoke regarding this item.

**Councilor Watson moved, Councilor Millett seconded, to confirm the Town Manager’s appointment of Julie Henze as the Finance Director. The motion carried with eight (8) yeas.**

**CONSENT AGENDA** *(This item was discussed at 8:37 p.m.)*

- a) Approval of the Minutes of November 3, 2014

Councilor Millett requested a correction changing Jordan Avenue to Federal Street when discussing tree removal.

**Councilor Millett moved, Councilor Favreau seconded, to approve the Consent Agenda. The motion carried with seven (7) yeas. Councilor Walker abstained since he was not at that meeting.**

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

The meeting adjourned at 8:39 p.m.

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

**Town Council Minutes**  
**November 17, 2014**  
**Page 6**

*Frances Smith*  
*Town Clerk/Assistant to the Town Manager*  
*November 25, 2014*

December 1, 2014  
*Date of Approval*

---

Council Chair

---

# CONSENT AGENDA - B BACK UP MATERIALS

**Draft**  
**BRUNSWICK TOWN COUNCIL**  
**Minutes – Special Meeting**  
**October 27, 2014**  
**6:00 P.M. – Executive Session**  
**Workshop to Follow Special Meeting at 7:00**  
**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; Steve Langsdorf, Town Attorney; and TV video crew.

Chair Pols called the meeting to order and called the roll. He acknowledged that the meeting was properly noticed.

**Executive session – Personnel matter regarding Town Manager negotiations per 1 M.R.S.A. §405(6)(A) (Time item discussion began was 6:05 p.m.)**

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

**124. The Town Council will consider entering into an employment agreement with John Eldridge as Brunswick Town Manager, and will take any appropriate action. (Chair Pols) (Time item discussion began was 7:31 p.m.)**

Chair Pols spoke regarding this item. He presented some of the terms of the contract:

- Annual compensation of \$112,000
- Health and dental insurance per the Personnel Ordinance
- 12.5 to go to ICMA retirement 457, with other retirement to be consistent with Personnel Ordinance
- Pay dues for ICMA and Government Finance Officers Association
- His expenses will be direct reimbursement as outlined in Town Travel Policy
- Vacation and compensation time accumulated as of October 1, 2014, will be capped at \$30,000 value
- Any future vacation accumulations that goes beyond 240 hours annually must be approved by the Town Council on annual basis
- Vacation will be earned at 5 weeks per year along with 5 compensation days

**Councilor Perreault moved, Councilor Walker seconded, to enter into an employment agreement with John Eldridge as Brunswick Town Manager as attached to the official minutes. The motion carried with nine (9) yeas.**

125. The Town Council will consider committing \$1,000 as the Town's contribution and providing a letter of support for the Woodward Cove Wetland Project as part of a grant process, and will take any appropriate action. (Councilor Walker) (*Time item discussion began was 7:37 p.m.*)

Chair Pols spoke and Councilor Walker spoke regarding this item

Angela Twitchell, Executive Director of the Brunswick and Topsham Land Trust, spoke regarding this item.

**Councilor Wilson moved, Councilor Watson seconded, to commit \$1,000 as the Town's contribution and to provide a letter of support for the Woodward Cove Wetland Project as part of a grant process through the North American Wetlands Conservation Act Small Grant Program. The motion carried with eight (8) yeas. Councilor Walker abstained since the Maine Heritage Trust project who is his employer.**

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

The meeting adjourned at 7:41 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  
November 25, 2014*

December 1, 2014  
*Date of Approval*

\_\_\_\_\_  
Council Chair

# CONSENT AGENDA - C BACK UP MATERIALS

**MUNICIPAL QUITCLAIM DEED**

The Town of Brunswick, a body corporate, located at 85 Union Street, Brunswick, Maine, by and through its Town Manager duly authorized by its Town Council, on December 1, 2014 for consideration paid, release to **Campobasso, Bari L**, of Windham, ME any interest the Town of Brunswick may have acquired in real estate by virtue of Tax Lien Certificates filed in the Cumberland County Registry of Deeds as follows:

| <b>Book</b> | <b>Page</b> | <b>Date Recorded</b> | <b>For Tax Year</b> |
|-------------|-------------|----------------------|---------------------|
| 29866       | 294         | August 24, 2012      | 2011                |
| 30956       | 324         | August 23, 2013      | 2012                |
| 31725       | 329         | August 22, 2014      | 2013                |

The real estate is located in the Town of Brunswick, County of Cumberland and State of Maine, and is described as follows:

A certain parcel of land with any buildings depicted as Map U40 Lot 012 Sub 000 Typ 000 as shown on the Tax Maps and further described in the records of the Tax Assessor of the Town of Brunswick, Maine. Said maps and records dated, April 1, 2011, April 1, 2012 and April 1, 2013.

The Town of Brunswick has caused this instrument to be signed in its corporate name by its duly authorized Town Manager this 5<sup>th</sup> day of **December 2014**.

---

Signed, Sealed and Delivered by John S. Eldridge, III, Town Manager of the Town of Brunswick.

TOWN OF BRUNSWICK

\_\_\_\_\_  
Witness

\_\_\_\_\_  
John S. Eldridge, III  
Town Manager

STATE OF MAINE  
Cumberland, ss.

December 5, 2014

Personally appeared the above named John S. Eldridge, III, Town Manager of the Town of Brunswick, and acknowledged the above instrument to be his free act and deed in his said capacity and the free act and deed of the Town of Brunswick.

Before me,

\_\_\_\_\_  
Frances M. Smith  
Notary Public  
Commission expires – January 23, 2015

**MUNICIPAL QUITCLAIM DEED**

The Town of Brunswick, a body corporate, located at 85 Union Street, Brunswick, Maine, by and through its Town Manager duly authorized by its Town Council, on December 1, 2014 for consideration paid, release to **Henderson, Thomas PR**, of Bath, ME any interest the Town of Brunswick may have acquired in real estate by virtue of Tax Lien Certificates filed in the Cumberland County Registry of Deeds as follows:

| <b>Book</b> | <b>Page</b> | <b>Date Recorded</b> | <b>For Tax Year</b> |
|-------------|-------------|----------------------|---------------------|
| 28904       | 250         | August 22, 2011      | 2010                |
| 29866       | 143         | August 24, 2012      | 2011                |

The real estate is located in the Town of Brunswick, County of Cumberland and State of Maine, and is described as follows:

A certain parcel of land with any buildings depicted as Map CC2 Lot 047 Sub 000 Typ 000 as shown on the Tax Maps and further described in the records of the Tax Assessor of the Town of Brunswick, Maine. Said maps and records dated, April 1, 2010 and April 1, 2011.

The Town of Brunswick has caused this instrument to be signed in its corporate name by its duly authorized Town Manager this 5<sup>th</sup> day of **December 2014**.

Signed, Sealed and Delivered by John S. Eldridge, III, Town Manager of the Town of Brunswick.

TOWN OF BRUNSWICK

\_\_\_\_\_  
Witness

\_\_\_\_\_  
John S. Eldridge, III  
Town Manager

STATE OF MAINE  
Cumberland, ss.

December 5, 2014

Personally appeared the above named John S. Eldridge, III, Town Manager of the Town of Brunswick, and acknowledged the above instrument to be his free act and deed in his said capacity and the free act and deed of the Town of Brunswick.

Before me,

\_\_\_\_\_  
Frances M. Smith  
Notary Public  
Commission expires – January 23, 2015

**MUNICIPAL QUITCLAIM DEED**

The Town of Brunswick, a body corporate, located at 85 Union Street, Brunswick, Maine, by and through its Town Manager duly authorized by its Town Council, on December 1, 2014 for consideration paid, release to Lewis, Barry S Heirs of c/o Bari Campobasso, of Windham, ME any interest the Town of Brunswick may have acquired in real estate by virtue of Tax Lien Certificates filed in the Cumberland County Registry of Deeds as follows:

| Book  | Page | Date Recorded   | For Tax Year |
|-------|------|-----------------|--------------|
| 29866 | 67   | August 24, 2012 | 2011         |
| 30957 | 36   | August 23, 2013 | 2012         |
| 31725 | 264  | August 22, 2014 | 2013         |

The real estate is located in the Town of Brunswick, County of Cumberland and State of Maine, and is described as follows:

A certain parcel of land with any buildings depicted as Map U40 Lot 336 Sub 000 Typ 000 as shown on the Tax Maps and further described in the records of the Tax Assessor of the Town of Brunswick, Maine. Said maps and records dated, April 1, 2011, April 1, 2012 and April 1, 2013.

The Town of Brunswick has caused this instrument to be signed in its corporate name by its duly authorized Town Manager this 5<sup>th</sup> day of December 2014.

Signed, Sealed and Delivered by John S. Eldridge, III, Town Manager of the Town of Brunswick.

TOWN OF BRUNSWICK

\_\_\_\_\_  
Witness

\_\_\_\_\_  
John S. Eldridge, III  
Town Manager

STATE OF MAINE  
Cumberland, ss.

December 5, 2014

Personally appeared the above named John S. Eldridge, III, Town Manager of the Town of Brunswick, and acknowledged the above instrument to be his free act and deed in his said capacity and the free act and deed of the Town of Brunswick.

Before me,

\_\_\_\_\_  
Frances M. Smith  
Notary Public  
Commission expires – January 23, 2015

### MUNICIPAL QUITCLAIM DEED

The Town of Brunswick, a body corporate, located at 85 Union Street, Brunswick, Maine, by and through its Town Manager duly authorized by its Town Council, on December 1, 2014 for consideration paid, release to **Martucci, Kathryn**, of Brunswick, ME any interest the Town of Brunswick may have acquired in real estate by virtue of Tax Lien Certificates filed in the Cumberland County Registry of Deeds as follows:

| Book  | Page | Date Recorded   | For Tax Year |
|-------|------|-----------------|--------------|
| 29866 | 52   | August 24, 2012 | 2011         |
| 30957 | 49   | August 23, 2013 | 2012         |
| 31725 | 347  | August 22, 2014 | 2013         |

The real estate is located in the Town of Brunswick, County of Cumberland and State of Maine, and is described as follows:

A certain Mobile Home on land depicted as Map 051 Lot 001 Sub 000 Typ 311 as shown on the Tax Maps and further described in the records of the Tax Assessor of the Town of Brunswick, Maine. Said maps and records dated, April 1, 2011, April 1, 2012 and April 1, 2013.

The Town of Brunswick has caused this instrument to be signed in its corporate name by its duly authorized Town Manager this **5th day of December 2014**.

Signed, Sealed and Delivered by John S. Eldridge, III, Town Manager of the Town of Brunswick.

TOWN OF BRUNSWICK

\_\_\_\_\_  
Witness

\_\_\_\_\_  
John S. Eldridge, III  
Town Manager

STATE OF MAINE  
Cumberland, ss.

December 5, 2014

Personally appeared the above named John S. Eldridge, III, Town Manager of the Town of Brunswick, and acknowledged the above instrument to be his free act and deed in his said capacity and the free act and deed of the Town of Brunswick.

Before me,

\_\_\_\_\_  
Frances M. Smith  
Notary Public  
Commission expires -- January 23, 2015

**CONSENT AGENDA - D  
NO BACK UP MATERIALS**