

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

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)]**

Roll Call

Pledge of Allegiance

Acknowledgment that meeting was properly noticed

Public Comment

Correspondence

Council Committee Updates

Adjustments to the Agenda

MANAGER’S REPORT

- a) Financial Update
- b) Announcement of the postponement of the DEP public hearing on the Stormwater Application for the proposed layover facility
- c) Election update

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)
PUBLIC HEARING/ACTION

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)
PUBLIC HEARING

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)

PUBLIC HEARING

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 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)

ACTION

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)

ACTION

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)

DISCUSSION

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)

ACTION

137. The Town Council will consider confirming the appointment of Julie Henze as the Finance Director, and will take any appropriate action. (Manager)

ACTION

CONSENT AGENDA

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

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

**Brunswick Town Council
Agenda
November 17, 2014
Council Notes and Suggested Motions**

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)]**

Suggested Motion:

- a) Motion 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)
- b) Motion to go into executive session for a personnel matter per 1 M.R.S.A. §405(6)(A).

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) Financial Update: Manager Eldridge will update the Council on the Town's financial picture to date for the current fiscal year. In addition, he will provide information on the culvert replacement program. A copy of a memo about this program will be included in your packet. (Copies of financial reports will be posted online only.)

Suggested Motion: No motion is required.

- b) Announcement of postponement of the DEP public hearing on the Stormwater Application for the proposed layover facility: This item is to let residents know that this public hearing, originally scheduled for November 13, 2014, has been postponed to a date to be determined.

Suggested Motion: No motion is required.

- c) Election update: This item is to provide an update on the November 3rd election and to provide for a suggested timeline to review concerns and to develop a plan to prevent similar issues in the future. A copy of a memo from Fran Smith, Town Clerk, is included in your packet.

Suggested Motion: No motion is required.

PUBLIC HEARING

- 130. This item is the required public hearing on a renewal special amusement license for AKI, located at 94 Maine Street. They would like to have dance music, DJs and bands in their downstairs area. Copies of the public hearing notice and application are included in your packet.

Suggested Motion:

Motion to approve a special amusement license for AKI, Inc., located at 94 Maine Street.

131. This item is a required public hearing for the Midcoast Regional Redevelopment Authority's Community Development Block Grant to support the Make it in America grant. The Town of Brunswick requested and was awarded a CDBG grant for \$250,000 through their economic development program to provide funding as a match for the U.S. Department of Labor and U.S. Department of Commerce "Make it in America" grant award. As a part of the CDBG program requirements, the Town Council is required to hold a Public Hearing in order to provide the general public with a project update. No action is required. Linda Smith and representatives from MRRA will be at the meeting to answer any questions. A copy of a memo from Ms. Smith is included in your packet.

Suggested Motion: No motion is required.

132. This item is a required public hearing for the Community Development Block Grant project update for Frosty's Donuts, LLC. The Town of Brunswick requested and was awarded a \$160,050 CDBG grant through their economic development program to provide funding to assist Frosty's Donuts, LLC in creating a new production facility at 119 Orion Street at Brunswick Landing. As a part of the CDBG program requirements, the Town Council is required to hold a Public Hearing in order to provide the general public with a project update. No action is required. Ms. Smith will be available at the meeting to answer any questions. A copy of her memo is included in your packet.

Suggested Motion: No motion is required.

NEW BUSINESS

133. This item is for the Council to consider setting a public hearing for December 1, 2014, on 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 15th. Additional changes will be coming to the Council in late January to address conservation time, but additional work is needed and they do not have to be in effect until the date the licenses go on sale, which is April 1st. Dan 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 set a public hearing for December 1, 2014, on the Code of Ordinance Chapter 11 "Marine Activities, Structures and Ways" relative to changes relative to allowing a late fee for a Letter of Intent and changing the bushel license requirements.

134. This item is sponsored by Councilor Walker and is to consider setting a public hearing for December 1, 2014, 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 has been working 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 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.

135. This item is to discuss the possibility of the Greater Portland METRO Bus providing commuter rides to and from Brunswick. This service from Portland is being expanded to Freeport beginning next summer. Chair Pols, along with Town Staff, met with METRO’s executive director to begin the discussion whether this type of service is appropriate for Brunswick and the costs related to it. Copies of a memo from Manager Eldridge and METRO’s proposal for Freeport service are included in your packet.

Suggested Motion: No motion is required since this is a discussion item.

136. This item is for the Council to 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.” 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, and public hearing notice are included in your packet.

Suggested Motion:

Motion 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.”

137. This item is to confirm the Town Manager’s appointment of Julie Henze as the Finance Director, as required under section 302(a) of the Brunswick Town Charter. A copy of letter from the Town Manager, along with Ms. Henze’s resume, is included in your packet.

Suggested Motion:

Motion to confirm the Town Manager’s appointment of Julie Henze as the Finance Director.

CONSENT AGENDA

- a) Approval of the Minutes of November 3, 2014: A copy of the minutes is included in your packet.

Suggested Motion:

Motion to approve the Consent Agenda.

Suggested Motion:

Motion to adjourn the meeting.

MANAGER REPORT A BACK UP MATERIALS

MEMORANDUM

TO: Town Council
Town of Brunswick, Maine

FROM: John S. Eldridge
Town Manager

DATE: November 13, 2014

RE: Culvert Replacement Project

You will recall that August flooding damaged a number of culverts that we have been working to replace. The Town Council appropriated \$200,000 to fund this work. The replacement road crossings are to be installed on the following roads: River Road, Hacker Road, Collinsbrook Road, and Raymond Road.

You will also recall that we engaged the service of a consulting engineer to review the watersheds and the new regulations governing the installation of culverts. The engineer determined that the new crossings would need to be substantially larger than the culverts being replaced. The engineer also determined that we would need a permit by rule (PBR) from the Maine Department of Environmental Protection (MDEP) for the work we had envisioned for River Road. We had scheduled to begin the work this week.

Within the last two weeks we learned that, in addition to the MDEP permits, we would also need Army Corps of Engineers (ACOE) permits for the crossings at River Road and Hacker Road. This is because the streams crossing those roads flow to the Androscoggin River and the watershed has been determined to be essential to the Atlantic salmon habitat. The need to obtain the ACOE permits creates two problems. First, it is unlikely that the culvert design we planned to use will be acceptable to the ACOE. The anticipated redesign is expected to result in a more expensive project. Second, ACOE rules restrict the window in which the work can be completed. The next work window is next summer.

Aside from the cost implications, we are extremely concerned about not being able to make the repairs until next summer. You will recall that we have made temporary repairs to the River Road crossing. As the temporary crossing is much smaller than the culvert it replaced, we would not expect that crossing to survive another flood event. As the temporary culverts are much smaller than the ones that were damaged, a flood would not need to be one of similar magnitude as the one last August to wash out the roadway. Clearly this presents a public safety issue.

We have cancelled the work for River and Hacker Road. We will be installing an additional overflow culvert on River Road that will only handle very high water. However, that will also increase the cost. Because of the public safety concerns we also plan to pursue a waiver on the work window. Based on our initial conversations with the ACOE, we are not optimistic of obtaining the waivers.

We will provide the Council and the public with updates on the project cost and schedule as soon as they are available. We have scheduled, for next week, the culvert replacements on the remaining roads.

FOR 2015 04

	ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
10 Taxes						
111190 41101 Property Taxes	36,189,094	36,189,094	36,445,741.40	-1,383,210.64	-256,647.40	100.7%
111190 41103 Deferred Property Tax	-200,000	-200,000	.00	.00	-200,000.00	.0%
111190 41104 Tax Abatements	-75,000	-75,000	-9,559.86	-4,792.26	-65,440.14	12.7%
111190 41105 Interest on Taxes	75,000	75,000	20,050.25	2,430.38	54,949.75	26.7%
111190 41106 Tax Lien Costs Revenu	12,000	12,000	13,223.49	36.00	-1,223.49	110.2%
111190 41107 Tax Lien Interest Rev	12,000	12,000	17,999.85	.00	-5,999.85	150.0%
111190 41109 Payment in Lieu of Ta	150,000	150,000	32,950.30	2,550.00	117,049.70	22.0%
111190 41197 BETE reimbursement	157,895	157,895	.00	.00	157,895.00	.0%
111190 41198 Homestead exemption r	427,247	427,247	321,993.00	.00	105,254.00	75.4%
111190 41199 Miscellaneous tax adj	3,343	3,343	.00	.00	3,343.00	.0%
111191 41110 Excise Tax - Auto	2,825,000	2,825,000	1,088,868.57	266,683.23	1,736,131.43	38.5%
111191 41111 Excise Tax Boat/ATV/S	25,000	25,000	3,238.95	107.25	21,761.05	13.0%
111191 41112 Excise Tax - Airplane	4,000	4,000	.00	.00	4,000.00	.0%
TOTAL Taxes	39,605,579	39,605,579	37,934,505.95	-1,116,196.04	1,671,073.05	95.8%
TOTAL REVENUES	39,605,579	39,605,579	37,934,505.95	-1,116,196.04	1,671,073.05	
20 Licenses & Fees						
121111 42207 Passport Fees	8,000	8,000	4,175.00	1,300.00	3,825.00	52.2%
121111 42208 Postage Fees	0	0	39.98	39.98	-39.98	100.0%
121111 42209 Passport Picture Reve	2,000	2,000	1,536.00	540.00	464.00	76.8%
121411 42100 Building Permits	132,500	132,500	89,730.69	43,863.00	42,769.31	67.7%
121411 42101 Electrical Permits	31,000	31,000	12,763.09	1,994.28	18,236.91	41.2%
121411 42102 Plumbing Permits	20,500	20,500	7,462.50	1,347.50	13,037.50	36.4%
121611 42200 Hunting & Fishing Lic	1,300	1,300	272.75	70.00	1,027.25	21.0%
121611 42201 Dog License Fee	2,502	2,502	196.00	63.00	2,306.00	7.8%
121611 42202 Vital Statistics	45,000	45,000	20,821.20	4,445.60	24,178.80	46.3%
121611 42203 General Licenses	24,250	24,250	1,570.00	495.00	22,680.00	6.5%
121611 42204 Victulars/Innkeepers	20,675	20,675	600.00	.00	20,075.00	2.9%
121611 42205 Shellfish Licenses	15,175	15,175	250.00	50.00	14,925.00	1.6%
121611 42206 Neutered/Spayed Dog L	4,510	4,510	328.00	104.00	4,182.00	7.3%
121611 42208 Postage Fees	0	0	140.83	59.97	-140.83	100.0%
121911 42300 Planning Board Appl F	15,000	15,000	12,424.15	4,947.75	2,575.85	82.8%
122121 42400 Fire Permits	500	500	90.00	40.00	410.00	18.0%
122221 42500 Conc Weapons Permits	600	600	340.00	65.00	260.00	56.7%
123131 42600 Public Works Opening	0	0	48.00	16.00	-48.00	100.0%
TOTAL Licenses & Fees	323,512	323,512	152,788.19	59,441.08	170,723.81	47.2%
TOTAL REVENUES	323,512	323,512	152,788.19	59,441.08	170,723.81	

FOR 2015 04

	ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
30 Intergovernmental						
131122 43505 FD EMPG grant	15,000	15,000	.00	.00	15,000.00	.0%
131132 43103 Highway Grant Fund	214,000	214,000	.00	.00	214,000.00	.0%
131142 43104 State General Assista	24,000	24,000	6,905.94	5,753.86	17,094.06	28.8%
131190 43102 State Tax Exemption R	40,000	40,000	8,175.51	8,175.51	31,824.49	20.4%
131192 43101 State Revenue Sharing	977,671	977,671	281,593.97	118,435.05	696,077.03	28.8%
131192 43105 Emergency Management	0	0	11,146.71	11,146.71	-11,146.71	100.0%
131192 43106 Snowmobile Receipts	1,400	1,400	.00	.00	1,400.00	.0%
134546 43120 State Education Subsi	9,946,831	9,946,831	3,924,912.90	1,738,621.71	6,021,918.10	39.5%
134546 43150 Federal Education Sub	0	0	2,738.03	.00	-2,738.03	100.0%
TOTAL Intergovernmental	11,218,902	11,218,902	4,235,473.06	1,882,132.84	6,983,428.94	37.8%
TOTAL REVENUES	11,218,902	11,218,902	4,235,473.06	1,882,132.84	6,983,428.94	
40 Charges for services						
141111 44110 Agent Fee Auto Reg	50,000	50,000	18,930.00	4,365.00	31,070.00	37.9%
141111 44111 Agent Fee Boat/ATV/Sn	1,500	1,500	387.00	26.00	1,113.00	25.8%
141211 44121 Rental of Property	0	0	400.00	400.00	-400.00	100.0%
141611 44131 Advertising Fees	0	0	436.16	91.20	-436.16	100.0%
142121 44155 Ambulance Service Fee	875,000	875,000	352,512.70	79,548.45	522,487.30	40.3%
142121 44166 Special Detail - Fire	1,000	1,000	1,347.28	579.04	-347.28	134.7%
142221 44161 Witness Fees	3,000	3,000	1,250.00	400.00	1,750.00	41.7%
142221 44162 Police Reports	3,600	3,600	1,389.50	383.00	2,210.50	38.6%
142221 44163 School Resource Offic	84,000	84,000	.00	.00	84,000.00	.0%
142221 44165 Special Detail - Poli	1,000	1,000	7,224.00	864.00	-6,224.00	722.4%
142221 44167 Dispatch Services fee	141,500	141,500	53,542.09	10,994.27	87,957.91	37.8%
143431 44175 Recycling Revenue	25,000	25,000	8,097.00	4,917.20	16,903.00	32.4%
144545 44100 School Tuition, etc	137,000	137,000	10,685.15	1,475.19	126,314.85	7.8%
TOTAL Charges for services	1,322,600	1,322,600	456,200.88	104,043.35	866,399.12	34.5%
TOTAL REVENUES	1,322,600	1,322,600	456,200.88	104,043.35	866,399.12	
50 Fines & Penalties						
151621 45103 Unlicensed Dog Fines	6,250	6,250	625.00	.00	5,625.00	10.0%
152121 45104 False Alarm Fire	1,000	1,000	325.00	325.00	675.00	32.5%

FOR 2015 04

	ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
<u>152121 45107 Fire Code Violation F</u>	0	0	100.00	100.00	-100.00	100.0%
<u>152221 45100 Ordinance Fines</u>	600	600	170.00	60.00	430.00	28.3%
<u>152221 45101 Parking Tickets</u>	20,000	20,000	9,625.00	1,790.00	10,375.00	48.1%
<u>152221 45102 Leash Law Fines</u>	600	600	25.00	.00	575.00	4.2%
<u>152221 45105 False Alarm Police</u>	300	300	5.00	.00	295.00	1.7%
<u>152221 45106 Restitution</u>	0	0	1,266.35	400.00	-1,266.35	100.0%
TOTAL Fines & Penalties	28,750	28,750	12,141.35	2,675.00	16,608.65	42.2%
TOTAL REVENUES	28,750	28,750	12,141.35	2,675.00	16,608.65	
<u>60 Interest earned</u>						
<u>161193 46100 Interest Earned</u>	40,000	40,000	2,599.87	836.52	37,400.13	6.5%
TOTAL Interest earned	40,000	40,000	2,599.87	836.52	37,400.13	6.5%
TOTAL REVENUES	40,000	40,000	2,599.87	836.52	37,400.13	
<u>70 Donations</u>						
<u>171952 47000 BDC Contrib to Econ D</u>	94,000	94,000	.00	.00	94,000.00	.0%
<u>171952 47002 MRRRA - MCOG DUES</u>	15,000	15,000	.00	.00	15,000.00	.0%
TOTAL Donations	109,000	109,000	.00	.00	109,000.00	.0%
TOTAL REVENUES	109,000	109,000	.00	.00	109,000.00	
<u>80 Use of fund balance</u>						
<u>181100 48000 Unapprop General Fund</u>	1,000,000	1,000,000	.00	.00	1,000,000.00	.0%
<u>181100 48001 Bal of State Revenue</u>	50,000	50,000	.00	.00	50,000.00	.0%
<u>184500 48003 Allocation for School</u>	185,000	185,000	.00	.00	185,000.00	.0%
<u>184500 48004 School Balance Forwar</u>	2,810,000	2,810,000	.00	.00	2,810,000.00	.0%
<u>184500 48005 Restricted-Sch Bond P</u>	342,000	342,000	.00	.00	342,000.00	.0%
TOTAL Use of fund balance	4,387,000	4,387,000	.00	.00	4,387,000.00	.0%
TOTAL REVENUES	4,387,000	4,387,000	.00	.00	4,387,000.00	
<u>90 Other</u>						
<u>191111 49000 Finance Miscellaneous</u>	1,000	1,000	2,027.50	863.54	-1,027.50	202.8%

FOR 2015 04

	ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
191111 49101 Workers Comp Dividend	0	0	16,160.00	.00	-16,160.00	100.0%
191111 49104 Property & Casualty D	0	0	9,267.00	.00	-9,267.00	100.0%
191111 49105 Postage & Handling	0	0	1,035.00	236.00	-1,035.00	100.0%
191111 49106 W/C Proceeds	0	0	100.00	.00	-100.00	100.0%
191192 49100 Cable Television	225,000	225,000	.00	.00	225,000.00	.0%
191611 49000 Town Clerk Miscellane	1,250	1,250	581.75	128.50	668.25	46.5%
191911 49000 Planning Miscellaneou	150	150	361.50	154.00	-211.50	241.0%
192121 49000 Fire Miscellaneou	800	800	924.82	317.50	-124.82	115.6%
192221 49000 Police Miscellaneou	0	0	3,052.74	2,751.89	-3,052.74	100.0%
192294 49153 Police Vehicle Sales	8,000	8,000	.00	.00	8,000.00	.0%
193131 49000 Public Works Miscella	0	0	25.23	.00	-25.23	100.0%
194141 49103 General Assistance Re	0	0	1,323.54	.00	-1,323.54	100.0%
194545 49000 School Miscellaneou	118,000	118,000	13,311.37	8,549.30	104,688.63	11.3%
195051 49000 Recreation Miscellane	0	0	1,000.33	.33	-1,000.33	100.0%
199980 48100 General Fund Transfer	710,000	710,000	200,000.00	.00	510,000.00	28.2%
TOTAL Other	1,064,200	1,064,200	249,170.78	13,001.06	815,029.22	23.4%
TOTAL REVENUES	1,064,200	1,064,200	249,170.78	13,001.06	815,029.22	
GRAND TOTAL	58,099,543	58,099,543	43,042,880.08	945,933.81	15,056,662.92	74.1%

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

FOR 2015 04

	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
<hr/>							
00 Fill							
19000 General Fund Transfers Out	1,147,860	1,147,860	1,147,860.00	.00	.00	.00	100.0%
TOTAL Fill	1,147,860	1,147,860	1,147,860.00	.00	.00	.00	100.0%
<hr/>							
10 General Government							
11000 Administration	489,397	489,397	123,099.00	34,244.88	306.00	365,992.00	25.2%
11100 Finance Department	715,425	715,425	243,176.07	77,256.87	370.19	471,878.74	34.0%
11150 Technology Services Dept	327,848	327,848	137,475.61	34,577.57	27,529.24	162,843.15	50.3%
11200 Municipal Officers	85,615	85,615	6,542.36	1,625.64	.00	79,072.64	7.6%
11210 Munic Bldg - 85 Union	210,720	210,720	54,310.44	19,909.03	4,968.00	151,441.56	28.1%
11220 Munic Bldg - 28 Federal	0	0	638.11	.00	.00	-638.11	100.0%
11230 Risk Management	473,750	473,750	177,720.30	1,223.05	.00	296,029.70	37.5%
11240 Employee benefits	0	0	-76,114.34	-15,670.86	.00	76,114.34	100.0%
11250 Cable TV	47,790	47,790	15,226.65	4,907.23	63.22	32,500.13	32.0%
11300 Assessing	293,660	293,660	90,853.91	28,465.25	2,474.48	200,331.61	31.8%
11600 Town Clerk & Elections	362,077	362,077	111,923.45	44,636.18	-428.00	250,581.55	30.8%
11900 Planning Department	490,779	490,779	167,054.41	53,901.29	-5,247.96	328,972.55	33.0%
11950 Economic Development Dept	109,087	109,087	31,083.56	10,470.02	.00	78,003.44	28.5%
TOTAL General Government	3,606,148	3,606,148	1,082,989.53	295,546.15	30,035.17	2,493,123.30	30.9%
<hr/>							
20 Public Safety							
12100 Fire Department	3,104,392	3,104,392	1,017,458.30	356,883.64	37,641.11	2,049,292.59	34.0%
12150 Central Fire Station	42,089	42,089	13,090.56	3,569.72	-3,121.69	32,120.13	23.7%
12160 Emerson Fire Station	41,825	41,825	11,360.04	6,091.72	1,196.00	29,268.96	30.0%
12200 Police Department	3,762,478	3,762,478	1,192,579.16	384,007.84	.00	2,569,898.84	31.7%
12210 Police Special Detail	0	0	17,544.86	11,736.40	.00	-17,544.86	100.0%
12220 Emergency Services Dispatch	777,412	777,412	239,609.10	86,861.01	.00	537,802.90	30.8%
12250 Police Station Building	98,020	98,020	26,126.68	9,525.19	.00	71,893.32	26.7%
12310 Streetlights	208,000	208,000	60,284.85	16,854.15	617.55	147,097.60	29.3%
12320 Traffic Signals	31,600	31,600	5,491.77	3,381.60	6,000.00	20,108.23	36.4%
12330 Hydrants	438,790	438,790	114,949.90	110,748.95	.00	323,840.10	26.2%
12340 Civil Emergency Preparedness	2,000	2,000	.00	.00	.00	2,000.00	.0%
TOTAL Public Safety	8,506,606	8,506,606	2,698,495.22	989,660.22	42,332.97	5,765,777.81	32.2%

FOR 2015 04

30	Public Works	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
<hr/>								
30	Public Works							
<hr/>								
13100	Public Works Administration	429,111	429,111	135,239.97	45,614.02	277.49	293,593.54	31.6%
13110	PW General Maintenance	1,706,214	1,706,214	437,993.14	149,853.40	40,644.07	1,227,576.79	28.1%
13130	Refuse Collection	581,847	581,847	132,536.06	15,192.80	300,925.25	148,385.69	74.5%
13140	Recycling	297,729	297,729	47,309.86	118.00	248,349.25	2,069.89	99.3%
13150	PW Central Garage	741,300	741,300	212,648.44	83,580.66	22,903.90	505,747.66	31.8%
	TOTAL Public Works	3,756,201	3,756,201	965,727.47	294,358.88	613,099.96	2,177,373.57	42.0%
<hr/>								
40	Human Services							
<hr/>								
14100	General Assistance	163,607	163,607	63,143.68	24,342.49	3,110.38	97,352.94	40.5%
14120	Health & Social Services	2,766	2,766	948.93	698.89	.00	1,817.07	34.3%
	TOTAL Human Services	166,373	166,373	64,092.61	25,041.38	3,110.38	99,170.01	40.4%
<hr/>								
45	Education							
<hr/>								
14500	School Department	35,763,587	35,763,587	8,186,290.12	3,448,974.05	.00	27,577,296.88	22.9%
	TOTAL Education	35,763,587	35,763,587	8,186,290.12	3,448,974.05	.00	27,577,296.88	22.9%
<hr/>								
50	Recreation and Culture							
<hr/>								
15000	Recreation Administration	456,225	456,225	144,507.82	47,942.96	-2,166.42	313,883.60	31.2%
15050	Rec Buildings and Grounds	678,434	678,434	233,531.79	88,625.61	2,048.00	442,854.21	34.7%
15150	Rec Federal St Building	0	0	413.24	.00	.00	-413.24	100.0%
15250	Rec Building 211	160,327	160,327	15,858.70	9,133.45	13,694.11	130,774.19	18.4%
15300	Teen Center	15,000	15,000	15,000.00	.00	.00	.00	100.0%
15310	People Plus	115,000	115,000	110,000.00	.00	.00	5,000.00	95.7%
15400	Curtis Memorial Library	1,285,000	1,285,000	427,058.56	109,558.53	.00	857,941.44	33.2%
	TOTAL Recreation and Culture	2,709,986	2,709,986	946,370.11	255,260.55	13,575.69	1,750,040.20	35.4%
<hr/>								
60	Intergovernmental							

FOR 2015 04

60	Intergovernmental	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
16000	County tax	1,333,350	1,333,350	1,333,350.00	1,333,350.00	.00	.00	100.0%
	TOTAL Intergovernmental	1,333,350	1,333,350	1,333,350.00	1,333,350.00	.00	.00	100.0%
70	Unclassified							
17000	Promotion and Development	164,917	164,917	128,493.70	5,014.67	.00	36,423.30	77.9%
17010	Additional School Assistance	10,000	10,000	.00	.00	.00	10,000.00	.0%
17020	Cemetery Care	3,000	3,000	1,000.00	.00	.00	2,000.00	33.3%
17030	Wage Adjustment Account	9,000	9,000	.00	.00	.00	9,000.00	.0%
	TOTAL Unclassified	186,917	186,917	129,493.70	5,014.67	.00	57,423.30	69.3%
80	Debt Service							
18020	2006 CIP G/O Bonds	252,000	252,000	228,000.00	228,000.00	.00	24,000.00	90.5%
18030	2011 GO CIP Bonds	264,890	264,890	586,300.00	586,300.00	.00	-321,410.00	221.3%
18040	Police Station Bond	405,625	405,625	341,687.51	341,687.51	.00	63,937.49	84.2%
18050	2010 Elementary School Bond	0	0	1,321,082.71	1,321,082.71	.00	-1,321,082.71	100.0%
	TOTAL Debt Service	922,515	922,515	2,477,070.22	2,477,070.22	.00	-1,554,555.22	268.5%
	GRAND TOTAL	58,099,543	58,099,543	19,031,738.98	9,124,276.12	702,154.17	38,365,649.85	34.0%

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

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

MANAGER'S REPORT - C BACK UP MATERIALS

MEMO

DATE: November 13, 2014
TO: Town Council
FROM: Fran Smith, Town Clerk/Assistant to the Town Manager
RE: Summary of Election Day activities

First, I would like to thank our election workers and Town staff who worked extremely hard on November 4th to pull off this election. I would also like to thank the voters of the Town of Brunswick for turning out in record numbers for this mid-term election, with 10,163 total voters or 62%, for their patience.

Having said that, this Election Day had more challenges than past ones since we consolidated polls to one location in 2010, including the 2012 Presidential. Up to this point, consolidation has run very smoothly and received much positive feedback. There were 7,522 voters who came to the Junior High School on 4th, compared with the 2012 Presidential where there were 7,823 who voted on Election Day. The biggest challenges occurred between 4:30 p.m. and 6:30 p.m. when a large number of voters came at the same time, resulting in parking issues, and extensive voter waits both inside and outside of the guardrail area.

I would summarize the following as areas where more investigation needs to occur:

- Leasing more of the new state mandated voting machines, which are slower than the old machines used prior to 2013
- Reviewing parking issues and traffic flow throughout the day
- Improving outside lighting in the evening
- Improving voter line management
- Reviewing flow of voters when they exit
- Working to provide transportation to polls
- Increasing absentee ballot education and opportunities
- Developing methods, by working with political parties and local groups, to increase the pool of qualified election workers to add to the great ones we already have

Recognizing that further study and conversations need to occur prior to providing the Council with a full report, I would request the Council allow our office some time to pull together information, work with elected officials, our election workers, public safety personnel, the political parties and citizens to develop a full report with a complete summary of issues that occurred, solutions to those issues, and options for the Council to consider in the future. I would like to report back to the Council in early February with this report. At that time, the Council can consider any next steps to take.

I have also attached a spreadsheet of voter turnout from 2014 back to 2000 as a comparison.

Election Year	Polls	Absentees	Total Turnout
2014	7522	2641	10163
2013	275	3018	3293
2012	7823	4265	12088
2011	5193	1345	6538
2010	5613	3689	9302

Before Consolidation

2009	6490	3061	9551
-------------	------	------	------

District	Polls	Absentees	
	1	970	286
	2	874	521
	3	1295	498
	4	1034	438
	5	864	281
	6	668	447
	7	785	590

2008	7165	4794	11959
-------------	------	------	-------

District	Polls	Absentees	
	1	1108	
	2	836	
	3	1285	
	4	1276	
	5	971	
	6	862	
	7	827	

2007	4280	557	4837
-------------	------	-----	------

Absentees 4794

District	Polls	Absentees	
	1	545	60
	2	714	99
	3	860	83
	4	678	53
	5	511	64
	6	395	63
	7	577	135

2006	7313	1541	8854
-------------	------	------	------

District	Polls	Absentees	
	1	1011	
	2	1026	
	3	1377	
	4	1191	
	5	929	
	6	787	
	7	992	

Absentees 1541

2005	6292	1042	7334
-------------	------	------	------

District	Polls	Absentees	
	1	804	137
	2	896	178
	3	1142	161
	4	936	99
	5	777	90
	6	752	128
	7	985	249

2004	8791	3165	11956	District	Polls	Absentees	
					1	1316	
					2	1155	
					3	1565	
					4	1378	
					5	1217	
					6	1073	
					7	1087	
2003	7381	813	8194	Absentees		3165	
				District	Polls	Absentees	
					1	1084	101
					2	1121	135
					3	1399	128
					4	1161	64
					5	978	70
					6	755	103
	7	883	212				
2002	7117	888	8005	Not Available			
2001	4155	422	4577	District	Polls	Absentees	
					1	616	36
					2	754	79
					3	690	61
					4	654	51
					5	499	62
					6	369	75
					7	<u>573</u>	<u>58</u>
2000	7934	2289	10223	District	Polls	Absentees	
					1	1258	277
					2	1235	279
					3	1251	307
					4	1224	275
					5	1115	322
					6	833	368
					7	<u>1018</u>	<u>461</u>
1999	4734	974	5709	District	Polls	Absentees	
					1	717	101
					2	835	127
					3	834	94
					4	753	112
					5	672	127
					6	385	201
					7	533	212
1998	5206	816	6022	District	Polls	Absentees	
					1	858	98
					2	895	118
					3	806	93
					4	795	92
					5	694	132
					6	515	137
					7	643	146

ITEM 130

BACK UP MATERIALS



Town Clerk's Office
85 Union Street
Brunswick, ME 04011

PUBLIC HEARING

The Municipal Officers of the Town of Brunswick will hold a Public Hearing at the Council Chamber, Municipal Office Building, 85 Union Street, Brunswick, at 7:00 P.M. on 11/17/2014 on the following Special Amusement license applications:

Special Amusement

AKI, INC
D/B/A: AKI, INC
94 Maine Street

Tina & Laura Cigri/V.Ly & B Liu

All persons may appear to show cause, if any they may have, why such applications should or should not be approved.

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

Fran Smith
Town Clerk

TOWN OF BRUNSWICK

85 Union Street Brunswick, Maine 04011 TEL: (207) 725-6658 Fax: (207) 725-6663

APPLICATION FOR SPECIAL AMUSEMENT LICENSE

Please complete:

Type of Business: Sole Proprietor-Owner's Name: _____

Partnership-Partner's Names: Aki Japanese Cuisine

Corporation-Corporation Name: _____

Incorporation Date: 10/2011 Incorporation State: ME

New License: Opening Date _____ Renewal License

Business Name: Aki / Mytie Lounge E-Mail: tina_cigri@yahoo.com

Business Address: 94 Maine St. Business Phone Number: 729-8866

Name of Contact Person: Tina Cigri Contact's Phone Number: 632-8660

Mailing Address for Correspondence: Same

Signature of Owner, Officer, Partner or Agent: 

Date: 9/11/14

Corporations Please Complete:

Address of Incorporation:			Phone #:
Name of Corp. Officer, Owner, or Partners:	Title	Address	% of Stock or ownership
<u>Valami Ly</u>	<u>co-owner</u>	<u>Freeport, ME</u>	<u>33.34%</u>
<u>Laura cigri</u>	<u>co-owner</u>	<u>Freeport, ME</u>	<u>33.33%</u>
<u>Tina cigri</u>	<u>co-owner</u>	<u>Freeport, ME</u>	<u>33.33%</u>

Town Clerk Use Only

License Fee \$100.00 Paid Advertising Fee \$ _____ Paid

Required Approvals: Finance Codes/Fire Council PH Date: 11-17-14

Mailed or Issued Date: _____

Clerk Notes:

OVER

Describe in detail the kind and nature of entertainment:

Dance Music, DJ and Band.

Describe in detail the room or rooms to be used under this license:

DIAGRAM

Q1

DANCE
FLOOR

Bar

OPEN
SPACE

ITEM 131

BACK UP MATERIALS



Town of Brunswick, Maine

INCORPORATED 1739

ECONOMIC AND COMMUNITY

DEVELOPMENT

28 FEDERAL STREET

BRUNSWICK, MAINE 04011-1583

TELEPHONE 207-721-0292

FAX 207-725-6663

TO: Brunswick Town Council Members

FROM: Linda Smith, Business Development Manager

SUBJECT: Request to Set a Public Hearing for November 17, 2014 for the Midcoast Regional Redevelopment Authority's Community Development Block Grant to support the Make it in America grant

DATE: October 30, 2014

The Town of Brunswick requested and was awarded a \$250,000 grant from the Department of Economic and Community Development, Office of Community Development's Community Development Block Grant (CDBG) economic development program to provide funding as match for the U.S. Department of Labor and U.S. Department of Commerce "Make it in America" grant award. As a part of the CDBG program requirements, the Town Council is required to hold a Public Hearing in order to provide the general public with a project update.

The Midcoast Regional Innovation Initiative (MRRA, Coastal Counties Workforce Inc., and Maine MEP) *Make it in America* grant federal grant was designed to accelerate Foreign Direct Investment (FDI), re-shore jobs, and expand manufacturing employment by establishing an advanced manufacturing and technology accelerator and providing workforce training and supply chain technical assistance within a 50-mile radius of the former Naval Air Station Brunswick. MRRA. The co-applicants were awarded the grant for their integrated multi-faceted strategy to:

- Improve regional infrastructure by renovating a 93,000 square foot, former Navy maintenance/repair facility to create an advanced manufacturing accelerator, TechPlace, that targets four sectors with growth potential: aerospace/aviation, advanced materials/composites, renewable energy, and biotechnology;
- Strengthen Small and Medium Sized Enterprises (SMEs) in the four targeted sectors by undertaking supply chain initiatives that better position regional manufacturers for growth opportunities;
- Institute training programs to build a highly-skilled and diverse workforce capable of meeting employer demand in the four targeted technology sectors.

To achieve these goals, the Town of Brunswick applied on MRRA's behalf for \$250,000 in Maine DECD Community Development Block Grant (CDBG) funds to complete a \$1.5 million renovation of Building 250 at Brunswick Landing: Maine's Center for Innovation (formerly NASB). The scope of work included roof repair, HVAC system repair, general construction, Americans with Disabilities Act upgrades and compliance, National Fire Protection Act 101 Life Safety Code compliance, and Project Management.

The construction phase of the project began in early September 2014 and is scheduled to be completed by January 2015. The Public Hearing proposed for November 17, 2014 is intended to provide the Midcoast Regional Redevelopment Authority an opportunity to provide an update on the TechPlace project. Steve Levesque, MRRA Executive Director, or Kristine Schuman, MRRA Business Development Coordinator, will be available at the November 17, 2014 Town Council meeting to provide a project update and answer any questions.



What Can TechPlace Be For You?

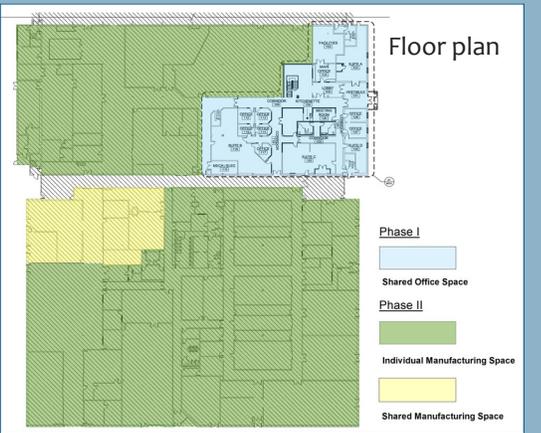
TechPlace, Brunswick Landing's Technology Accelerator, will support the business development needs of early stage companies in a shared workspace.

TechPlace will give entrepreneurs a place to network with others, research and develop ideas, build prototypes, test products, assemble, grow, and become successful manufacturing and technology companies.

Phase 1 construction of TechPlace is under way at the 93,000 SF former Navy aircraft repair facility at Brunswick Landing. We will be open for business in December 2014.

TechPlace target industrial sectors:

- Advanced Materials
- Composites Technology
- Aerospace / Aviation
- Biotech / Biomed
- Renewable Energy
- Information Technology



Learn more at techplacemaine.us

TechPlace community to include:

- Co-working office space
- Co-working manufacturing / prototype lab
- Warehousing
- Private office / shop space
- Shared administrative equipment
- Shared administrative services
- VTC enabled conference room
- Access to support programs and networks

For more information, contact TechPlace Administrator Kristine Schuman 207-798-6512, ext. 211
74 Orion St. Brunswick, ME 04011 | Visit techplacemaine.us | Email: kristines@mr.ra.us

TechPlace

You can make it here.



Overhead bridge cranes in shared manufacturing space are capable of lifting six tons.



Birds eye view of 74 Orion Street, the former Navy aircraft maintenance facility (93,000 SF).



Interior renovations are moving along quickly. The building will be ready for occupancy in December.



TechPlace is located next to Brunswick Executive Airport and connected to massive Hangar 4.

TechPlace is part of an integrated project through the U.S. Economic Development Association's "Make it in America Challenge" Program.

MRRRA, Maine Manufacturing Extension Partnership, and Coastal Counties Workforce, Inc. are the three recipient organizations of a \$2.4 million federal grant.

MRRRA is providing the Brunswick Landing facility and managing the accelerator program.

MMEP is connecting regional supply chains and providing certification training.

CCWI is building a highly skilled and diverse workforce to meet employer demand via internships, skills training, and co-op experiences.

Bangor Daily News

Feds Award \$2 Million Grant to Create High-Tech Manufacturing Incubator Hub in Brunswick

BRUNSWICK, Maine — A building at the former Brunswick Naval Air Station will become a business incubator and technology accelerator for advanced manufacturing companies, thanks to a \$2 million grant from the federal government announced Tuesday.

The Midcoast Regional Redevelopment Authority, along with Coastal Counties Workforce Inc., will receive a \$2 million Make it in America Challenge grant to create TechPlace, the advanced manufacturing incubator, and to provide workforce training to support the businesses that will occupy it. MRRRA is one of only 10 organizations throughout the country to receive such a grant.

"We feel pretty fortunate to be in some pretty lofty company nationally for this award," Steve Levesque, MRRRA's executive director, told the Bangor Daily News on Tuesday.

TechPlace will offer low-cost office, shop, laboratory and manufacturing space to startup companies within five target sectors: aerospace, composites, information services, energy and biotechnology, said Levesque, who was reached on his cellphone while attending an aviation industry conference in Las Vegas.

While TechPlace is a new initiative, Levesque said the idea of building a small-business incubator is something MRRRA has always wanted to do.

"It's something we talked about, but we needed to find the money to kick it off," he said. "And this Make it in America Challenge is the initial foray into that."

President Barack Obama announced the creation of the Make it in America Challenge in March as a way to "help distressed regions build on existing assets, promote a competitive environment for foreign-owned and domestic firms to establish and grow their U.S. operations, create jobs and develop a skilled workforce for specific industries," according to a news release from the federal government.

For more information, contact TechPlace Administrator Kristine Schuman 207-798-6512, ext. 211
74 Orion St. Brunswick, ME 04011 | Visit techplacemaine.us | Email: kristines@mrra.us

ITEM 132

BACK UP MATERIALS



Town of Brunswick, Maine

INCORPORATED 1739

ECONOMIC AND COMMUNITY
DEVELOPMENT

28 FEDERAL STREET

BRUNSWICK, MAINE 04011-1583

TELEPHONE 207-721-0292

FAX 207-725-6663

TO: Brunswick Town Council Members

FROM: Linda Smith, Business Development Manager

SUBJECT: Request to Set a Public Hearing for November 17, 2014 for the Frosty's Donuts, LLC Community Development Block Grant project update

DATE: October 30, 2014

The Town of Brunswick requested and was awarded a \$160,050 grant from the Department of Economic and Community Development, Office of Community Development's Community Development Block Grant (CDBG) economic development program to provide funding to assist Frosty's Donuts, LLC in creating a new production facility at 119 Orion Street at Brunswick Landing. As a part of the CDBG program requirements, the Town Council is required to hold a Public Hearing in order to provide the general public with a project update.

Frosty's Donut Shop was established in 1965 in Brunswick, Maine. In its nearly 50 years, Frosty's has become regarded as an "iconic institution" in the community and has attained regional and national recognition. Since Nels and Shelby Omdal purchased the business in 2012, they have grown the company from a start-up which they ran themselves to having 23 full time employees. They have grown from one to four retail locations and developed a thriving wholesale division that is continuing to expand. In early 2014, they realized they were unable to further develop the business without a larger production facility.

Frosty's has leased the former NASB Building # 51 located at 119 Orion Street at the Brunswick Landing. They will do all donut production in that facility and will have the capacity to add new products to the Frosty's brand and in turn hire more employees. The project involves general building improvements, including new walls and flooring, lighting, and installing a back-up generator as well as in the purchase of equipment for a new production kitchen and training for the new employees. Frosty's will hire a minimum of seven (7) new employees within the next year.

The construction phase of the project began in early July 2014 and is scheduled to be completed by December 2014. The Public Hearing proposed for November 17, 2014 is intended to provide Frosty's Donuts, LLC with an opportunity to give an update on the project. Shelby and/or Nels Omdal will be available at the November 17, 2014 Town Council meeting to provide a project update and answer any questions.

ITEM 133

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 ^[3]

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 ¹⁴

[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 ^[5]

[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 ^[6]

[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:
- Documented attendance at a Brunswick Marine Resource Committee meeting or Brunswick Marine Resource Committee public hearing.
 - Documented attendance at a regional or state shellfish committee meeting.
 - 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:
- Participation in a Brunswick Marine Resource Committee sponsored shellfish reseeded project.
 - Participation in a Brunswick Marine Resource Committee sponsored experimental shellfish enhancement project.
 - Participation in Town of Brunswick annual shellfish surveys.
 - Participation in Town of Brunswick water quality monitoring event.
 - Participation in an organized coastal or environmental cleanup along within the Town of Brunswick.
 - Participation in non-point pollution identification or remediation project within the Town of Brunswick.
 - 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 wWarden 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 wWarden 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)

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 134

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 135

BACK UP MATERIALS

MEMORANDUM

TO: Town Council
Town of Brunswick, Maine

FROM: John S. Eldridge
Town Manager

DATE: November 13, 2014

RE: METRO Expansion

You may have read that the METRO bus service is being expanded to Freeport. The METRO is the public bus service headquartered in Portland. For three years, the Freeport service will be funded by a combination of federal, state and local funds. Assuming this demonstration project is successful, and the communities served decide to continue the service, the cost to those communities will increase. Attached is the METRO's proposal that was provided to Freeport. The service to Freeport is expected to begin next summer.

This afternoon, Benet Pols, Anna Breinich, and I met with METRO's Executive Director, Greg Jordan, to discuss whether the Freeport service could be expanded to Brunswick. Mr. Jordan has done some preliminary calculations. The stumbling block to an expansion of the demonstration project to Brunswick is cost, specifically local cost, since the federal and state funds that are being used for the three-year pilot project are capped. Absent those federal and state funds, the cost would fall to Brunswick, estimated at nearly \$200,000 per year.

We will be following up with Mr. Jordan to determine if other funding sources may be available.

METRO

Greater Portland Transit District

TO: Freeport Town Council

FROM: Greg Jordan - Metro General Manager

DATE: September 10, 2014

SUBJECT: Metro Request to Pursue Grant Funding for Trial Express Bus Service

The purpose of this memo is to provide information on a reconfigured bus service proposal in response to the withdrawal of Cumberland as well as address the concerns and priorities expressed by Freeport and Yarmouth Town Councilors and Freeport residents.

The top concerns included:

- Developing a bus service that would accommodate a broader range of trips and passenger markets beyond just commuters;
- Avoiding duplication with the Amtrak Downeaster;
- Establishing reasonable performance benchmarks that Metro would use as a basis for recommending continuation or termination of the service at the end of the pilot project.

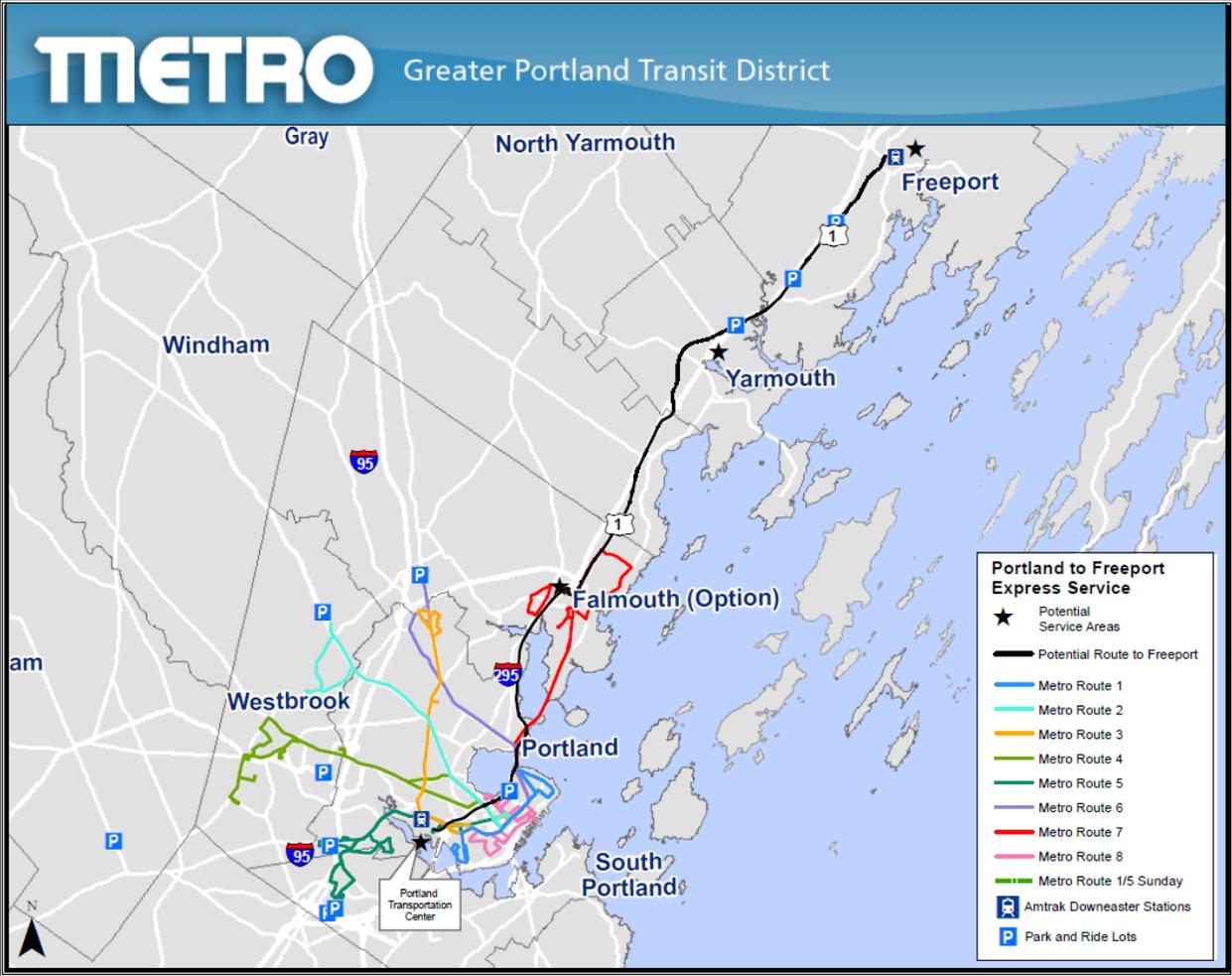
Inter-city express bus service of this kind has solid grounding in the Greater Portland Council of Government's (GPCOG) *Portland North Study* (2011) and the City of Portland's *Portland Peninsula Transit Study* (2008). The proposed service discussed below represents what may be described as a hybrid of the Biddeford-Saco to Portland inter-city and turnpike express bus services, which taken together accommodates about 62,000 annual boardings.

In February 2014, Metro's Board of Directors approved moving forward with efforts to seek a partnership with the communities north of Falmouth and to seek funding for a bi-directional inter-city express bus service. The service would connect people to jobs and other activities throughout the communities of Freeport, Yarmouth, Cumberland, Falmouth, and Portland. In July 2014, the Yarmouth Town Council unanimously approved moving forward with the project. In August 2014, the Cumberland Town Council chose not to participate.

This project has been reconfigured to be an **ALL DAY** service that aims to accommodate a broad range of trips including job access, school, shopping, medical, inter-modal connections, and recreation. Passenger markets include people headed to jobs, students, low-to-moderate income residents, seniors, inter-state rail and bus passengers, and visitors to the region. Additionally, bus trips will be scheduled to *integrate with (not duplicate) the Amtrak Downeaster* (as well as

Concord Coach) by providing a direct link to rail and inter-state bus trips beginning and ending at the Portland Transportation Center. As part of the integration, Metro will be seeking to work with the Northern New England Passenger Rail Authority (NNEPRA), which manages the Amtrak Downeaster, to 1) develop transit pass programs that allow for seamless bus and rail payment options, and 2) cross-promote the two services.

Figure 1: Map of Proposed Route



The table on the subsequent page provides a comparison of the reconfigured service with the original proposal.

Table 1: Reconfigured Project Highlights

(Red shading indicates a change from the original project)

Area	Original Project	Re-Scoped Project
Service Model	Peak Period Express	All Day Express
Days	Mon-Fri	Mon-Fri <i>Saturday service is an option but would require additional funding or reducing the number of weekday trips - this would be a subject of public meetings with residents to gauge priorities.</i>
Hours	6-9 a.m. / 3-6 p.m.	7 a.m. to 7 p.m.
Frequency	Every 30 minutes	Varies throughout day
# Trips	10 Southbound / 10 Northbound	10 Southbound / 10 Northbound Subject to change following year 1
Fares	Zone Fare System: \$2.00 to \$4.00 depending on distance.	Flat Fare System: \$3.00 (twice the local fare of \$1.50).
Buses	Mid-size Passenger Coach 20-30 seats Bike racks CNG option	Mid-size Passenger Coach 20-30 seats Bike racks CNG option
Route	<ul style="list-style-type: none"> Route 1 between downtown Freeport and Falmouth; I-295 between Falmouth and Portland. 	<p>Peak Period Trips:</p> <ul style="list-style-type: none"> Route 1 between downtown Freeport and Yarmouth; I-295 between Yarmouth and Portland. <p>Off-Peak Period Trips:</p> <ul style="list-style-type: none"> Route 1 between downtown Freeport and Falmouth; I-295 between Falmouth and Portland.
Destinations	Downtown Freeport Downtown Yarmouth Cumberland (Route 1 access points) Downtown Falmouth Downtown Portland	Downtown Freeport Downtown Yarmouth Downtown Falmouth Downtown Portland
Park and Ride Locations	Freeport – 2 locations Yarmouth – 2 locations Falmouth – 1 location Portland – 1 location	Freeport – 2 locations Yarmouth – 2 locations Falmouth – 1 location Portland – 1 location

Table 1 Continued: Reconfigured Project Highlights
 (Red shading indicates a change from the original project)

Area	Original Project	Re-Scoped Project
Inter-modal Connections	<ul style="list-style-type: none"> Amtrak Downeaster (Freeport Station) Metro Transit Center (Pulse) located in downtown Portland 	<ul style="list-style-type: none"> Amtrak Downeaster (Freeport Station) Metro Transit Center (Pulse) located in downtown Portland Amtrak Downeaster (Portland Station) Concord Coach (Portland Terminal)
Estimated Year 1 Ridership	<ul style="list-style-type: none"> 30,000 boardings 	<ul style="list-style-type: none"> 30,000 boardings
3 Year Cost per Town	<ul style="list-style-type: none"> \$80,000-\$90,000 	<ul style="list-style-type: none"> \$80,000-\$90,000

DRAFT SCHEDULE

Provided below is a draft schedule to more concretely show how the trips could operate throughout the day.

Northbound Service (Portland to Freeport)					
Portland Transportation Center	Falmouth Shopping Center	Yarmouth Park & Ride (Exit 15)	Yarmouth Center	Freeport Park & Ride (Super 8)	Freeport Downtown
6:00 AM	X	6:15 AM	6:20 AM	6:30 AM	6:35 AM
7:00 AM	X	7:15 AM	7:20 AM	7:30 AM	7:35 AM
7:30 AM	X	7:45 AM	7:50 AM	8:00 AM	8:05 AM
9:30 AM	9:45 AM	9:50 AM	9:55 AM	10:05 AM	10:10 AM
10:30 AM	10:45 AM	10:50 AM	10:55 AM	11:05 AM	11:10 AM
11:40 AM	X	X	X	X	12:10 PM <i>Downeaster Service</i>
2:15 PM*	2:30 PM	2:35 PM	2:40 PM	2:50 PM	2:55 PM <i>*Connecting Service from Downeaster (2:05 PM)</i>
3:30 PM	3:45 PM	3:50 PM	3:55 PM	4:05 PM	4:10 PM
4:30 PM	X	4:50 PM	4:55 PM	5:05 PM	5:10 PM
5:00 PM	X	5:20 PM	5:25 PM	5:35 PM	5:40 PM
6:00 PM	X	6:15 PM	6:20 PM	6:30 PM	6:35 PM
7:35 PM	X	X	X	X	8:05 PM <i>Downeaster Service</i>

Southbound Service (Freeport to Portland)					
Freeport Downtown	Freeport Park & Ride (Super 8)	Yarmouth Center	Yarmouth Park & Ride (Exit 15)	Falmouth Shopping Center	Portland Transportation Center
6:45 AM	6:50 AM	7:00 AM	7:05 AM	X	7:20 AM
7:20 AM	X	X	X	X	8:00 AM <i>Downeaster Service</i>
7:45 AM	7:50 AM	8:00 AM	8:05 AM	X	8:25 AM
8:15 AM	8:20 AM	8:30 AM	8:35 AM	X	8:55 AM
10:30 AM	10:35 AM	10:45 AM	10:50 AM	10:55 AM	11:10 AM
11:30 AM	11:35 AM	11:45 AM	11:50 AM	11:55 AM	12:10 PM* <i>*Connecting Service to Downeaster (12:45 PM)</i>
1:30 PM	1:35 PM	1:45 PM	1:50 PM	1:55 PM	2:10 PM* <i>*Connecting Service to Downeaster (2:35 PM)</i>
3:00 PM	3:05 PM	3:15 PM	3:20 PM	3:25 PM	3:40 PM
4:30 PM	4:35 PM	4:45 PM	4:50 PM	X	5:05 PM
5:30 PM	5:35 PM	5:45 PM	5:50 PM	X	6:05 PM
6:10 PM	X	X	X	X	6:50 PM <i>Downeaster Service</i>
6:45 PM	6:50 PM	7:00 PM	7:05 PM	X	7:20 PM

A final schedule will be developed in consultation with residents, town officials, and stakeholders. Please note that the bus service would not operate when Amtrak Downeaster trips are in operation between Portland and Freeport. The schedule also makes reference to the timed connections between the bus service and the Amtrak Downeaster. Also note that these time transfers represent only the most convenient connections between the bus service and the Amtrak Downeaster. The other bus trips also provide the same connectivity to the Portland Transportation Center but transfer times to other Amtrak Downeaster and Concord Coach trips will vary.

RIDERSHIP ESTIMATION - PEER ASSESSMENT

Metro staff have been working with the Greater Portland Council of Governments (GPCOG) to model the ridership potential. Many of the modeling tools available, primarily from the Transit Cooperative Research Program (TCRP)¹, are estimating potential boardings to be higher than actual experience in the region and outcomes by our closest transit system peer in Burlington, Vermont would suggest. As a result, Metro and GPCOG staff are evaluating multiple reference points to gauge potential ridership. The year one (1) ridership estimate is 30,000 and is based on a review of several reference points and not a direct model output. The reference points include:

- Peer assessment of similar bus routes in the Portland, Maine and Burlington Vermont regions (Sources: Metro, Chittenden County Transportation Authority in Burlington, VT. and Zoom-Shuttle Bus);
- Prior evaluation of total commute trips between the various cities and towns based on US Census data (Source: June 2014 Concept Report on Portland North Express and US Census American Community Survey);
- Park and ride utilization and associated transit trips in the Biddeford-Saco area (Source: Zoom-Shuttle Bus);
- Ridership modeling using tool kit provided by TCRP Report 161 (Source: TCRP REPORT 161 Methods for Forecasting. Demand and Quantifying Need for Rural Passenger Transportation: Final Workbook).

¹ TCRP is a cooperative effort of three organizations: the Federal Transit Administration (FTA); the National Academies, acting through the Transportation Research Board (TRB); and the Transit Development Corporation, Inc. (TDC), a nonprofit educational and research organization established by the American Public Transportation Association (APTA).

Table 2: Peer Route Comparisons

Transit System	Route	Communities Served (Population & Pop. Density) ²	Op Days	Daily Trips	2013 Boardings	Average Boardings per Trip
Metro, Portland Maine	Route 7 (Local Service)	Falmouth (11,185 / 380 per sm) Portland (66,194 / 3,107 per sm)	Mon-Sat	26	74,392	9-10
Zoom-Shuttle Bus, Maine	Inter-City Route	Biddeford (21,277 / 707 per sm) Saco (18,482 / 480 per sm) Old OB (8,624 / 1,160/sm) Scarbor. (18,919 / 397 per sm) Portland (66,194 / 3,107 per sm)	Mon-Sun	14 Wkdys 10 Wknds	32,000	7-8
Zoom-Shuttle Bus, Maine	Zoom Express	Biddeford (21,277 / 707 per sm) Saco (18,482 / 480 per sm) Portland (66,194 / 3,107 per sm)	Mon-Fri	10	29,000	11-12
CCTA – Burlington, VT.	Route 96 Link Express (St. Albans to Burlington)	St. Albans (5,086 / 135 per sm) Georgia (4,375 / 111 per sm) Milton (10,352 / 201 per sm) Colch. (17,067 / 460 per sm) Burlington (42,282 / 3,682 per sm)	Mon-Fri	8	22,514	11-12
CCTA – Burlington, VT.	Route 76 Link Express (Middlebury to Burlington)	Middlebury (8,496 / 219 per sm) New Haven (1,727 / 42 per sm) Vergennes (2,588 / 1,141 per sm) Ferrisburg (2,775 / 59 per sm) Charlotte (3,569 / 86 per sm) Shelburne (7,144 / 294 per sm) Burlington (42,282 / 3,682 per sm)	Mon-Sat	8	23,901	10-11
CCTA – Burlington, VT.	Route 116 Commuter (Middlebury to Burlington)	Middlebury (8,496 / 219 per sm) Bristol (3,894 / 94 per sm) Starksboro (1,777 / 39 per sm) Hinesburg (4,340 / 109 per sm) Burlington (42,282 / 3,682 per sm)	Mon-Fri	8	4,452	2-3
CCTA – Burlington, VT.	Route 56 Commuter (Milton to Burlington)	Milton (10,352 / 201 per sm) Colch. (17,067 / 460 per sm) Burlington (42,282 / 3,682 per sm)	Mon-Fri	12	17,114	5-6
Metro	Portland North Inter-city Express	Freeport (7,879 / 227 per sm) Yarmouth (8,349 / 625 per sm) Cumberland (7,211 / 315 per sm) Falmouth (11,185 / 380 per sm) Portland (66,194 / 3,107 per sq mi)	Mon-Fri	20	30,000 (Year 1 Estimate)	6-8

² Population and population density figures from US Census.

An examination of these services indicates that the range of potential boardings per trip for the proposed service is between 7-12.

The proposed service is a hybrid service in that it offers the features of long-distance express as well as bi-directional inter-city service. In addition to accommodating typical transit trips throughout the day, the service offers some unique characteristics by integrating with the Amtrak Downeaster and Concord Coach as well as connecting regional residents to downtown Freeport which is a major shopping and activity destination in itself. In contrast, most of the inter-city and commuter routes studied are geared toward transporting people to the major anchor city. Finally, the large Yarmouth park and ride location offers a major regional asset for Yarmouth and Cumberland residents to access transit trips in either north or south directions.

For these reasons, Metro recommends implementing 20 trips a day as a starting point in year one (1) to followed by optimization efforts in year two (2) to begin calibrating the service with actual demand.

PERFORMANCE METRICS

Actual performance will be reported to the towns on a quarterly basis. Based on the actual performance of the service in 2017-18, ***Metro will make a recommendation to the towns of Freeport and Yarmouth no later than February 2018 on whether the service should continue or not.***

Provided below are the common transit performance metrics that will be used to evaluate the service. Two years is a typical maturity period for new service. During the pilot project period, the top performance measure to be evaluating will be average boardings per trip. Boardings per trip refers to all the passengers who boarded a single end-to-end northbound or southbound trip (e.g., Freeport to Portland Transportation Center).

By year three (3), the service should be averaging at least 8 boardings per trip. Please note that the performance benchmark is a system average, so many trips will accommodate far more than eight (8) boardings while some will carry less.

Table 3: Top Performance Benchmark

Performance Measures	Category	FY 2015-16	FY 2016-17	FY 2017-18
Boardings per trip	Service Effectiveness	6 or higher	7 or higher	8 or higher

Following the first year of service and in consultation with the towns and public, Metro will seek to incrementally calibrate the schedules and number of trips in order to begin optimizing the service to meet actual demand while still seeking to attract latent demand.

This may mean that in year 2 of the pilot project the number of trips may be reduced from 20 to a trip level that positions the service to achieve at least 8 boardings per trip. Conversely, if actual usage warrants, trips may be added if it can be done without additional funding from the towns.

Using an average of eight (8) boardings per trip as the benchmark, Table 4 demonstrates the year 3 target ridership at different trip levels.

Table 4: Ridership Targets at Different Trip Levels

Ridership Targets at Different Trip Levels	12 Daily Trips	16 Daily Trips	20 Daily Trips	24 Daily Trips
Year 3 Ridership Target*	24,000	32,000	40,000	48,000

* All ridership projections are based on achieving at least 8 average boardings per trip.

Table 5: Additional Performance Measures

Performance Measures	Category	FY 2015-16	FY 2016-17	FY 2017-18
Boardings per mile	Service Effectiveness	0.30	0.35	0.40
Fare recovery ratio	Cost Efficiency	15% +	18% +	20% +
Cost per passenger trip (net of fares)	Cost Efficiency	\$10.00 or under	\$9.00 or under	\$8.00 or under
On-time performance	Reliability	88% or higher	90% or higher	92% or higher
Service miles between major equipment failures	Maintenance	10,000 or higher	10,000 or higher	10,000 or higher
Accidents per 100,000 vehicle miles	Safety	4 or under	4 or under	4 or under
Customer complaints per 100,000 boardings	Customer Service	5 or under	5 or under	5 or under
Survey research on service quality	Overall Satisfaction	TBD	TBD	TBD

PROPOSED BUDGET

Table 6 provides the proposed budgets for years 1-3 of the pilot project as well as a look ahead to the possible costs, revenue and cost allocation breakdowns if the service becomes permanent in 2018-19. The Budget Analysis Notes listed on the right hand side of the table correspond to additional information on each line item provided on the subsequent page.

Table 6: Proposed Budget

	PILOT PROJECT PHASE				PERMANENT PHASE		BUDGET ANALYSIS NOTE #
	2015-16	2016-17	2017-18	3 Year Total	2018-19	2019-20	
Operating Costs							
Operating Cost (Variable)	\$ 284,000	\$ 292,520	\$ 301,296	\$ 877,816	\$ 310,334	\$ 319,645	1
Operating Cost (Fixed Allocation)	\$ 65,320	\$ 67,280	\$ 69,298	\$ 201,898	\$ 71,377	\$ 73,518	2
Marketing-Comm. Outreach	\$ 15,000	\$ 7,500	\$ 5,000	\$ 27,500	\$ 2,500	\$ 2,500	3
Total Costs	\$ 364,320	\$ 367,300	\$ 375,594	\$ 1,107,213	\$ 384,211	\$ 395,663	
Revenue Sources							
Fare Revenue	\$ 56,000	\$ 57,680	\$ 59,410	\$ 173,090	\$ 61,193	\$ 63,028	4
Advertising/Sponsorship	\$ 10,000	\$ 12,000	\$ 14,000	\$ 36,000	\$ 10,000	\$ 10,000	5
Local Investment (Metro)	\$ 65,320	\$ 67,280	\$ 69,298	\$ 201,898	\$ -	\$ -	6
Local Investment (Towns)	\$ -	\$ 10,340	\$ 14,885	\$ 25,225	\$ 201,966	\$ 208,719	7
Federal CMAQ	\$ 233,000	\$ 220,000	\$ 218,000	\$ 671,000	\$ -	\$ -	8
Federal 5307	\$ -	\$ -	\$ -	\$ -	\$ 96,053	\$ 98,916	9
State Funding	\$ -	\$ -	\$ -	\$ -	\$ 15,000	\$ 15,000	10
Total Revenue	\$ 364,320	\$ 367,300	\$ 375,594	\$ 1,107,213	\$ 384,211	\$ 395,663	
Revenue Source %							
Fare Revenue	15%	16%	16%	16%	16%	16%	
Advertising/Sponsorship	3%	3%	4%	3%	3%	3%	
Local Investment (Metro)	18%	18%	18%	18%	0%	0%	
Local Investment (Towns)	0%	3%	4%	2%	53%	53%	
Federal CMAQ	64%	60%	58%	61%	0%	0%	
Federal 5307	0%	0%	0%	0%	25%	25%	
State Funding	0%	0%	0%	0%	4%	4%	
	100%	100%	100%	100%	100%	100%	
CAPITAL COSTS							
	2015-16	2016-17	2017-18	3 Year Total	2018-19	2019-20	
Buses (3 Buses @ \$230k/ea)							
Federal 5307	\$ 200,000	\$ 200,000	\$ 200,000	\$ 600,000	\$ -	\$ -	11
Local Match	\$ 50,000	\$ 50,000	\$ 50,000	\$ 150,000	\$ -	\$ -	12
Sub-total	\$ 250,000	\$ 250,000	\$ 250,000	\$ 750,000			
Bus Stops							
Federal 5307	\$ 16,000	\$ -	\$ -	\$ 16,000	\$ -	\$ -	13
Local Match	\$ 4,000	\$ -	\$ -	\$ 4,000	\$ -	\$ -	14
Sub-total	\$ 20,000	\$ -	\$ -	\$ 20,000	\$ -	\$ -	
Total	\$ 270,000	\$ 250,000	\$ 250,000	\$ 770,000	\$ -	\$ -	
TOTAL LOCAL INVESTMENT							
Freeport	\$ 27,000	\$ 30,170	\$ 32,443	\$ 89,613	\$ 50,491	\$ 52,180	15
Yarmouth	\$ 27,000	\$ 30,170	\$ 32,443	\$ 89,613	\$ 50,491	\$ 52,180	16
Falmouth	\$ -	\$ -	\$ -	\$ -	\$ 50,491	\$ 52,180	17
Portland	\$ -	\$ -	\$ -	\$ -	\$ 50,491	\$ 52,180	18

Table 7: Budget Analysis Notes

NOTE	CATEGORY	BUDGET ANALYSIS
Operating Costs		
1	Operating Cost (Variable)	Actual incremental cost to operate service.
2	Operating Cost (Fixed)	Metro's indirect or fixed cost allocated to this service.
3	Marketing-Comm. Outreach	Start-up marketing and community outreach - phases down over time.
Revenue Sources		
4	Fare Revenue	Estimate based on ridership and proposed fare structure.
5	Advertising/Sponsorship	Advertising estimate provided Metro's current on contract Ad agency.
6	Local Investment (Metro)	Metro absorbs indirect/fixed costs consistent with Board direction.
7	Local Investment (Towns)	Allocation to 2 new towns in years 1-3 and all 4 communities in year 4 and 5. The year 4 and 5 cost allocation by community requires city/town and Metro Board approval.
8	Federal CMAQ	Federal CMAQ funding awarded by State - phased down over 3 years.
9	Federal 5307	No 5307 funding in years 1-3; factored in at current Metro percentage in years 4-5.
10	State Funding	No State funding in years 1-3; factored in at current Metro percentage in years 4-5.
Capital Costs - Buses		
11	Federal 5307	Federal 5307 portion of 3 CNG buses at approx \$230k/piece financed over 3 years.
12	Local Match	Local match for 3 CNG buses at approx \$230k/piece financed over 3 years.
Capital Costs - Bus Stops/Signs		
13	Federal 5307	Federal 5307 portion of minor bus stop improvements.
14	Local Match	Local match portion of minor bus stop improvements.
Total Local Investment		
15	Freeport	Freeport portion of combined annual local operating and capital costs.
16	Yarmouth	Yarmouth portion of combined annual local operating and capital costs.
17	Falmouth	Falmouth portion of combined annual local operating and capital costs - requires Falmouth and Metro Board approval.
18	Portland	Portland portion of combined annual local operating and capital costs - requires Portland and Metro Board approval

PUBLIC INVOLVEMENT

Should the towns agree to partner on this project and sufficient grant funding is awarded to implement it, then Metro staff in partnership with the towns, will conduct a community outreach process. This would involve a public information effort, stakeholder engagement and public meetings in each of the towns. The purpose of this effort will be not only to notify residents about the service, but to work with residents on refining the details of how the service will be designed. Key questions for which resident input will be important include service scheduling, hours of operation, fare structure, bus stop placement, and routing issues which may impact residences or businesses. As with any public involvement effort, Metro staff will listen to residents' ideas and concerns and incorporate these into service design as much as possible.

REVISED TIMELINE

2014

- Jul-Sep: Seek formal support by Town Councils.
- Sep-Oct: Submit grant applications to MaineDOT & PACTS.
- Sep-Nov: Conduct stakeholder outreach and public involvement to refine/finalize project.
- Nov-Jan: Fleet procurement and bus stop planning activities.

2015

- Jan-Feb: Finalize operations and marketing plans.
- Feb-Mar: Approve final MOU's with Towns.
- Apr-June: Conduct community outreach & marketing activities.
- Jul-Aug: Launch.

ITEM 136

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 1st.

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
Total		\$150,000

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

ITEM 137

BACK UP MATERIALS

MEMORANDUM

TO: Town Council
Town of Brunswick, Maine

FROM: John S. Eldridge
Town Manager

DATE: November 12, 2014

RE: Julia A.C. Henze
Appointment as Finance Director

It is with great pleasure that I request that the Town Council confirm my appointment of Julia Henze as Finance Director for the Town of Brunswick. I make this request under section 302(a) of the Brunswick Town Charter. That section requires that the Town Council confirm the Town Manager's department head appointments.

Ms. Henze has worked for the Town of Brunswick in the finance department since 2005. She has been the Deputy Finance Director since 2007. For over nine years, Ms. Henze has been an invaluable member of the department. She has cheerfully taken on any and every assignment and responsibility. Ms. Henze is very efficient and highly motivated. She identifies what needs attention and tackles it. She is a pleasure to work with and she is well respected by the Town's department heads and her co-workers. As a long-time resident, Ms. Henze is very familiar with Brunswick and the challenges it faces. She is dedicated to her work and to the Town.

Earlier this year Ms. Henze attained the Certified Public Finance Officer, (CPFO) designation from the Government Finance Officer Association (GFOA). This designation is earned by passing five examinations in the core functions of government finance and by having qualified work experience. She earned the certification, studying on her own time for two and a half years.

I have full confidence in Ms. Henze, her values, judgment, approach, and expectations. To help you better understand her qualifications, I will provide a copy of her resume separately. I hope you will agree with my assessment and confirm the appointment of Julia Henze. Naturally, I will be happy to answer any of your questions.

Intentionally left blank

CONSENT AGENDA - A BACK UP MATERIALS

Draft
BRUNSWICK TOWN COUNCIL
Minutes
November 3, 2014
7:00 P.M.
Council Chambers
Town Hall
85 Union Street

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

Councilors Absent: Stephen S. Walker

Town Staff Present: John Eldridge, Finance Director/Interim Town Manager; Tom Farrell, Parks and Recreation Director; Linda Smith, Business Development Manager; Richard Rizzo, Police Chief; Steve Langsdorf, Town Attorney; Terry Goan, Patrol Officer; and TV video crew

Chair Pols called the meeting to order and asked the Clerk for Roll Call. He led the Pledge of Allegiance and acknowledged that the meeting was properly noticed.

Public Comment: None

Correspondence:

Councilor Brayman mentioned construction signs for a road project that were in the way of cyclists.

Councilor Favreau spoke about a phone call from a constituent who didn't know voting districts had changed in January.

Councilor Millett had correspondence about the trees cut on Jordan Avenue, and asked if the town had a budget for trees; this issue will be asked at the Finance Committee meeting. She also spoke to a constituent concerned about paying for housing for people who needed to leave the Dunning Street apartments.

Councilor Perreault mentioned the Brunswick High School football team and their upcoming playoff game.

Councilor Pols spoke about the upcoming Brunswick Park & Rec's Ski and Skate Sale.

Councilor Richardson spoke about the Google E-city award and the potential of a spring solar project.

Council Committee Updates: None

Adjustments to the Agenda: None

MANAGER'S REPORT:

a) Recognition of Mike Andreotti's service to the Town of Brunswick (*Action required*)

Councilor Watson presented a framed certificate to Detective R. Michael Andreotti, who is retiring after serving with Brunswick's Police Department for 24 years.

Councilor Richardson, Councilor Perreault, and Councilor Favreau gave thanks to Detective Andreotti for his service.

Councilor Perreault moved, Councilor Millett seconded, to adopt a Resolution recognizing Detective R. Michael Andreotti for his service to the Town of Brunswick. The motion carried with eight (8) yeas.

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

b) Update from MRRA

Steve Levesque, Executive Director of MRRA, gave this update.

c) Acceptance of Forfeited Asset (*Action required*)

Manager Eldridge spoke regarding this item.

Chair Pols moved, Councilor Watson seconded, to accept and expend Forfeited Assets related to Criminal Action Docket No. CR-14-3515, with a total value of \$3,722.00. The motion carried with eight (8) yeas.

(A copy of a letter from the State Attorney General will be attached to the official minutes.)

d) Election Reminder

Manager Eldridge gave this reminder of tomorrow's election.

e) Announcement of a DEP public hearing on the Stormwater Application for the proposed layover facility

Manager Eldridge informed people that this meeting would be held November 13, 2014, at 6:00 pm at the Brunswick Junior High School cafeteria.

(A copy of the Notice of Public Meeting will be attached to the official minutes.)

f) (ADDED) Veteran's Day trash pick up (*Item discussion began at 7: p.m.*)

Manager Eldridge spoke regarding this item.

NEW BUSINESS

126. The Town Council will consider setting a public hearing for November 17, 2014, for 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)

Chair Pols moved, Councilor Watson seconded, to set a public hearing for November 17, 2014, for the Midcoast Regional Redevelopment Authority's Community Development Block Grant to support the Make it in America grant. The motion carried with eight (8) yeas.

127. The Town Council will consider setting a public hearing for November 17, 2014, for the Frosty's Donuts, LLC Community Development Block Grant project update, and will take any appropriate action. (Manager) *(Item discussion began at 7: p.m.)*

Councilor Watson moved, Councilor Perreault seconded, to set a public hearing for November 17, 2014, for the Community Development Block Grant project update for Frosty's Donuts, LLC. The motion carried with eight (8) yeas.

128. The Town Council will consider authorizing the Town Manager to issue a Quitclaim Deed for the parcel depicted as Map 011 Lot 012 Sub 000 Typ 000 simultaneously with the property's sale closing and the payment of taxes, and will take any appropriate action. (Manager) *(Item discussion began at 7: p.m.)*

Councilor Watson asked a question, which Manager Eldridge answered.

Councilor Watson moved, Councilor Perreault seconded, to authorize the Town Manager to issue a Quitclaim Deed for the parcel depicted as Map 011 Lot 012 Sub 000 Typ 000 simultaneously with the sale closing and the payment of taxes. The motion carried with eight (8) yeas.

(A copy of a memo from the Deputy Finance Director will be attached to the official minutes.)

CONSENT AGENDA

- a) Approval of the Minutes of October 20, 2014
- b) Approval of tax abatement assessed in error

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

(A copy of a memo from the Assessor regarding CA-b will be attached to the official minutes.)

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

The meeting adjourned at 7:50 p.m.

Town Council Minutes
November 3, 2014
Page 4

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

Deb Blum
Executive Administrative Assistant
November 7, 2014

November 17, 2014
Date of Approval

Council Chair