

**BRUNSWICK TOWN COUNCIL**  
**Agenda**  
**May 18, 2015**  
**6:30 P.M. – Executive Session**  
**7:00 P.M. – Regular Meeting**  
**Council Chambers**  
**Town Hall**  
**85 Union Street**

**Roll Call of Members**

**Acknowledgement of Meeting Notice**

**Executive Session: Union Negotiations [1 M.R.S.A. §405(6)(D)]**

**Pledge of Allegiance**

**Adjustments to Agenda**

**CONSENT AGENDA**

- (a) Approval of the minutes of May 4, 2015
- (b) Approval of a Quitclaim Deed for the mobile home on land depicted as Map 051 Lot 001 Sub 000 Typ 025

**Public Comments**

**Correspondence**

**Committee Reports**

**MANAGER’S REPORT**

- (a) Financial Update

**PUBLIC HEARING**

- 53. The Town Council will hear comments regarding ordinance amendments to Chapter 14 “Streets, Sidewalks, and Other Public Places” of the Brunswick Municipal Code relative to increasing permit fees for Street Openings, Street Entrances, and Street Obstruction, and will take any appropriate action. (Manager)

**HEARING/ACTION**

- 54. The Town Council will hear comments regarding ordinance amendments to Chapter 13 “Solid Waste” of the Brunswick Municipal Code to allow a discounted disposal fee in return for a reduction in the contract charge for curbside residential rubbish collection for Town contracted residential curbside collection, and will take any appropriate action. (Manager)

**HEARING/ACTION**

**NEW BUSINESS**

55. The Town Council will consider recommendations from the Nathaniel Davis Fund Committee, and will take any appropriate action. (Manager)

**ACTION**

56. The Town Council will discuss the Municipal Budget and provide some direction as to the final budget goal, and no action will be required. (Manager)

**DISCUSSION**

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

**Brunswick Town Council**  
**Agenda**  
**May 18, 2015**  
**Council Notes and Suggested Motions**

**Executive Session: Union Negotiations [1 M.R.S.A. §405(6)(D)]**

Suggested Motion:

Motion to go into executive session to discuss Union Negotiations per 1 M.R.S.A. §405(6)(D).

**CONSENT AGENDA**

- (a) Approval of the minutes of May 4, 2015: A copy of the minutes is included in your packet.
- (b) Approval of a Quitclaim Deed for the mobile home on land depicted as Map 051 Lot 001 Sub 000 Typ 025: This item is to deed back property to the owner, who has paid owed taxes. A copy of the deed is included in your packet.

**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. Copies of financial reports will be posted online, but are not included in your packet.

**PUBLIC HEARING**

- 53. This item is the required public hearing on ordinance amendments relative to increasing fees for permits for Street Openings, Street Entrances, and Street Obstruction. These fees have not been adjusted for many years. The Public Works Department surveyed other communities in 2014, and staff believes it is time to adjust the fees. Per your Council rules, once the public hearing is closed, the Council will determine if any action is necessary as allowed under the Council rules and the Town Charter, but the Council is encouraged to postpone action until a future meeting to allow for the consideration of the public comments. Copies of a memo from Manager Eldridge, the proposed language, a memo from John Foster, and the survey of other communities are included in your packet.

Suggested Motion:

Motion to adopt ordinance amendments to Chapter 14 “Streets, Sidewalks, and Other Public Places” of the Brunswick Municipal Code relative to increasing permit fees for Street Openings, Street Entrances, and Street Obstruction.

- 54. This item is the required public hearing on ordinance amendments to Chapter 13 “Solid Waste” of the Brunswick Municipal Code regarding disposal fees to assist in reducing the residential curbside collection cost. Solid waste disposal fees at the Graham Road Landfill are governed by this ordinance, and the proposed amendment would allow the

Town to contractually reduce the solid waste fees as part of its contract to provide residential curbside rubbish collection as funded by the budget. The purpose of the amendment is to allow a discounted disposal fee in return for a reduction in the contract charge for curbside residential rubbish collection. Per your Council rules, once the public hearing is closed, the Council will determine if any action is necessary as allowed under the Council rules and the Town Charter, but the Council is encouraged to postpone action until a future meeting to allow for the consideration of the public comments. Copies of a memo from Manager Eldridge and the proposed language are included in your packet.

Suggested Motion:

Motion to adopt ordinance amendments to Chapter 13 “Solid Waste” of the Brunswick Municipal Code to allow a discounted disposal fee in return for a reduction in the contract charge for curbside residential rubbish collection for Town contracted residential curbside collection.

**NEW BUSINESS**

55. These are the annual recommendations from the Davis Fund Committee for grant allocations for 2014-2015. Committee members will make a presentation on their recommendations. The Council’s action is to approve these recommendations. A copy of the Committee’s minutes, with their recommendations, is included in your packet.

Suggested Motion:

Motion to accept the recommendations for the Davis Fund’s 2014-2015 allocations as recommended by the Committee.

56. This item is for the Town Council to discuss the Municipal Budget and to provide some direction to the Town Manager for the final budget. This will allow time for any additional adjustments to be made by the Town Manager or School Department prior to final adoption.

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

Suggested Motion:

Motion to adjourn the meeting.

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# CONSENT AGENDA - A BACK UP MATERIALS

**Draft  
BRUNSWICK TOWN COUNCIL  
Minutes  
May 4, 2015  
7:00 P.M. – Regular Meeting  
Council Chambers  
Town Hall  
85 Union Street**

**Councilors Present:** W. David Watson, Stephen S. Walker, Suzan Wilson, John M. Perreault, Daniel E. Harris, Jane F. Millett, Sarah E. Brayman, Katherine E. Wilson, and John Richardson Jr.

**Councilors Absent:** None

**Town Staff Present:** John S. Eldridge, III, Town Manager; Fran Smith, Town Clerk/Assistant to the Town Manager; Steve Langsdorf, Town Attorney; Linda Smith, Business Development Manager, and TV video crew

Chair Brayman called the meeting to order, asked the Clerk for roll call, acknowledged that the meeting was properly noticed, and led the Pledge of Allegiance.

**Adjustments to Agenda**

**CONSENT AGENDA**

- (a) Approval of the minutes of April 16, 2015**
- (b) Approval of the minutes of April 27, 2015**
- (c) Appointment of Fran Smith as Warden and Elin Gould, Sara King, and Joe Zrioka as Deputy Wardens for the June 9, 2015 Election**
- (d) Proclamation recognizing Town Commons Day**

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

**Public Comments** (*This item was discussed at 7:07 p.m.*)

**Pem Schaefer**, Crestview Lane, spoke regarding the NNEPRA.

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

**Frank Strickland**, Assistant Scoutmaster for Troup 648, spoke on behalf of several members of his troop in the audience, who were working on their Citizenship in the Community Merit badge.

**Correspondence** (*This item was discussed at 7:16 p.m.*)

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Councilor Perreault questioned why the Pine Street extension had to be paved, to which Manager Eldridge responded it was relative to ADA accessibility.

Chair Brayman said she would be holding office hours Saturday from 10:00 am. to 12:00 noon at Wild Oats.

Councilor K. Wilson congratulated the Brunswick High School softball team, which ended its lengthy losing streak with a recent win.

### **Committee Reports** *(This item was discussed at 7:18 p.m.)*

Reports were given regarding the Finance Committee and Teen Center fund raiser.

### **MANAGER'S REPORT:**

#### **(a) Report from the Memorial Day Committee** *(This item was discussed at 7:19 p.m.)*

**Tasha Connors**, Chair of the Brunswick-Topsham Memorial Day Committee, spoke regarding this item.

#### **(b) Report from the Brunswick Development Corporation** *(This item was discussed at 7:24 p.m.)*

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

*(A copy of Ms. Smith's memo with supporting materials will be attached to the official minutes.)*

### **NEW BUSINESS**

#### **48. The Town Council will consider the issue of trains idling in Brunswick, and take any appropriate action. (Councilor Perreault and Councilor Millett)** *(This item was discussed at 7:27 p.m.)*

Manager Eldridge spoke regarding this item.

Councilor Perreault introduced this item.

Councilor Millett also provided information on this item. She spoke about citizen concerns.

**Patricia Quinn**, spoke regarding this item, and responded to questions from Councilor Perreault Councilor Millett, Councilor Richardson, Councilor Walker, and Councilor Harris.

### **Public Input Section**

**Town Council Minutes**

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**MAIN MOTION 1:**

**Councilor Perreault moved, Councilor Millett seconded, that the Town of Brunswick encourage NNEPRA to investigate, purchase, and install a wayside power station, to include power, battery charging, air compressor, and other components required to allow for a shut-down of the locomotives when the air temperature exceeds 45 degrees.**

Those for, against, and neither for nor against, were each allowed a total of fifteen minutes to speak, followed by a time provided for rebuttals.

*In support of motion*

**Sandra Buckles**, 14 Bouchard Drive

**Charles Wallace**, 501 Mere Point Road (who also provided a rebuttal after both sides had spoken)

**Dan Sullivan**, 24 Bouchard Drive

*(A copy of the above statements or presentations will be attached to the official minutes.)*

*In opposition to motion*

**Margo Knight**, 22 Page Street

**Claudia Knox**, 36 Cumberland Street

**Bruce Sleeper**, representing TrainRiders Northeast

**Fred Wigand**, 12 Larrabee Farm Road

**Jeff Reynolds**, 36 Redwood Lane

*(A copy of Mr. Sleeper's information will be attached to the official minutes.)*

*Spoke neither for nor against*

**Jim Oikle**, Princes Point Road

**Beverly Schwab**, 16 Bouchard Drive

**Senator Gerzofsky** spoke about his LD regarding a prohibition on train idling.

*Council questions*

Councilor Walker and Councilor Watson asked questions, to which Ms. Quinn responded.

*Council Discussion*

The following Councilors spoke regarding this item and motion: Councilor Perreault, Councilor Walker, Councilor Millett, Councilor Richardson, Councilor Harris, Councilor K. Wilson, Councilor S. Wilson, and Chair Brayman.

**AMENDMENT TO MAIN MOTION 1**

**Councilor Harris moved, Councilor Walker seconded, to amend the motion to say the Town of Brunswick wants NNEPRA to employ the best available technology to minimize idling of its trains in Brunswick.**

Councilor Richardson, Councilor K. Wilson, Councilor Millett, Councilor Walker, Councilor S. Wilson, and Chair Brayman spoke on this amendment.

**AMENDMENT TO MAIN MOTION 1**

**Councilor Harris moved, Councilor Walker seconded, to amend the motion to say the Town of Brunswick wants NNEPRA to employ the best available technology to minimize idling of its trains in Brunswick. The motion failed with four (4) yeas. Councilor Watson, Councilor S. Wilson, Chair Brayman, Councilor K. Wilson, and Councilor Richardson were opposed.**

**VOTE ON MAIN MOTION 1:**

**Councilor Perreault moved, Councilor Millett seconded, that the Town of Brunswick encourage NNEPRA to investigate, purchase, and install a wayside power station, to include power, battery charging, air compressor, and other components required to allow for a shut-down of the locomotives when the air temperature exceeds 45 degrees. The motion failed with four (4) yeas. Councilor Watson, Councilor S. Wilson, Chair Brayman, Councilor K. Wilson, and Councilor Richardson were opposed.**

**TABLING MOTION:**

**Councilor Perreault moved, Councilor Millett second, to table the second motion that was proposed in the Council notes.**

**After discussion, the tabling motion was withdrawn and there was no further action on this item.**

*(A copy of the sponsoring Councilors' memo, along with supporting photos and materials, NNEPRA provided information on both a yard power cost estimate dated July 2014, and a previously drafted Brunswick Train Idling Committee report, as well as Manager Eldridge's letter to NNEPRA dated June 23, 2014, will be attached to the official minutes.)*

A short recess was called and the meeting resumed 9:46 p.m.

- 49. The Town Council will consider setting a public hearing for May 18, 2015, on ordinance amendments to Chapter 13 "Solid Waste" of the Brunswick Municipal Code regarding disposal fees for Town contracted residential curbside collection, and will take any appropriate action. (Manager) (This item was discussed at 9:46: p.m.)**

Manager Eldridge introduced this item and responded to questions from Councilor Perreault and Councilor S. Wilson.

**Councilor S. Wilson moved, Councilor Perreault seconded, to set a public hearing for May 18, 2015, on ordinance amendments to Chapter 13 “Solid Waste” of the Brunswick Municipal Code regarding disposal fees for Town contracted residential curbside collection. The motion carried with nine (9) yeas.**

50. The Town Council will consider giving the Town permission to apply for a Coastal Communities grant from the Maine Coastal Program (a program of the Department of Agriculture, Conservation, and Forestry), and will take any appropriate action. (Councilor Walker) *(This item was discussed at 9:54 p.m.)*

Councilor Walker introduced this item.

Councilor Richardson spoke regarding this item and asked a question, to which Councilor Walker responded.

Councilor S. Wilson spoke regarding this item.

**Councilor Walker moved, Councilor Watson seconded, to give the Town permission to apply for a Coastal Communities grant from the Maine Coastal Program (a program of the Department of Agriculture, Conservation, and Forestry.) The motion carried with nine (9) yeas.**

51. The Town Council will consider appointments to the Town’s Boards and Committees, and will take any appropriate action. (Appointments Committee) *(This item was discussed at 10:05 p.m.)*

Councilor Millett made the following nominations:

Conservation Commission

Amanda Bunker for reappointment for a term to expire on 05/01/2018

Kurt Stinson for reappointment for a term to expire on 05/01/2018

Frederic Stott for appointment for the balance of a term to expire on 05/01/2017

Downtown and Outer Pleasant Street Implementation Committee

Paul Dostie for reappointment as a resident downtown for a term to expire 12/01/2017

Marine Resource

Mark Latti for reappointment as a recreational license holder member for a term to expire on 05/01/2018

Darcie Couture for appointment as a non-license holder member for a term to expire on 05/01/2018

Recycling and Sustainability Committee

Caron Grich for reappointment for a term to expire on 01/12/2018

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The Council supported the nominations with nine (9) yeas.

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

The meeting adjourned at 10:06 p.m.

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

*Frances M. Smith*

*Town Clerk*

*May 8, 2015*

May 18, 2015

*Date of Approval*

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*Council Chair*

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# CONSENT AGENDA - B BACK UP MATERIALS

**MUNICIPAL QUITCLAIM DEED**

The Town of Brunswick, a body corporate, located at 85 Union Street, Brunswick, Maine, by and through its Town Manager duly authorized by its Town Council, on May 18, 2015 for consideration paid, release to **Baker, Susan**, of Brunswick, ME any interest the Town of Brunswick may have acquired in real estate by virtue of Tax Lien Certificates filed in the Cumberland County Registry of Deeds as follows:

<b>Book</b>	<b>Page</b>	<b>Date Recorded</b>	<b>For Tax Year</b>
<b>28904</b>	<b>139</b>	<b>August 22, 2011</b>	<b>2010</b>
<b>29866</b>	<b>272</b>	<b>August 24, 2012</b>	<b>2011</b>

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

A certain Mobile Home on land depicted as Map 051 Lot 001 Sub 000 Typ 025as shown on the Tax Maps and further described in the records of the Tax Assessor of the Town of Brunswick, Maine. Said maps and records dated, April 1, 2010 and April 1, 2011.

The Town of Brunswick has caused this instrument to be signed in its corporate name by its duly authorized Town Manager this **18th** day of **May 2015**.

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

TOWN OF BRUNSWICK

\_\_\_\_\_  
Witness

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

STATE OF MAINE  
Cumberland, ss.

**May 18, 2015**

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

Before me,

\_\_\_\_\_  
Frances M. Smith  
Notary Public  
Commission expires – January 23, 2022

MANAGER'S REPORT - A  
NO BACK UP MATERIALS  
IN COUNCIL PACKETS  
BUT ON LINE

FOR 2015 10

	ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
<b>10 Taxes</b>						
<a href="#">111190 41101 Property Taxes</a>	36,189,094	36,189,094	36,467,943.49	249.00	-278,849.49	100.8%*
<a href="#">111190 41103 Deferred Property Tax</a>	-200,000	-200,000	.00	.00	-200,000.00	.0%
<a href="#">111190 41104 Tax Abatements</a>	-75,000	-75,000	-19,634.41	.00	-55,365.59	26.2%
<a href="#">111190 41105 Interest on Taxes</a>	75,000	75,000	49,440.72	5,245.56	25,559.28	65.9%*
<a href="#">111190 41106 Tax Lien Costs Revenu</a>	12,000	12,000	14,610.69	18.00	-2,610.69	121.8%*
<a href="#">111190 41107 Tax Lien Interest Rev</a>	12,000	12,000	17,999.85	.00	-5,999.85	150.0%*
<a href="#">111190 41109 Payment in Lieu of Ta</a>	150,000	150,000	103,900.30	.00	46,099.70	69.3%*
<a href="#">111190 41197 BETE reimbursement</a>	157,895	157,895	413,635.00	.00	-255,740.00	262.0%*
<a href="#">111190 41198 Homestead exemption r</a>	427,247	427,247	321,993.00	.00	105,254.00	75.4%*
<a href="#">111190 41199 Miscellaneous tax adj</a>	3,343	3,343	.00	.00	3,343.00	.0%*
<a href="#">111191 41110 Excise Tax - Auto</a>	2,825,000	2,825,000	2,438,721.15	299,375.04	386,278.85	86.3%*
<a href="#">111191 41111 Excise Tax Boat/ATV/S</a>	25,000	25,000	14,084.55	8,410.80	10,915.45	56.3%*
<a href="#">111191 41112 Excise Tax - Airplane</a>	4,000	4,000	4,059.94	.00	-59.94	101.5%*
TOTAL Taxes	39,605,579	39,605,579	39,826,754.28	313,298.40	-221,175.28	100.6%
TOTAL REVENUES	39,605,579	39,605,579	39,826,754.28	313,298.40	-221,175.28	
<b>20 Licenses &amp; Fees</b>						
<a href="#">121111 42207 Passport Fees</a>	8,000	8,000	11,600.00	1,250.00	-3,600.00	145.0%*
<a href="#">121111 42208 Postage Fees</a>	0	0	39.98	.00	-39.98	100.0%*
<a href="#">121111 42209 Passport Picture Reve</a>	2,000	2,000	1,980.00	300.00	20.00	99.0%*
<a href="#">121411 42100 Building Permits</a>	132,500	132,500	133,007.00	14,257.13	-507.00	100.4%*
<a href="#">121411 42101 Electrical Permits</a>	31,000	31,000	27,409.73	1,300.50	3,590.27	88.4%*
<a href="#">121411 42102 Plumbing Permits</a>	20,500	20,500	16,887.50	1,677.50	3,612.50	82.4%*
<a href="#">121611 42200 Hunting &amp; Fishing Lic</a>	1,300	1,300	815.75	130.50	484.25	62.8%*
<a href="#">121611 42201 Dog License Fee</a>	2,502	2,502	2,623.00	95.00	-121.00	104.8%*
<a href="#">121611 42202 Vital Statistics</a>	45,000	45,000	44,703.60	4,146.40	296.40	99.3%*
<a href="#">121611 42203 General Licenses</a>	24,250	24,250	15,545.00	1,075.00	8,705.00	64.1%*
<a href="#">121611 42204 Victulars/Innkeepers</a>	20,675	20,675	850.00	200.00	19,825.00	4.1%*
<a href="#">121611 42205 Shellfish Licenses</a>	15,175	15,175	17,900.00	16,450.00	-2,725.00	118.0%*
<a href="#">121611 42206 Neutered/Spayed Dog L</a>	4,510	4,510	4,740.00	156.00	-230.00	105.1%*
<a href="#">121611 42208 Postage Fees</a>	0	0	445.45	58.98	-445.45	100.0%*
<a href="#">121911 42300 Planning Board Appl F</a>	15,000	15,000	22,472.39	2,077.30	-7,472.39	149.8%*
<a href="#">122121 42400 Fire Permits</a>	500	500	260.00	80.00	240.00	52.0%*
<a href="#">122221 42500 Conc Weapons Permits</a>	600	600	805.00	100.00	-205.00	134.2%*
<a href="#">122221 42501 Parking Permit fee</a>	0	0	275.00	100.00	-275.00	100.0%*
<a href="#">123131 42600 Public Works Opening</a>	0	0	1,024.00	976.00	-1,024.00	100.0%*

FOR 2015 10

	ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
TOTAL Licenses & Fees	323,512	323,512	303,383.40	44,430.31	20,128.60	93.8%
TOTAL REVENUES	323,512	323,512	303,383.40	44,430.31	20,128.60	
<u>30 Intergovernmental</u>						
<a href="#">131122 43505 FD EMPG grant</a>	15,000	15,000	14,911.25	6,134.41	88.75	99.4%*
<a href="#">131132 43103 Highway Grant Fund</a>	214,000	214,000	197,188.00	.00	16,812.00	92.1%*
<a href="#">131142 43104 State General Assista</a>	24,000	24,000	26,015.52	3,305.29	-2,015.52	108.4%*
<a href="#">131190 43102 State Tax Exemption R</a>	40,000	40,000	8,175.51	.00	31,824.49	20.4%*
<a href="#">131192 43101 State Revenue Sharing</a>	977,671	977,671	793,710.72	53,457.86	183,960.28	81.2%*
<a href="#">131192 43105 Emergency Management</a>	0	0	11,146.71	.00	-11,146.71	100.0%*
<a href="#">131192 43106 Snowmobile Receipts</a>	1,400	1,400	1,628.52	.00	-228.52	116.3%*
<a href="#">134546 43120 State Education Subsi</a>	9,946,831	9,946,831	8,431,355.26	911,108.31	1,515,475.74	84.8%*
<a href="#">134546 43150 Federal Education Sub</a>	0	0	13,758.19	.00	-13,758.19	100.0%*
TOTAL Intergovernmental	11,218,902	11,218,902	9,497,889.68	974,005.87	1,721,012.32	84.7%
TOTAL REVENUES	11,218,902	11,218,902	9,497,889.68	974,005.87	1,721,012.32	
<u>40 Charges for services</u>						
<a href="#">141111 44110 Agent Fee Auto Reg</a>	50,000	50,000	42,008.49	5,457.49	7,991.51	84.0%*
<a href="#">141111 44111 Agent Fee Boat/ATV/Sn</a>	1,500	1,500	915.00	201.00	585.00	61.0%*
<a href="#">141211 44121 Rental of Property</a>	0	0	1,000.00	100.00	-1,000.00	100.0%*
<a href="#">141611 44131 Advertising Fees</a>	0	0	1,092.52	380.98	-1,092.52	100.0%*
<a href="#">142121 44155 Ambulance Service Fee</a>	875,000	875,000	727,045.42	38,429.52	147,954.58	83.1%*
<a href="#">142121 44166 Special Detail - Fire</a>	1,000	1,000	2,415.60	463.76	-1,415.60	241.6%*
<a href="#">142221 44161 Witness Fees</a>	3,000	3,000	3,500.00	400.00	-500.00	116.7%*
<a href="#">142221 44162 Police Reports</a>	3,600	3,600	3,766.50	492.50	-166.50	104.6%*
<a href="#">142221 44163 School Resource Offic</a>	84,000	84,000	84,000.00	.00	.00	100.0%*
<a href="#">142221 44165 Special Detail - Poli</a>	1,000	1,000	40,901.00	.00	-39,901.00	4090.1%*
<a href="#">142221 44167 Dispatch Services fee</a>	141,500	141,500	119,507.71	10,994.27	21,992.29	84.5%*
<a href="#">143431 44175 Recycling Revenue</a>	25,000	25,000	15,608.80	818.75	9,391.20	62.4%*
<a href="#">144545 44100 School Tuition, etc</a>	137,000	137,000	89,411.30	253.34	47,588.70	65.3%*
<a href="#">145051 44121 Rental of Property</a>	0	0	1,920.00	1,120.00	-1,920.00	100.0%*
TOTAL Charges for services	1,322,600	1,322,600	1,133,092.34	59,111.61	189,507.66	85.7%
TOTAL REVENUES	1,322,600	1,322,600	1,133,092.34	59,111.61	189,507.66	
<u>50 Fines &amp; Penalties</u>						
<a href="#">151621 45103 Unlicensed Dog Fines</a>	6,250	6,250	9,825.00	1,300.00	-3,575.00	157.2%*

FOR 2015 10

	ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
<u>152121 45104 False Alarm Fire</u>	1,000	1,000	325.00	.00	675.00	32.5%*
<u>152121 45107 Fire Code Violation F</u>	0	0	100.00	.00	-100.00	100.0%*
<u>152221 45100 Ordinance Fines</u>	600	600	1,629.00	.00	-1,029.00	271.5%*
<u>152221 45101 Parking Tickets</u>	20,000	20,000	34,000.00	2,295.00	-14,000.00	170.0%*
<u>152221 45102 Leash Law Fines</u>	600	600	50.00	.00	550.00	8.3%*
<u>152221 45105 False Alarm Police</u>	300	300	10.00	.00	290.00	3.3%*
<u>152221 45106 Restitution</u>	0	0	1,352.95	33.68	-1,352.95	100.0%*
TOTAL Fines & Penalties	28,750	28,750	47,291.95	3,628.68	-18,541.95	164.5%
TOTAL REVENUES	28,750	28,750	47,291.95	3,628.68	-18,541.95	
<u>60 Interest earned</u>						
<u>161193 46100 Interest Earned</u>	40,000	40,000	6,796.17	.00	33,203.83	17.0%*
TOTAL Interest earned	40,000	40,000	6,796.17	.00	33,203.83	17.0%
TOTAL REVENUES	40,000	40,000	6,796.17	.00	33,203.83	
<u>70 Donations</u>						
<u>171952 47000 BDC Contrib to Econ D</u>	94,000	94,000	94,000.00	.00	.00	100.0%*
<u>171952 47002 MRRRA - MCOG DUES</u>	15,000	15,000	.00	.00	15,000.00	.0%*
TOTAL Donations	109,000	109,000	94,000.00	.00	15,000.00	86.2%
TOTAL REVENUES	109,000	109,000	94,000.00	.00	15,000.00	
<u>80 Use of fund balance</u>						
<u>181100 48000 Unapprop General Fund</u>	1,000,000	1,200,000	.00	.00	1,200,000.00	.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	4,587,000	.00	.00	4,587,000.00	.0%
TOTAL REVENUES	4,387,000	4,587,000	.00	.00	4,587,000.00	
<u>90 Other</u>						
<u>191111 49000 Finance Miscellaneous</u>	1,000	1,000	3,126.25	463.84	-2,126.25	312.6%*

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	ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
<u>191111 49101 Workers Comp Dividend</u>	0	0	16,160.00	.00	-16,160.00	100.0%*
<u>191111 49104 Property &amp; Casualty D</u>	0	0	9,267.00	.00	-9,267.00	100.0%*
<u>191111 49105 Postage &amp; Handling</u>	0	0	2,301.02	274.00	-2,301.02	100.0%*
<u>191111 49106 W/C Proceeds</u>	0	0	9,690.82	4,120.74	-9,690.82	100.0%*
<u>191111 49210 Insurance Proceeds</u>	0	0	375.07	.00	-375.07	100.0%*
<u>191192 49100 Cable Television</u>	225,000	225,000	122,988.13	.00	102,011.87	54.7%*
<u>191194 49150 Gen Govt Asset Sales</u>	0	0	150.00	.00	-150.00	100.0%*
<u>191611 49000 Town Clerk Miscellane</u>	1,250	1,250	1,191.25	125.00	58.75	95.3%*
<u>191911 49000 Planning Miscellaneou</u>	150	150	431.50	29.25	-281.50	287.7%*
<u>192121 49000 Fire Miscellaneous</u>	800	800	1,224.52	.00	-424.52	153.1%*
<u>192221 49000 Police Miscellaneous</u>	0	0	3,051.03	.00	-3,051.03	100.0%*
<u>192294 49153 Police Vehicle Sales</u>	8,000	8,000	.00	.00	8,000.00	.0%*
<u>193131 49000 Public Works Miscella</u>	0	0	1,794.87	.00	-1,794.87	100.0%*
<u>194141 49103 General Assistance Re</u>	0	0	1,323.54	.00	-1,323.54	100.0%*
<u>194545 49000 School Miscellaneous</u>	118,000	118,000	106,322.76	28,414.25	11,677.24	90.1%*
<u>195051 49000 Recreation Miscellane</u>	0	0	1,000.33	.00	-1,000.33	100.0%*
<u>199980 48100 General Fund Transfer</u>	710,000	710,000	511,224.73	.00	198,775.27	72.0%*
TOTAL Other	1,064,200	1,064,200	791,622.82	33,427.08	272,577.18	74.4%
TOTAL REVENUES	1,064,200	1,064,200	791,622.82	33,427.08	272,577.18	
GRAND TOTAL	58,099,543	58,299,543	51,700,830.64	1,427,901.95	6,598,712.36	88.7%

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

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	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	442,725.57	43,247.49	80.00	46,591.43	90.5%
11100 Finance Department	715,425	715,425	523,679.44	50,475.77	150.00	191,595.56	73.2%
11150 Technology Services Dept	327,848	327,848	274,843.20	36,441.78	17,273.15	35,731.65	89.1%
11200 Municipal Officers	85,615	85,615	60,620.53	1,010.96	3,571.00	21,423.47	75.0%
11210 Munic Bldg - 85 Union	210,720	210,720	155,748.30	21,672.39	1,916.05	53,055.65	74.8%
11220 Munic Bldg - 28 Federal	0	0	.00	-70.00	.00	.00	.0%
11230 Risk Management	473,750	473,750	451,428.92	90,911.05	.00	22,321.08	95.3%
11240 Employee benefits	0	0	-172,283.25	-12,855.20	.00	172,283.25	100.0%
11250 Cable TV	47,790	47,790	38,875.34	3,531.97	436.00	8,478.66	82.3%
11300 Assessing	293,660	293,660	211,932.24	20,143.48	1,834.00	79,893.76	72.8%
11600 Town Clerk & Elections	362,077	365,477	275,105.70	24,221.53	2,625.00	87,746.30	76.0%
11900 Planning Department	490,779	510,504	384,727.39	34,320.19	6,746.78	119,029.84	76.7%
11950 Economic Development Dept	109,087	109,087	78,239.19	7,855.76	.00	30,847.81	71.7%
TOTAL General Government	3,606,148	3,629,273	2,725,642.57	320,907.17	34,631.98	868,998.46	76.1%
<hr/>							
20 Public Safety							
12100 Fire Department	3,104,392	3,113,742	2,439,242.49	217,915.12	16,550.07	657,949.44	78.9%
12150 Central Fire Station	42,089	45,739	28,879.72	899.15	2,400.00	14,459.52	68.4%
12160 Emerson Fire Station	41,825	41,825	37,532.75	4,285.24	2,774.81	1,517.44	96.4%
12200 Police Department	3,762,478	3,762,478	2,915,367.97	296,188.79	10,420.04	836,689.99	77.8%
12210 Police Special Detail	0	0	34,523.17	.00	.00	-34,523.17	100.0%
12220 Emergency Services Dispatch	777,412	777,412	591,751.46	56,771.70	.00	185,660.54	76.1%
12250 Police Station Building	98,020	98,020	79,706.64	10,588.67	1,000.40	17,312.96	82.3%
12310 Streetlights	208,000	208,000	169,174.12	17,440.76	.00	38,825.88	81.3%
12320 Traffic Signals	31,600	31,600	15,797.50	842.80	6,000.00	9,802.50	69.0%
12330 Hydrants	438,790	438,790	336,447.80	110,748.95	.00	102,342.20	76.7%
12340 Civil Emergency Preparedness	2,000	2,000	1,662.65	.00	.00	337.35	83.1%
TOTAL Public Safety	8,506,606	8,519,606	6,650,086.27	715,681.18	39,145.32	1,830,374.65	78.5%

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30	Public Works	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
<hr/>								
30	Public Works							
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13100	Public Works Administration	429,111	429,111	333,340.84	32,256.27	.00	95,770.16	77.7%
13110	PW General Maintenance	1,706,214	1,906,214	1,663,141.09	102,895.40	47,623.46	195,449.45	89.7%
13130	Refuse Collection	581,847	581,847	464,952.47	54,296.03	89,211.64	27,682.89	95.2%
13140	Recycling	297,729	297,729	225,354.70	24,842.93	71,504.74	869.56	99.7%
13150	PW Central Garage	741,300	751,500	737,158.28	77,535.46	50,666.79	-36,325.07	104.8%
	TOTAL Public Works	3,756,201	3,966,401	3,423,947.38	291,826.09	259,006.63	283,446.99	92.9%
<hr/>								
40	Human Services							
<hr/>								
14100	General Assistance	163,607	163,607	137,138.69	12,418.77	4,255.01	22,213.30	86.4%
14120	Health & Social Services	2,766	2,766	2,343.09	697.11	.00	422.91	84.7%
	TOTAL Human Services	166,373	166,373	139,481.78	13,115.88	4,255.01	22,636.21	86.4%
<hr/>								
45	Education							
<hr/>								
14500	School Department	35,763,587	35,763,587	24,513,192.31	2,270,489.31	.00	11,250,394.69	68.5%
	TOTAL Education	35,763,587	35,763,587	24,513,192.31	2,270,489.31	.00	11,250,394.69	68.5%
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50	Recreation and Culture							
<hr/>								
15000	Recreation Administration	456,225	466,225	365,023.11	37,910.61	4.99	101,196.90	78.3%
15050	Rec Buildings and Grounds	678,434	678,434	498,585.32	45,402.54	3,153.29	176,695.39	74.0%
15250	Rec Building 211	160,327	160,327	110,920.31	7,425.88	12,912.00	36,494.69	77.2%
15300	Teen Center	15,000	15,000	15,000.00	.00	.00	.00	100.0%
15310	People Plus	115,000	115,000	110,673.55	673.55	.00	4,326.45	96.2%
15400	Curtis Memorial Library	1,285,000	1,285,000	1,062,058.54	105,833.33	.00	222,941.46	82.7%
	TOTAL Recreation and Culture	2,709,986	2,719,986	2,162,260.83	197,245.91	16,070.28	541,654.89	80.1%
<hr/>								
60	Intergovernmental							
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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	.00	.00	.00	100.0%
	TOTAL Intergovernmental	1,333,350	1,333,350	1,333,350.00	.00	.00	.00	100.0%
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70	Unclassified							
17000	Promotion and Development	164,917	164,917	153,583.95	15.00	.00	11,333.05	93.1%
17010	Additional School Assistance	10,000	10,000	10,000.00	.00	.00	.00	100.0%
17020	Cemetery Care	3,000	3,000	1,500.00	250.00	.00	1,500.00	50.0%
17030	Wage Adjustment Account	9,000	9,000	30,000.00	.00	.00	-21,000.00	333.3%
17052	School Master Plan	0	14,527	.00	.00	14,526.97	.00	100.0%
	TOTAL Unclassified	186,917	201,444	195,083.95	265.00	14,526.97	-8,166.95	104.1%
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80	Debt Service							
18020	2006 CIP G/O Bonds	252,000	252,000	252,000.00	24,000.00	.00	.00	100.0%
18030	2011 GO CIP Bonds	264,890	264,890	264,890.00	-57,730.00	.00	.00	100.0%
18040	Police Station Bond	405,625	405,625	405,625.02	63,937.51	.00	-.02	100.0%
18050	2010 Elementary School Bond	0	0	232.54	237,471.68	.00	-232.54	100.0%
	TOTAL Debt Service	922,515	922,515	922,747.56	267,679.19	.00	-232.56	100.0%
GRAND TOTAL		58,099,543	58,370,395	43,213,652.65	4,077,209.73	367,636.19	14,789,106.38	74.7%

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

ITEM 53

BACK UP MATERIALS

# MEMORANDUM

TO: Town Council

FROM: John Eldridge  
Town Manager

DATE: April 22, 2015

RE: Permits and Fees for Street Openings, Street Entrances,  
and Street Obstruction

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Attached is a draft of amendments to the Town of Brunswick's Code of Ordinances. These amendments would address three areas: street openings, street entrances, and street obstruction.

## *Street Openings*

Street openings and excavations have been regulated by ordinance for many years. However, the street opening permit fee has been \$8 for as long as anyone can remember. Generally, these permits require Public Works to inspect the work. The fees should be adjusted to recover more of the inspection costs. The amendment also proposes to substantially increase the fee for excavation during the winter months. The proposed fee for winter excavation is to recognize the extra attention required in reviewing work conducted during those months.

## *Street Entrances*

Brunswick's Code of Ordinances has been silent about the specifications and permit fees for driveways and other entrances to the public way. Public Works has been informally regulating those entrances and believes a better practice would be to codify the site distance, geometric and other design criteria. Again, because an inspection is generally required, we believe that a permit fee is an appropriate way to recover a portion of the cost. Currently, Brunswick does not charge for entrance permits.

## *Street Obstruction*

Work on buildings and other property will often require vehicles, materials, and staging to occupy the public right of way. In those instances, jobsites can impede vehicular and pedestrian traffic. Those sites often also require additional attention from Public Works crews and public safety personnel. The proposed fee attempts to recover some of the costs associated with those activities. We believe it will also provide an incentive to minimize the obstruction of the Town's streets and sidewalks.

In addition to the proposed ordinance amendments, a memo from the Town Engineer as well as a survey of fees that was compiled in the summer of 2014 are attached. However, in developing the proposed amendments, the Town Engineer reviewed a number of other municipal ordinances and fees. The proposed amendments reflect that work as well.

While we recommend moving these amendments to a public hearing, the Council may want to consider sending them to the Finance Committee for additional review.

Attachments

ARTICLE IV. - EXCAVATION

FOOTNOTE(S):

--- (2) ---

**Cross reference**— Buildings and building regulations, Ch. 5; utilities, Ch. 16. [\(Back\)](#)

**State Law reference**— Excavations, 23 M.R.S.A. § 3351 et seq. [\(Back\)](#)

Sec. 14-71. - Permit required.

Any person desiring to make an excavation in any public way shall first obtain an excavation permit from the public works director. All such excavations are governed by 23 M.R.S.A. § 3351 et seq. and this article.

(Ord. of 8-5-85, § 1)

Sec. 14-72. - Time of issue restricted.

Except in an emergency as determined by the public works director, no street or sidewalk opening permit shall be ~~issued~~permitted between November 1 and March 15 of the following year.

(Ord. of 8-5-85, § 2)

Sec. 14-73. - Fee schedule.

An application fee of ~~eight dollars (\$8.00)~~ one hundred dollars (\$100.00) shall be paid for the issuance of an excavation permit. If the excavation work is approved by the public works director to take place between November 1 and March 15 of the following year, or the excavation work is approved to take place within the five year moratorium period from when the street was most recently resurfaced, the application fee is five hundred dollars (\$500.00). A separate application is required for each utility excavation. Where the excavation work obstructs the public way a separate Obstruction Permit as detailed in this chapter, Section 14-82, is required before the start of any work relating to this excavation permit. In addition to the application fee, an inspection fee of fifty dollars (\$50.00) per application is required. Where the excavation permit involves a utility line replacement or installation in excess of 50 feet then the inspection fee is computed as one dollar (\$1.00) per foot for open cut trench work or fifty cents (\$0.50) per foot for directional drilling, times the estimated utility line length as determined by the public works director. ~~plus~~ The following charges which are hereby established as being not in excess of the reasonable cost of replacement of the openings in the public way by the public works department must be paid by the permittee if the public works director determines the restoration of the excavation is to be done by public works crews:

<i>Excavation Charges per Square Yard</i>	Up to 25 Sq. Yds.	Over 25 Sq. Yds.
Bituminous concrete 4" or more in depth	<del>\$35.00</del> <u>\$ 45.00</u>	<del>\$31.00</del> <u>\$ 35.00</u>
Bituminous concrete less than 4" in depth	<del>25.00</del> <u>\$ 40.00</u>	<del>21.00</del> <u>\$ 30.00</u>
Bituminous concrete over portland cement concrete	<del>39.00</del> <u>\$ 50.00</u>	<del>35.00</del> <u>\$ 40.00</u>
Bituminous treated surface or shoulder	<del>13.00</del> <u>\$ 40.00</u>	<del>11.00</del> <u>\$ 30.00</u>

Plain gravel surface	<del>4.00</del> \$ 10.00	<del>-4.00</del> \$ 10.00
Bituminous concrete sidewalk	<del>19.00</del> \$ 40.00	<del>-17.00</del> \$ 30.00
Portland cement concrete sidewalk	<del>27.00</del> \$ 35.00	<del>-25.00</del> \$ 33.00
Grass esplanade or median strip	<del>13.00</del> \$ 20.00	<del>-13.00</del> \$ 20.00
Bituminous concrete curbing	\$ <del>8.00</del> 15.00 per linear foot	
Granite curbing—Removal or realignment	<del>20.00</del> \$ 30.00 per linear foot	
Granite curbing—Installation of new material	<del>35.00</del> \$ 45.00 per linear foot	

(Ord. of 8-5-85, § 3)

Sec. 14-74. - Minimum charge.

There is a minimum charge equivalent to three (3) square yards for any opening, to be assessed at the appropriate unit rate above. For curbing, the charge is assessed for what is actually destroyed or damaged.

(Ord. of 8-5-85, § 4)

Sec. 14-75. - Measurement of openings.

Where two (2) or more street openings are made in sequence, and adjacent openings are fifteen (15) feet or less from center to center, the responsible party shall be charged for one (1) opening measured from the leading edge of the first opening to the trailing edge of the last opening.

(Ord. of 8-5-85, § 5)

Sec. 14-76. - Private contractor.

The excavator may request the town's permission to contract privately for the repairs to the public way. The town manager may require him to post a performance bond. All work must be performed in a good, workmanlike manner according to town specifications which reflect proper construction methods and materials. It is subject to inspection and approval by the public works director.

(Ord. of 8-5-85, § 6)

Sec. 14-77. - Removal of bituminous concrete.

When bituminous concrete overlaying portland cement is removed, it must be replaced to grade upon completion of the work.

(Ord. of 8-5-85, § 7)

Sec. 14-78. - Excavation of cement surface.

When an opening is made in a street where the surface is portland cement concrete, the concrete must be cut back at least twelve (12) inches beyond the edges of the trench before the new concrete patch is replaced. Sufficient reinforcing must be furnished to provide the equivalent of half-inch reinforcing steel rods on twelve-inch centers both ways, top and bottom, in the new concrete patch. The concrete in

the new patch must be at least four (4) inches thicker than the existing concrete, and the top surface must be finished to conform with the surface of the old concrete. In all cases where there is a hot asphalt pavement or premixed bituminous pavement, the edges of the existing pavement must be cut back an additional eight (8) inches beyond the edges of the patch before the new, permanent surface is replaced.

(Ord. of 8-5-85, § 8)

Sec. 14-79. - Compacting time required.

On all ways where permanent pavement has been built, a period of two (2) months must elapse after a trench has been backfilled before the permanent surface is replaced, and during this period, a temporary surface of premixed bituminous material must be applied. On all other streets the trench must be patched with premixed bituminous material as soon as the backfilling has been completed.

(Ord. of 8-5-85, § 9)

Sec. 14-80. - Violation and penalty.

A person or organization which violates this article shall be punished for each offense by a fine of not more than one hundred dollars (\$100.00), plus the cost of any applicable fees and charges for the work done which remains unpaid. No further permits shall be issued to, and no further excavation work which requires a permit shall be done by any person which violates this article until any amounts due have been paid. If a private party fails to complete within a reasonable time any work for which an excavation permit is required, the town may complete the work and charge the owner of the property for the cost of doing so.

(Ord. of 8-5-85, § 10)

Secs. 14-81—~~14-95.~~—Reserved.Entrances to Public Right-of-Ways

A. Purpose. -This section provides for the review of any entrance onto a public way for compliance with sound construction and design practices, to ensure that traffic safety, drainage and public improvements are not adversely affected. A permit is not required for paving, culvert replacements, sealing or repairs to any existing access.

B. Permit Required.

1. No driveway, entrance or approach or other improvement within the limits of the right-of-way for any public road may be constructed, altered or relocated except in accordance with an Entrance Permit issued by the Town upon application.

2. No entrance, approach or other improvement constructed on the right-of-way shall be relocated or its dimensions altered without a permit from the Town.

3. The application fee for each permit is fifty dollars (\$50.00) for a driveway serving a single family dwelling. For entrances serving other uses the permit fee is seventy-five dollars (\$75.00). For lots with multiple entrances, a separate permit is required for each entrance.

4. The entrance permit shall be valid for a period of twelve (12) months from the date of original issue.

5. The owner served by the entrance is responsible for future maintenance of the entrance within the limits of the right-of-way and shall maintain the entrance in accordance with the approved permit.

6. Applicant. The applicant for a permit shall be the owner of the property or authorized representative being served. Any driveway or approach constructed by the owner shall be for the bona fide purpose of securing access to the owner's property and not for the purpose of parking or servicing vehicles on the right-of-way

7. The applicant shall hold harmless the Town and its duly authorized agents and employees against any action for personal injury or property damage sustained by reason of the exercise of an entrance permit.

C. Design Criteria.

1. Entrances should be designed and constructed to provide safe access to the public way. Applicants are encouraged to comply with the "Access Management Rules for Driveways and Entrances" as developed by the Maine Department of Transportation, latest edition.

2. Sight Distance Criteria:

a. All entrances shall be so located such that vehicles approaching or using the entrance will be able to obtain adequate sight distance in both directions along the public way or to maneuver safely and without interference with traffic.

b. Measurements to determine sight distance shall be made in the proposed entrance at a point ten (10') feet from the edge of pavement with the height of eye three and one half (3.5') feet above the pavement. The sight distance shall be computed from this point measuring along the roadway to a point where an approaching height of object four and one quarter (4.25') feet is first seen.

c. Driveway placement shall be such that an existing vehicle has an unobstructed sight distance according to the following schedule:

<u>Highway Speed (MPH)</u>	<u>Minimum Sight Distance (in feet)</u>
<u>25</u>	<u>200</u>
<u>30</u>	<u>250</u>
<u>35</u>	<u>305</u>
<u>40</u>	<u>360</u>
<u>45</u>	<u>425</u>
<u>50</u>	<u>495</u>
<u>55</u>	<u>570</u>

3. Geometry:

a. The entrance shall be designed such that the grade within the right-of-way does not exceed 10%.

b. For uncurbed public ways the entrance shall in general slope away from the road surface at a rate of not less than one quarter inch (1/4") per foot, nor more than one inch per foot (1"/12") for a distance of not less than the prevailing width of the existing shoulder, but in no case less than four (4) feet from the edge of pavement.

c. The entrance should intersect the traveled way at a horizontal angle of ninety (90) degrees but in no case shall the horizontal angle be less than seventy-five (75) degrees.

d. No part of the entrance shall extend beyond the property lot frontage for the lot being served.

e. The entrance shall not be located close to an intersection and should be back at least fifty (50) feet.

5. Drainage:

a. Existing roadside drainage in gutter or ditch lines shall not be altered or impeded by the applicant. The applicant must provide at his/her expense suitable and approved drainage structures at all entrances.

b. Surface drainage shall be provided so that all surface water on the areas adjacent to the road shall be carried away from the roadway.

c. Where a drainage culvert is required to maintain roadside drainage the Town must approve the pipe diameter/length and type pipe material prior to installation. In any case, the pipe size shall be at least twelve (12) inches in diameter.

6. Construction:

a. The owner is responsible for all construction and restoration of disturbed areas for the entrance within the limits of the right-of-way.

b. The entire portion of any entrance within the limits of the right-of-way shall be constructed with a minimum fifteen inch (15") well-graded gravel base course (Maine Department of Transportation Type C).

c. If the entrance grade within the right-of-way exceeds five percent (5%) slope then the entrance shall have a paved surface within the limits of the right-of-way.

7. Curb and Sidewalk:

a. When sidewalk or curb exists at the proposed entrance the applicant shall remove and replace such materials at the applicant's expense. Any granite curb to be removed by the applicant will remain the property of the Town.

b. Where curb exists, curb tip-downs shall be provided at each side of a new entrance.

c. Where sidewalk is removed to accommodate a new entrance a new walk surface of equal type construction is to be provided. The sidewalk area at all entrances is to meet accessibility requirements and conform to the American with Disabilities Act guidelines. In general sidewalks shall meet the following:

- 1.) The maximum sidewalk longitudinal transition slope is not to exceed one (1) vertical to twelve (12) horizontal.
- 2.) The maximum sidewalk cross-slope is not to exceed two percent (2%).
- 3.) No abrupt changes in grade are permitted and the maximum curb reveal crossing a walkway is one-half inch (1/2) or less.

Secs. 14-82 Obstruction Permit

A. Permit Required

No person shall obstruct any street or sidewalk by erecting any staging for building, or place or deposit any construction equipment or building materials thereon, or otherwise occupy, obstruct or encumber the public way for the purpose of facilitating construction or maintenance activities, without first obtaining an "Obstruction Permit" from the public works director or designee for that purpose. A permit is not required for normal commercial delivery vehicles providing inventory and goods sold or consumed at the site or for special event activities as approved by the Town. A permit is not required for any public utility vehicle performing emergency or normal service operations.

B. Application Required

Applications for permits should be submitted in complete form at least 5 business days before the desired obstruction date.

C. Restriction or Revocation of Permit

The town reserves the right to reject any obstruction permit or restrict the duration and timing of any obstruction permits where it deems necessary or appropriate to protect public health and safety. The town may revoke a permit when it deems appropriate due to any site issues that may develop that adversely impact or create a hardship to the public.

D. Fee Schedule: The base application fee is ten dollars (\$10.00) plus the following as applicable

1. Occupying any parking stalls located within a time restricted area is fifteen dollars (\$15.00) per day per stall.
2. Occupying any area where un-restricted parking is permitted is ten dollars (\$10.00) per day.
3. Occupying a travel lane is fifteen dollars (\$15.00) per day.
4. Occupying part of a sidewalk where sufficient sidewalk area remains to accommodate pedestrians (48 inches) or a temporary sidewalk area is provided to safely re-route pedestrians around the obstruction is ten dollars (\$10.00) per day.
5. Occupying all of a sidewalk requiring pedestrians to detour and use an alternate route: twenty-five (\$25.00) per day.
6. Occupying a street requiring the closure of the street to traffic is one hundred dollars (\$100.00) for up to four (4) hours or two hundred dollars (\$200.00) per day.
7. Failure to obtain in advance an Obstruction Permit shall result in the following charges: twenty five dollars (\$25.00) for the first occurrence and one hundred dollars for the second occurrence and two hundred fifty dollars (\$250.00) for the third and each subsequent occurrence.
8. Should the actual duration of the obstruction area increase from what the applicant originally indicated and paid then the applicant will promptly pay for such overage upon notification by the Town. The maximum fee for an obstruction will be capped at two hundred dollars (\$200.00) per month for items 1 thru 5 above.

E. Application. The applicant shall provide on proscribed forms the following information:

1. Exact location of work
2. Proposed limits of obstructed area (submit a site plan to scale if deemed necessary by public works director).
3. Duration of closure
4. Anticipated working hours
5. Responsible names with contact information for emergency site representatives, if needed, during non-work hours
6. Provisions for maintaining traffic flow  
In most cases, the applicant will be required to submit a maintenance and protection of traffic plan (MPT). The MPT should address advance warning signs, barricades around work area, and proposed detours. Plans should consider pedestrian needs in addition to vehicular traffic.
7. Proof of liability insurance
  - a) Commercial general liability insurance, including contractual liability insurance with a limit of at least \$1,000,000 per occurrence and a least \$2,000,000 general annual aggregate limit; and
  - b) Automobile liability insurance with a limit of at least \$1,000,000 for each occurrence

F. Obstruction Permit Criteria

1. All work is to be carried out during normal weekday only construction hours. No work is to start before 7:00 a.m. and all work is to end by 7:00 p.m. unless otherwise approved in advance.
2. The applicant shall insure that the location of the obstruction is maintained in a neat and orderly fashion.
3. It shall be the responsibility of the applicant to secure the perimeter of the obstructed area as may be necessary for pedestrian and vehicular safety. Applicant shall be responsible for installing and maintaining signage, jersey barriers, fencing, barricades and the like as

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# Memorandum

TO: John Eldridge, Town Manager  
FROM: John A. Foster, Town Engineer/Dir. PWD  
DATE: 10 April, 2015  
SUBJECT: Possible Permit Fee Changes

As requested, we have reviewed our permit fees for various permits we oversee and offer the below recommendations to update our fee schedules. For reference purposes the following is a quick summary of the permits we have processed in the last six years for each type.

<i>Calendar Year</i>	<i>Street Opening Permits Processed</i>	<i>Entrance Permits Processed</i>
2009	149	15
2010	168	24
2011	167	13
2012	153	13
2013	199	19
2014	215	25
<i>Average</i>	<i>175</i>	<i>18</i>

1. **Entrance Permit.** We currently do not have an application fee for an Entrance Permit (an entrance permit covers a new, relocated or widened driveway opening to a public street).
  - a. The Town of Topsham charges \$10/permit, City of Bath charges \$50/permit and Town of Freeport charges \$150/permit.
  - b. For the Town of Brunswick I would recommend the following rate structure:
    - i. Residential driveway permit: \$50.00
    - ii. Commercial driveway permit: \$75.00
  - c. We will also need to develop and enact an ordinance that specifically spells out the entrance permit process and requirements as part of establishing a permit fee structure
2. **Street Opening Permit.** We currently charge \$8.00 for each street opening permit application.
  - a. The Town of Topsham charges \$20/application, City of Bath charges \$50/application (\$500 for winter time application) and the Town of Freeport charges \$150/application and limits excavation permits only to licensed contractors. The contractor is required to apply and pay an annual fee of \$180 to be licensed. Freeport also charges

\$900/application to open a street in the winter months (November 15 thru March 31).

- b. There are also fees assessed by most communities if they are to do the restoration work and are usually either not assessed or refunded if the contractor satisfactorily does the work. We do have a fee structure in place for this option but for my tenure, we have never assessed the restoration fee as we always opt for the opening to be fully restored by the applicant to our specifications.
  - c. One perplexing issue is when utilities, particularly Maine Natural Gas extend their main line facilities down the entire length of the street. Right now we only charge them \$8 for that work. I have yet to find how other communities do this much differently but would like to research that issue further.
  - d. For the Town of Brunswick I would recommend the following rate structure:
    - i. Street Opening Permit Application Fee: \$100.00
    - ii. Wintertime Street Opening Permit Fee: \$500.00
    - iii. Inspection Services per utility connection or single opening: \$50.00
    - iv. Inspection Services for utility line replacements or extensions: \$50.00 (min.) + \$1.00/l.f.
  - e. Currently we have no requirement for a permit to connect to the public storm drain and I would recommend we establish such a permit fee. We can certainly research what other communities may charge but I would recommend a charge of \$50.00 for a single connection to the town storm drain lines and this could be incorporated into the Street Opening Permit rules.
3. **Street Occupancy Permits**. I would recommend we consider implementing a new permit process to cover occupancy of the street for the purposes of blocking parking spaces, sidewalks or travel lanes to allow work to take place that is not part of an excavation permit. This permit would relate to such activities as when a contractor wants to park equipment in a parking space or store materials there, block a sidewalk to erect staging for related improvements on the abutting property, etc. We would need to develop an ordinance covering these type activities and setting forth a fee structure. I have attached the ordinance section from the City of Portland and they presently charge \$15/parking space/pay day for such activities.

The above has been prepared for discussion purposes as you requested and we can proceed with actual ordinance amendment language on any or all of the above as you determine to be appropriate. Let me know how you want us to proceed.

# Street Opening Permit Fees Local Communities

## Bath

1. \$25.00 Permit Fee
2. \$500.00 Winter Excavation (non-emergency)
3. \$250.00 Excavating without Permit
4. 150% Town's cost of correction (No action by permittee)

## Topsham

1. \$20.00 Permit Fee
2. \$250.00 Excavating without Permit
3. 150% Town's cost of correction (No action by permittee)

To promote the use of tunneling, jacking, and boring technologies, permanent restoration and moratorium/remaining life fees will not be assessed to any excavation area achieved by these technologies, which does not result in pavement damage.

## Freeport

1. \$180.00 License Fee (Yearly)
2. \$150.00 Application Fee
3. Surety bond equal to estimated cost
4. \$900.00 Winter Opening Permit
5. Final area to be measured by the Town and billed, 10% retained.

### ESTIMATED SQUARE YARDAGE TO BE OPENED

	Cost/S.Y.	S.Y.
Bituminous concrete surface, shoulder or sidewalk	\$75.00	
Bituminous concrete surface, over PCC concrete base	\$100.00	
Gravel surface or shoulder	\$10.00	
PCC sidewalk	\$70.00	
Brick sidewalk Brick	\$150.00	
Turf slopes and ditches	\$2.00	
Replace Granite Curb \$50.00 Linear Foot		
Plowed-in buried cable (per lin. ft.)	\$0.50	
Other		
Subtotal – Opening Fee		
Application Fee	\$150.00	
Consultant Review Fee		
<b>TOTAL – ESTIMATED FEE *</b>		

\*Minimum fee \$50.00

# Street Opening Permit Fees Local Communities

## Gorham

- |                     |   |
|---------------------|---|
| 1. \$100.00         | License Fee                                   |
| 2. \$25.00          | Application Fee                               |
| 3. \$50.00          | Application Fee (Major Excavation)            |
| 4. SqYd estimate    | Temporary restoration (4" of Cold or Hot mix) |
| 5. SqYd measured    | Final restoration by Town                     |
| 6. 105% or \$20,000 | Performance Bond                              |

## Augusta

- |                 |   |
|-----------------|---|
| 1. \$18.00 sqyd | Paved areas, concrete and brick surfaces    |
| 2. \$6.00 sqyd  | Non-paved areas, including gravel and grass |
| 3. \$2.00 Inft  | Pipe $\geq 6''$ installed by drilling       |
| 4. \$1.00 Inft  | Pipe $\leq 6''$ installed by drilling       |

## Lewiston

- |                   |                                   |
|-------------------|-----------------------------------|
| 1. \$526.00       | Permit (good for 1 calendar year) |
| 2. \$53.00        | Permit (single occurrence)        |
| 3. See Appendix 1 |                                   |

## Auburn

- |                   |  |
|-------------------|--|
| 1. See Appendix 2 |  |
|-------------------|--|

ITEM 54

BACK UP MATERIALS

## MEMORANDUM

TO: Town Council

FROM: John Eldridge  
Town Manager

DATE: April 29, 2015

RE: Municipal Code - Solid Waste  
Proposed Amendment

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Solid waste disposal fees at the Graham Road Landfill are governed by ordinance and can be found in the Municipal Code, section 13.72. A proposed amendment is attached. The amendment would allow the Town to contractually reduce the solid waste fees as part of a contract the Town executes to provide residential curbside rubbish collection funded through the Town's annual budget. The purpose of the amendment is to allow a discounted disposal fee in return for a reduction in the contract charge for curbside residential rubbish collection.

The Town currently contracts with Pine Tree Waste for the curbside collection of residential rubbish. The contract expires on June 30, 2015 and we have been negotiating an extension. One of the ways to offset an anticipated increase in the cost of collection is to allow Pine Tree Waste to deliver non-residential waste to the Graham Road Landfill at a reduced tipping fee. Given the uncertainties with the landfill, we believe it makes sense to allow for the opportunity to accept additional waste at a lower tipping fee while we continue to discuss the options surrounding the continued operation of the landfill.

We recommend the Council set a public hearing on the amendment.

Sec. 13-72. - Graham Road Landfill.

The Graham Road Landfill is a Maine Department of Environmental Protection approved Secure Landfill located on Graham Road in Brunswick, Maine.

(a) *Acceptable materials at the Graham Road Landfill.*

- (1) The following waste classifications are acceptable for disposal at the Graham Road Landfill:

Brown goods;  
Commercial waste;  
Construction and demolition material;  
Household furniture;  
Household refuse;  
Municipal waste;  
Scrap metal;  
Tires;  
White goods;  
Waste wood;  
Trees and brush; Masonry.

(b) *Graham Road Landfill disposal fees.* All users of the Graham Road Landfill are subject to the following fee schedule with the exceptions noted for those holding valid residential permits and vehicles operated by the town.

- (1) Acceptable waste (with the exception of individual items noted below on this schedule of fees):

a. Residential waste delivered to the landfill by a resident who possesses a valid residential disposal permit shall be subject to the following fees and conditions:

Household refuse (per ton) .....\$80.00

Minimum charge shall be five dollars (\$5.00)

White goods and scrap metal (per ton) .....\$60.00

Minimum charge shall be three dollars (\$3.00)

Construction & demolition debris, brown goods, & household furniture (per ton) .....\$80.00

Minimum charge shall be five dollars (\$5.00)

Asphalt shingles (per ton) .....\$60.00

Minimum charge of three dollars (\$3.00)

Masonry (per ton) .....\$60.00

Minimum charge of three dollars (\$3.00)

Waste wood and wood items (per ton) .....\$60.00

Minimum charge of three dollars (\$3.00)

Tree and brush waste (for resident) .....No Charge

b. Commercial waste fees:

Disposal fee (per ton) .....\$80.00

The minimum charge per load shall be five dollars (\$5.00)

Asphalt shingles (per ton) .....\$60.00

Minimum charge of three dollars (\$3.00)

Masonry (per ton) .....\$60.00

Minimum charge of three dollars (\$3.00)

Waste wood and wood items (per ton) .....\$60.00

Minimum charge of three dollars (\$3.00)

Tree and brush waste (per ton) .....\$30.00

Minimum charge of three dollars (\$3.00)

- (2) Tires. All tires disposed of at the landfill are subject to the following fees. No tires will be accepted unless they are separated from their rims.

Up to but not including eighteen (18) inch rim size (each) .....\$2.00

Truck tire, eighteen (18) inch rim diameter or greater (each) .....\$10.00

Heavy equipment tire (Twenty-five dollar (\$25.00) minimum charge—Per pound) .....\$0.15

- (3) White goods and scrap metal (per ton) .....60.00

Minimum charge of three dollars (\$3.00)

- (4) Inseparable wood waste or masonry debris (per ton) .....\$160.00

- (5) Refuse which contains wood waste or masonry material deemed by the public works director as inseparable will be accepted at the Graham Road Landfill provided the person depositing such material has first obtained a permit from the department of public works.

(6) The town council may contractually reduce the fees in this section as part of a contract the town executes to provide curbside residential rubbish collection funded through the town's annual budget.

(Ord. of 3-1-93; Ord. of 5-3-04; Ord. of 10-18-06)

Sec. 13-73. - Reserved.

ITEM 55

BACK UP MATERIALS

## Nathaniel Davis Committee Meeting Minutes Wednesday, May 6, 2015

The meeting was called to order at 6:05 P.M. at Brunswick Town Hall, 85 Union Street, Room 117, by Sande Updegraph, Chair. Also present at the meeting were David Knight, John Donovan, Don Kniseley, Dan Doiron, and Marilyn Dwyer. Alison Harris was unable to attend.

The Minutes of May 7, 2014 meeting were unanimously approved.

David Knight told the Committee of a phone call he received from a citizen asking about the "Cabin Fever" concert that was previously coordinated by this Committee at Crooker Theater. David's recollection is that the concert occurred in February and was last held approximately 10 years ago. This individual asked if such an event might be revived by the Committee. The Committee discussed and concluded the currently serving Committee members would not organize such an event. The primary reason the Committee decided not to revive Cabin Fever was that the total funds currently available for distribution are about 50% less than during the years that the Cabin Fever event was staged (approximately 10 to 15 years ago). Annual costs for the concert (at that time) had been approximately \$1,200.00, a figure that would certainly be higher today. Furthermore, no one on the Committee felt they were in a position to undertake organizing this concert. If a group seeking funding for such an event were to submit a Grant Application in the future, the Committee would certainly give such an application its due consideration.

David also told the Committee about a concern expressed from an individual regarding public access to the record of our deliberations. The Committee will encourage the Town Council to make these minutes available to all interested parties. The Committee discussed several ideas such as a press release from the Town Council and other forms of communication in addition to the Town Council Minutes. The Committee hopes all resulting ideas and options will be explored.

The Committee reviewed member appointments and end-of-term dates. The terms of Alison Harris, Dan Doiron and Sande Updegraph expire in 2015. All of these Committee members expressed their intentions to renew their terms (Alison via e-mail) and will take the necessary steps with the Town Clerk's office to do so.

The Committee has two elected Officers: Chair (currently Sande Updegraph) and Secretary (currently Dan Doiron). Both Sande and Dan indicated their willingness to continue in these roles. After some discussion and consideration by the members of the Committee, Sande Updegraph was elected as Chair, and Dan Doiron was elected as Secretary.

The Committee next considered the evening's process of applicant interviews and deliberations. Alison Harris could not attend this evening's meeting, but did review the applications and provided her input to the Committee via email in advance of our meeting. Alison is involved with the Brunswick Public Art group and, accordingly, recused herself from involvement with that application. David Knight is involved with the Brunswick Downtown Association and also recused himself from involvement with those applications.

It was brought to the Committee's attention that the Brunswick-Topsham Memorial Day Committee did not sign its 2015 Grant Application, which was timely received in the Office of

the Town Manager on April 24, 2015, at 1:15 p.m. After consideration of the importance of the Memorial Day remembrance to the Country, the contribution of the parade to the Town's community activities and the Committee's desire to continue supporting this tradition, on motion made and seconded, it was unanimously voted to accept the application as made. The application was signed by the Applicant's Representative during their appearance before the Committee this evening.

Chair Updegraph informed the Committee the Davis Fund governing instrument provides "income" is to be distributed and that figure for purposes of this Committee's duties tonight is \$6,500, based on Mr. John Eldridge's (Town Manager) interpretation of the governing instrument, the fund's investment results and the fund balance.

With these important business meeting issues put before the Committee, and being unanimously resolved, the applicant presentation portion of the meeting commenced at 6:35 PM. Following the applicant presentations, the Committee deliberated as to which applicants would be recommended to the Town Council, and determined the associated recommended grant amounts to be disbursed.

Chair Updegraph will deliver the Committee's recommendations to the Town Council at an upcoming meeting for the Town Council's deliberation and approval. All members of the Committee are welcome to attend that meeting, the exact date of which will be communicated to the Committee when scheduled. There were ten applicants seeking \$12,110 for the \$6,500 available.

As a result of its thoughtful deliberations, the Nathaniel Davis Committee makes the following grant recommendations for approval of the Town Council:

Brunswick Public Art – To support the organization's mission to inspire and promote high-quality public art throughout Brunswick, by assisting with website maintenance and printed promotional material costs - \$300.

MidCoast Symphony Orchestra – To support the Side-by-Side project whereby the Orchestra invites a select group of Brunswick students to play with the Orchestra during one of their concerts, to include support for the purchase and renting of associated musical selections - \$500.

Tree Lighting (Brunswick Downtown Association) – To support the 2015 event on the Brunswick Mall to be held on the Saturday after Thanksgiving - \$500.

Music on the Mall (Brunswick Downtown Association) – To support a series of ten free music concerts on the Brunswick Mall scheduled for Wednesday evenings at 6 pm beginning on June 24, 2015 through August 26, 2015 - \$1,200.

Northwest Brunswick Neighborhood Association – To support a series of three free, family film screenings in Nathaniel Davis Park planned for the summer of 2015 - \$1,000.

Longfellow Days (Brunswick Downtown Association) – To support various Longfellow Days events throughout the month of February 2016 - \$750

Memorial Day Parade – To support the annual Memorial Parade, culminating with events on the Brunswick Mall - \$1,250.

Arts Are Elementary – To support two artist-in-residency programs for a singer / songwriter program for grade 3 Brunswick students and mural program for grade 5 Brunswick students - \$1,000.

Although the members of the Committee unanimously felt all applicants were very worthy organizations, the following applicants were not recommended to receive a grant. In reaching these decisions, the Committee considered the mission of the Davis Fund (to provide pleasure to the inhabitants of Brunswick), the number of inhabitants impacted by the event or project, the allocation of some grant funds to all four seasons of the year (to the extent possible), the total amount of funds available for disbursement (\$6,500) relative to the total amount requested by the applicants (\$12,110), information obtained from the application and information obtained during the applicant's meeting with the Committee.

- Save Our Swinging Bridge
- Tri-County Literacy

There being no further business the meeting was adjourned at 9:10 PM.

Respectfully submitted - Daniel P. Doiron, Secretary

ITEM 56

NO BACK UP MATERIALS