

BRUNSWICK TOWN COUNCIL

Agenda

June 15, 2015

Executive Session – 6:15 P.M.

Regular Meeting - 7:00 P.M.

Council Chambers

Town Hall

85 Union Street

Roll Call of Members

Acknowledgement of Meeting Notice

Executive Session: Acquisition of Property [1 M.R.S.A. §405(6)(C)], and Labor Negotiations [1 M.R.S.A. §405(6)(D)]

Pledge of Allegiance

Adjustments to Agenda

CONSENT AGENDA

(a) Approval of minutes of June 1, 2015

(b) Approval of minutes of May 28, 2015

(c) Approval of the Brunswick Downtown Association's use of the Mall and sale of alcohol for an Emergency Services Tribute Community Barbeque

Public Comments

Correspondence

Committee Reports

MANAGER'S REPORT:

(a) Financial Update

(b) Update regarding NNEPRA Layover Facility and Auxiliary Power Unit (APU)

(c) Update on the CGI Communications project

(d) Reminder of school facilities meeting on June 18

PUBLIC HEARING

64. The Town Council will hear public comments on the following Special Amusement license applications, and will take any appropriate action. (Manager)

Special Amusement

165 Park Row, Inc

D/B/A: Brunswick Inn

165 Park Row

Eileen Horner

Raven's Roost
D/B/A: Raven's Roost
103 Pleasant Street

Raven Wing/Ronald Wing Sr. & III

Maine & Noble LLC
D/B/A: Brunswick Hotel and Tavern
4 Noble Street

J. Hilary Rockett

MCM Corp
D/B/A: Hacienda Pancho Villa Mexican
Restaurant
164 Pleasant Street

Fernando Saldana

PUBLIC HEARING/ACTION

NEW BUSINESS

65. The Town Council will hear a report on the Solarize Brunswick project progress, and will determine if any future action is required. (Chair Brayman and Councilor Walker)

DISCUSSION

66. The Town Council will consider setting a Public Hearing on July 6, 2015, to review a Community Development Block Grant MicroEnterprise Assistance Program contract amendment, which is assisting two Brunswick businesses, Anew Studio and Fair Winds, Inc., with grant funds to undertake building/leasehold improvements and technical system enhancements, and will take any appropriate action. (Manager)

ACTION

67. The Town Council will consider adopting "A Resolution Authorizing a Transfer of the Balance of Funds From the Town's Industrial Park Fund and the Appropriation and Expenditure of Those Funds for the Purpose of Acquiring Real Estate and Razing Building(s) Located at the Northwest Corner of Pleasant and Mill Street," and will take any appropriate action. (Manager)

ACTION

68. The Town Council will consider amending the Council Rules regarding how Council action items will be handled at Council meetings, and will determine if any future action is needed. (Chair Brayman)

ACTION

69. The Town Chair will appoint Council members to the Finance Committee, and will take any appropriate action. (Chair Brayman)

ACTION

70. The Town Council will consider allowing the Town to apply for a DEP grant for Stream Crossing Public Infrastructure Improvement Projects in an amount up to \$95,000, to be used to replace the River Road culvert, and will take any appropriate action. (Manager)

ACTION

Executive Session: Consultations with legal counsel regarding MRRA and the Kestrel Tax Case [1 M.R.S.A. §405(6)(E)]

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

**Brunswick Town Council
Agenda
June 15, 2015
Council Notes and Suggested Motions**

Executive Session: Acquisition of Property [1 M.R.S.A. §405(6)(C)], and Labor Negotiations [1 M.R.S.A. §405(6)(D)]

Motion to go into executive session to discuss Acquisition of Property [1 M.R.S.A. §405(6)(C)] and Labor Negotiations [1 M.R.S.A. §405(6)(D)].

CONSENT AGENDA

- a) Approval of minutes of June 1, 2015: A copy of the minutes is included in the packet.
- b) Approval of minutes of May 28, 2015: A copy of the minutes is included in the packet.
- c) Approval of the Brunswick Downtown Association's use of the Mall and sale of alcohol for an Emergency Services Tribute Community Barbeque: This item allows the BDA to hold this event on the Mall on Saturday, June 27th from noon to 4 p.m. at no charge, and to allow for the sale of alcohol. If the Council wishes to discuss the issues of either waiving the fee or the sale of alcohol you will want to take this item off the consent agenda. The BDA did hold the Taste of Brunswick for several years where alcohol was sold and there were no issues.

The Council has the option to remove any item from the Consent Agenda to be considered separately.

Suggested Motion:

Motion to approve the Consent Agenda.

CORRESPONDENCE

This is the opportunity for Councilors to share any correspondence they may have.

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: Mr. Eldridge will update the Council on the Town's financial picture as the fiscal year comes to an end. Copies of financial reports will be posted online, but are not included in your packet. There will be a year-end meeting on June 29th at 6:00 p.m.
- (b) Update regarding NNEPRA Layover Facility and Auxiliary Power Unit (APU): This item is to provide an update on this project. Copies of a memo from Manager Eldridge, draft stormwater license for the facility, and Transportation Committee letter to NNEPRA regarding the installation of the APU will be included in your packet.

- (c) Update on the CGI Communications project: This item is to provide the Council and the public with an update on this project, which gained Council support early this year. The company has been reaching out to businesses offering to develop videos that highlight their companies. CGI is now entering the next step of creating the videos and will be in the community on July 6th and July 7th. A copy of a memo from Linda Smith is included in your packet.
- (d) Reminder of school facilities meeting: This to remind the Councilors of the upcoming school facilities meeting on Thursday, June 18th at 6:30 p.m. at the Council Chambers.

PUBLIC HEARING

64. This item is the required public hearing on renewal Special Amusement license applications. The requested activities are as follows:
- Brunswick Inn – small bands for parties and weddings
 - Raven’s Roost – bands and DJs
 - Brunswick Hotel and Tavern – live entertainment, music, DJs and dancing
 - Hacienda Pancho Villa Mexican Restaurant – live music and DJs

Suggested motion:

Motion to approve Special Amusement license applications for Brunswick Inn, 165 Park Row; Raven’s Roost, 103 Pleasant Street; Brunswick Hotel and Tavern, 4 Noble Street; and Hacienda Pancho Villa Mexican Restaurant, 164 Pleasant Street.

NEW BUSINESS

65. This item, sponsored by Chair Brayman and Councilor Walker, is an opportunity for the Recycling Committee to present the Solarize Brunswick idea to the Council. There will be no vote at this meeting; instead, information on how the program would work and response to Council questions will take place. At your July 20th meeting, there will be a request for Council approval to move forward with this program. Copies of materials prepared by the Committee are included in your packet.

Suggested motion: This is no motion, with the item coming back to the Council on July 20th for action.

66. This item is for the Council to consider setting a public hearing for July 6, 2015 for the grant. The Maine Department of Economic and Community Development (DECD) provides for individual municipalities to apply for a MicroEnterprise Assistance Program grant of up to \$150,000 maximum funding in any program year. In March 2015, DECD approved a contract awarding the Town of Brunswick \$50,000 on behalf of its business applicant, Blue Dog Day Care. The Town can apply on behalf of other Brunswick microbusinesses for up to an additional \$100,000 as a contract amendment to this original contract award. Two businesses, Fair Winds, Inc. and Anew Studio, have been working with DECD and the Town to apply for MicroEnterprise Assistance Program funds. DECD recommends that the Town hold one Public Hearing and submit one contract amendment request for both applicants. A copy of a memo from Linda Smith is included in your packet.

Suggested motion

Motion to set a public hearing for July 6, 2015, to review a Community Development Block Grant MicroEnterprise Assistance Program contract amendment, which is to assist two Brunswick businesses, Anew Studio and Fair Winds, Inc., with grant funds to undertake building/leasehold improvements and technical system enhancements.

67. This item is for the Council to consider adopting “A Resolution Authorizing a Transfer of the Balance of Funds From the Town’s Industrial Park Fund and the Appropriation and Expenditure of Those Funds for the Purpose of Acquiring Real Estate and Razing Building(s) Located at the Northwest Corner of Pleasant and Mill Street.” The Town’s interest in this property is primarily to provide a right of way for potential future traffic improvements to this intersection that have long ago been identified as needing improvements. Additional information on this is outlined in Manager Eldridge’s memo. Copies of the memo and resolution are included in your packet.

Suggested motion:

Motion to adopt “A Resolution Authorizing a Transfer of the Balance of Funds From the Town’s Industrial Park Fund and the Appropriation and Expenditure of Those Funds for the Purpose of Acquiring Real Estate and Razing Building(s) Located at the Northwest Corner of Pleasant and Mill Street.”

68. This item, sponsored by Chair Brayman, was discussed at your last meeting and comes back now for your consideration. It is to amend the Council Rules regarding how Council action items will be handled at Council meetings. A copy of the drafted changes is included in your packet.

Suggested motion:

Motion to amend the Council Rules regarding how Council action items will be handled at Council meetings.

69. This item is for the Council Chair to appoint Council members to the Finance Committee. Unlike other Council committees, this Committee has terms that expire at the end of June so they can run concurrent with the fiscal year.

Suggested motion:

There is no motion as the appointments are made by the Council Chair.

70. This item is for the Council to consider allowing the Town to apply for a DEP grant for Stream Crossing Public Infrastructure Improvement Projects in an amount up to \$95,000. Staff would like to apply for funding under this DEP grant for replacement of the River Road culvert at the foot of Rocky Hill damaged by the flood event on August 14, 2014. We have currently prepared a concept design and have applied to the US Army Corps of Engineers for a permit to allow the replacement of this culvert. We are awaiting final review and approval of the application. Copies of a memo from John Foster, along with the grant guidelines, are included in your packet.

Suggested motion:

Motion to allow the Town to apply for a DEP grant for Stream Crossing Public Infrastructure Improvement Projects in an amount up to \$95,000 to be used to replace the River Road culvert.

Executive Session: Consultations with legal counsel regarding MRRRA and the Kestrel Tax Case [1 M.R.S.A. §405(6)(E)]

Suggested motion:

Motion to go into executive session to discuss Consultations with legal counsel regarding MRRRA and the Kestrel Tax Case [1 M.R.S.A. §405(6)(E)].

Suggested Motion:

Motion to adjourn the meeting.

CONSENT AGENDA - A BACK UP MATERIALS

Draft
BRUNSWICK TOWN COUNCIL
Minutes
June 1, 2015
7:00 P.M.
Council Chambers
Town Hall
85 Union Street

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

Councilors Absent: Councilor Stephen S. Walker

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; Jessica Factor, Human Resources Manager; Terry Goan, Police Officer; 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 – None

CONSENT AGENDA *(This item was discussed at 7:02 p.m.)*

- a) **Approval of the Minutes of April 30, 2015**
- b) **Approval of the Minutes of May 14, 2015**
- c) **Approval of the Minutes of May 18, 2015**
- d) **Adoption of policies required as part of the Community Development Block (CDBG) Grant Phase II Project Development**
- e) **Approval of a request from the Brunswick Downtown Association to hold their annual Outdoor Arts Festival on August 15, 2015, and to waive the \$500 fee**
- f) **Acceptance of sculpture donated by Brunswick Public Art**

Councilor Perreault moved, Councilor Millett seconded, to approve Items A-E on the Consent Agenda. The motion carried with eight (8) yeas.

Susan Weems, Brunswick Public Art, spoke regarding Item f.

Manager Eldridge read the Proclamation and responded to questions from Councilor Watson and Councilor K. Wilson.

Councilor Harris spoke regarding this item.

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Councilor Perreault moved, Councilor Millett seconded, to approve Item CA(f) on the Consent Agenda, the donation of a sculpture by Brunswick Public Art. The motion carried with seven (7) yeas. Chair Brayman abstained since she sits on the Board of Brunswick Public Art.

Public Comments *(This item was discussed at 7:10 p.m.)*

Debora King, 10 Cushnoc Lane and BDA, spoke regarding the Brunswick Downtown Association's Emergency Personnel barbeque and thanked the Council for their funding of BDA in the upcoming year.

Correspondence *(This item was discussed at 7:13 p.m.)*

None

Committee Reports *(This item was discussed at 7:14 p.m.)*

Reports were given regarding the Finance Committee and creating a task force in the future to determine a policy and procedure to fund social service agencies.

MANAGER'S REPORT:

a) Recognition of donation of granite bench in memory of Jacquelin A. Toth *(This item was discussed at 7:15 p.m.)*

Manager Eldridge spoke regarding this item.

(A copy of the letter from Mr. Farrell, thanking the family, will be attached to the official minutes.)

b) Election reminder for June 9th School Budget Validation Referendum *(This item was discussed at 7:15 p.m.)*

Fran Smith, Town Clerk, provided this report.

c) Update regarding NNEPRA action on an auxiliary power unit *(This item was discussed at 7:16 p.m.)*

Manager Eldridge provided this update. He responded to questions from Councilor Perreault, Councilor Millett, Councilor Richardson, and Councilor K. Wilson.

d) CDBG Program Overview *(This item was discussed at 7:21 p.m.)*

Linda Smith, Business Development Manager, spoke regarding this item. She responded to questions from Chair Brayman, Councilor Harris, and Councilor Perreault.

Manager Eldridge spoke also regarding this item.

NEW BUSINESS

- 63. The Town Council will consider amending the Council Rules regarding how Council action items will be handled at Council meetings, and will determine if any future action is needed. (Chair Brayman) (This item was discussed at 7:36 p.m.)**

Chair Brayman introduced this item.

Manager Eldridge spoke regarding this item.

Councilor S. Wilson and Councilor Millett asked questions, to which Chair Brayman and Manager Eldridge responded.

Councilor Harris, Councilor Richardson, Councilor S. Wilson, Councilor Watson, and Councilor Millett spoke regarding this item.

Chair Brayman asked for public input.

Richard Fisco, 2 Lincoln Street, spoke regarding this item.

Charles Wallace, Mere Point Road, spoke regarding this item.

- 64. 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 8:00 p.m.)**

Councilor Millett made the following nominations:

Cable TV Committee

David Carpenter – reappointment for a term to expire on 09/06/2018

Davis Fund Committee

Daniel Doiron – reappointment for a term to expire on 06/30/2018

Housing Authority

Howard Nannen – appointment for a term to expire on 06/03/2020

Marine Resource Committee

Timothy Bennett – appointment as alternate non-license holder member for a term to expire on 05/01/2018

Personnel Board

Marybeth Latti – reappointment as alternate for a term to expire on 01/12/2018

Recreation Commission

Daniel Ankeles – reappointment for a term to expire on 07/01/2018

Trust Fund Advisory

David Shaughnessy – appointment for a term to expire on 05/10/2017

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Councilor Harris moved approval of the nominations;no second is required.

Councilor Perreault, Councilor S. Wilson, Councilor Watson, Councilor Millett, and Chair Brayman spoke regarding the process.

It was the consensus of the Council to remove Mr. Carpenter from this list of nominees until a time nearer the expiration of his term in September.

Councilor Harris moved to accept the nominations as presented, with the exception of Mr. Carpenter's nomination for the Cable TV Committee;no second was required. The amended slate of nominations was supported by eight (8) Councilors.

Executive Session: Acquisition of Property [1 M.R.S.A. §405(6)(C)]

Chair Brayman moved, Councilor Watson seconded, to go into Executive Session to discuss Acquisition of Property per 1 M.R.S.A. §405(6)(C). The motion carried with eight (8) yeas.

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

The meeting adjourned at 8:43 p.m.

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

Frances M. Smith
Town Clerk
June 2, 2015

June 15, 2015
Date of Approval

Council Chair

CONSENT AGENDA - B BACK UP MATERIALS

Draft
BRUNSWICK TOWN COUNCIL
Special Meeting Minutes
May 28, 2015
7:00 P.M.
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; Anna Breinich, Director of Planning and Development; Tom Farrell, Director of Parks and Recreation; Julie Henze, Finance Director; Jeff Emerson, Deputy Fire Chief; Don Koslosky, Deputy Fire Chief; Linda Smith, Business Development Manager; Terry Goan, Police Officer; 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.

NEW BUSINESS ITEMS:

Chair Brayman took general public comments on the budget.

Ed Cowan, Sunshine Too owner, spoke about his disappointment with the increase in taxes over the years. He also commented on the lack of cuts made by the School Board.

Richard Fisco, 2 Lincoln Street, said he will continue working to make the Town more fiscally responsible.

57. The Town Council will consider adopting the 2015-2016 School Budget Articles, and will take any appropriate action. (Manager) (This item was discussed at 7:11 p.m.)

REGION TEN TECHNICAL HIGH SCHOOL AND MERRYMEETING ADULT EDUCATION BUDGET ARTICLES

ARTICLE 1. Region Ten Technical High School Budget.

Chair Brayman moved, Councilor Walker seconded, to approve the Region Ten Technical High School budget as approved by the Cooperative Board of Region Ten in an amount not to exceed \$2,053,751 with Brunswick's assessment as part of the total appropriation to the Brunswick School Department being an amount not to exceed \$785,399 for operating expenditures and \$0 for debt service expenditures. The motion carried with nine (9) yeas.

ARTICLE 2. Merrymeeting Adult Education Budget.

Chair Brayman moved, Councilor Millett seconded, to approve the Merrymeeting Adult Education budget in an amount not to exceed \$700,439 with Brunswick's assessment as part of the total appropriation to the Brunswick School Department not to exceed \$121,399. The motion carried with nine (9) yeas.

K-12 ARTICLES

ARTICLE 3. Local Contribution Required under EPS to Receive Full State Dollars; and State Subsidy.

Chair Brayman moved, Councilor Walker seconded, as part of the total appropriation to the Brunswick School Department: To appropriate the sum of \$26,771,389 toward the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act; and as part of the \$26,771,389 to raise the sum of \$16,945,308 as the Town's contribution toward the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688; and as part of the \$26,771,389 to accept state subsidy anticipated in the amount of \$9,826,081. The motion carried with nine (9) yeas.

ARTICLE 4. Non-State-Funded Debt Service.

Chair Brayman moved, Councilor Walker seconded, as part of the total appropriation to the Brunswick School Department: To appropriate the sum of \$199,612 and to raise the sum of \$199,612 for the annual payments on debt service previously approved by the legislative body for non-state-funded school construction projects, non-state-funded portions of school construction projects in addition to the funds appropriated as the local share of the school administrative unit's contribution to the total cost of funding public education from kindergarten to grade 12. The motion carried with nine (9) yeas.

Jim Oikle, School Department Business Manager, spoke regarding this item.

ARTICLE 5. Additional Local Funds.

Chair Brayman moved, Councilor K. Wilson seconded, as part of the total appropriation to the Brunswick School Department: To raise and appropriate the sum of \$5,990,346 in additional local funds, which exceeds the State's Essential Programs and Services allocation model by \$5,405,938.

The School Board recommends \$5,990,346 in additional local funds which amount exceeds the State's Essential Programs and Services allocation model by \$5,405,938 for the following reasons: The State's EPS allocation in Transportation, Facilities Maintenance, Special Education, Extra-Curricular and Co-Curricular programs and instructional staffing are inadequate to fully fund the 2015-16 program approved by the school board in the proposed budget. The motion carried with nine (9) yeas.

Councilor K. Wilson, Councilor Perreault, and Councilor Watson asked questions, to which Mr. Oikle responded.

ARTICLE 6. Other Funds.

Chair Brayman moved, Councilor Perreault seconded, as part of the total appropriation to the Brunswick School Department: To accept funds from other sources as estimated below and to appropriate the amount of \$195,000

Tuition and other charges	102,000
Miscellaneous	93,000
	\$ 195,000

The motion carried with nine (9) yeas.

ARTICLE 7. Unexpended Balances.

Chair Brayman moved, Councilor Walker seconded, as part of the total appropriation to the Brunswick School Department: To appropriate \$3,067,309 from the existing, or estimated, unexpended balances of the Brunswick School Department, and to appropriate \$119,800 in unused bond proceeds and other funds remaining from the Harriet Beecher Stowe construction project. Total to appropriate \$3,187,109. The motion carried with nine (9) yeas.

Mr. Oikle explained this item and responded to a question from Councilor Perreault.

ARTICLE 8. Kindergarten to Grade 12 total Budget.

Chair Brayman moved, Councilor Walker seconded, to authorize the Brunswick School Department to expend \$36,343,456 for the fiscal year beginning July 1, 2015 and ending June 30, 2016 from the school administrative unit's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes title 20-A section 15690, unexpended balances, tuition receipts, state subsidy, and other receipts for the support of schools. The motion carried with nine (9) yeas.

ADULT EDUCATION AND FOOD SERVICE

ARTICLE 9. Adult Education.

Chair Brayman moved, Councilor Walker seconded, as part of the total appropriation to the Brunswick School Department: To raise and appropriate \$121,399 for adult education; with authorization to expend the herein appropriated \$121,399 and any additional, incidental, or miscellaneous receipts in the interest and for the well-being of the adult education program. The motion carried with nine (9) yeas.

ARTICLE 10. Food Service.

Chair Brayman moved, Councilor Walker seconded, as part of the total appropriation to the Brunswick School Department: To raise and appropriate the sum of \$61,000 in additional local dollars in support of the Brunswick School Nutrition Program, and to authorize expenditure of the herein appropriated \$61,000 for the stated purpose. The motion carried with nine (9) yeas.

ARTICLE 11. Cost Center Allocation.

Chair Brayman moved, Councilor Perreault seconded, pursuant to 20-A M.R.S.A., to authorize allocation of the school budget, \$36,525,855 to the various cost centers as recommended by the Brunswick School Board May 27, 2015 as follows:

Cost Center Summary Approved by Budget Category	Amount Recommended by School Board	Amount Town Council
Regular Instruction	\$ 15,676,015	\$ 15,676,015
Special Education	\$ 4,927,035	\$ 4,927,035
Career and Technical Education	\$ 785,399	\$ 785,399
Other Instruction	\$ 727,959	\$ 727,959
Student and staff support	\$ 3,486,944	\$ 3,486,944
System Administration	\$ 903,920	\$ 903,920
School Administration	\$ 1,484,215	\$ 1,484,215
Transportation and Buses	\$ 1,892,812	\$ 1,892,812
Facilities Maintenance	\$ 4,569,917	\$ 4,569,917
Debt Service and Other Commitments	\$ 1,889,240	\$ 1,889,240
Other	\$ 0	\$ 0
Total to June 9 Public Referendum	\$ 36,343,456	\$ 36,343,456
Food Service	\$ 61,000	\$ 61,000
Adult Education	\$ 121,399	\$ 121,399
Summary of Total Expenditures voted By School Board May 27, 2015	\$ 36,525,855	\$ 36,525,855

The motion carried with nine (9) yeas.

Councilor Watson asked a question, to which Mr. Oikle responded.

Councilor Millett wanted to make a commitment to work with the school department to share information and understand costs.

GRANTS, DONATIONS, AND OTHER REVENUES ARTICLE

ARTICLE 12. Grants, Donations, and other revenues.

Chair Brayman moved, Councilor Walker seconded, to authorize the Brunswick School Department to make application for grants and other revenues as opportunities may become available, to appropriate such revenues to the purpose for which received, and to authorize the Brunswick School Department to accept and expend any grant awards, donations, or other revenues that may be received. The motion carried with nine (9) yeas.

(A copy of the adopted articles and cost centers will be attached to the official minutes.)

58. **The Town Council will consider a warrant for the School Budget Validation Referendum to be held on June 9, 2015, and will take any appropriate action. (Manager) (This item was discussed at 7:34 p.m.)**

Manager Eldridge spoke regarding this item.

Councilor Perreault moved, Councilor Walker seconded, to approve the Election Warrant for the School Budget Validation Referendum to be held on June 9, 2015. The motion carried with nine (9) yeas.

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

59. **The Town Council will consider adopting the “Budget Resolution for the July 1, 2015 – June 30, 2016 Fiscal Year,” and will take any appropriate action. (Manager) (This item was discussed at 7:36 p.m.)**

Chair Brayman moved, Councilor Walker seconded, to adopt the “Budget Resolution for the July 1, 2015 – June 30, 2016 Fiscal Year.”

Councilor Millett asked questions, to which Manager Eldridge responded.

AMENDMENT 1

Councilor Millett moved, Councilor Harris seconded, to amend the motion to remove \$10,000 for MidCoast Hunger from the proposed budget.

Councilor Harris, Councilor Walker, and Councilor Millett, spoke regarding this item.

AMENDMENT 1 VOTE

Councilor Millett moved, Councilor Harris seconded, to amend the motion to remove \$10,000 for MidCoast Hunger from the proposed budget. The motion failed with three (3) yeas. Councilor Walker, Councilor Watson, Councilor S. Wilson, Councilor Perreault, Councilor K. Wilson and Councilor Richardson were opposed.

AMENDMENT 2

Councilor Perreault moved, Councilor Harris seconded, for the funds for MidCoast Hunger prevention to be used only for the Backpack program for school age children.

Ethan Minton, Program Director, spoke regarding this program, and responded to questions from Chair Brayman and Councilor Watson.

Councilor Millett asked a question, to which Councilor Perreault responded.

Councilor S. Wilson, Councilor Richardson, Councilor Perreault, and Councilor K. Wilson also spoke to this.

AMENDMENT 2 (Withdrawn)

Councilor Perreault moved, Councilor Harris seconded, for the funds for MidCoast Hunger prevention to be used only for the Backpack program for school age children.

AMENDMENT 3

Councilor Perreault moved, Councilor Richardson seconded, for the funds for MidCoast Hunger prevention to be used to feed the children from Brunswick.

Chair Brayman and Councilor K. Wilson spoke regarding this item.

VOTE AMENDMENT 3

Councilor Perreault moved, Councilor Richardson seconded, for the funds for MidCoast Hunger prevention to be used to feed the children from Brunswick.

The motion failed with two (2) yeas. Councilor Watson, Councilor Walker, Councilor S. Wilson, Chair Brayman, Councilor Harris, Councilor K. Wilson, and Councilor Millett were opposed.

VOTE ON MAIN MOTION

Chair Brayman moved, Councilor Walker seconded, to adopt the “Budget Resolution for the July 1, 2015 – June 30, 2016 Fiscal Year.” The motion carried with nine (9) yeas.

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

60. The Town Council will consider adopting the “Resolution for the Capital Improvements Program for the Fiscal Years Ending June 30, 2016 - 2020,” and will take any appropriate action. (Manager) *(This item was discussed at 8:04 p.m.)*

Chair Brayman moved, Councilor Millett seconded, to adopt the “Resolution for the Capital Improvements Program For the Fiscal Years Ending June 30, 2016 – 2020.” The motion carried with nine (9) yeas.

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

61. The Town Council will consider adopting the “Supplemental Budget Resolution Appropriating \$50,000 from the Unassigned Balance of the General Fund to Fund the Third and Final Payment for the 2013-14 Town-wide Telephone System,” and will take any appropriate action. (Manager) *(This item was discussed at 8:06 p.m.)*

Manager Eldridge spoke regarding this item, and responded to questions from Councilor Perreault.

Councilor Walker moved, Councilor Perreault seconded, to adopt the “Supplemental Budget Resolution Appropriating \$50,000 from the Unassigned Balance of the General Fund to Fund the Third and Final Payment for the 2013-14 Town-wide Telephone System.” The motion carried with nine (9) yeas.

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

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May 28, 2015

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- 62. The Town Council will consider any other matters related to the adoption of the 2015-2016 Budget and will take any appropriate action. (Manager) (This item was discussed at 8:08 p.m.)**

There were no other matters to be addressed.

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

The meeting adjourned at 8:10 p.m.

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

*Frances M. Smith
Town Clerk
June 2, 2015*

June 15, 2015
Date of Approval

Council Chair

CONSENT AGENDA - C BACK UP MATERIALS



June 1, 2015

Ms. Fran Smith, Town Clerk
Town of Brunswick
85 Union Street
Brunswick, ME 04011

Re: 2015 Emergency Services Tribute Community Barbecue

Dear Fran,

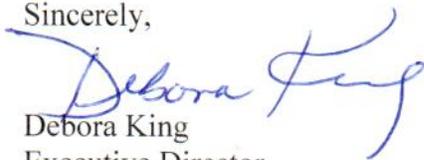
On behalf of the Brunswick Downtown Association (“BDA”) and the Events Committee, I would like to make our formal application to the Brunswick Town Council for a new event that pays tribute to local emergency services personnel.

The BDA, working with Mid Coast Hospital and Hannaford is planning to host the 2015 Tribute to Emergency Services Personnel Community Barbecue on the Mall on Saturday, June 27 from Noon to 4 pm. The event will feature grilled hamburgers and hotdogs children’s games and activities, music, and a beer tent. The BDA will work in cooperation with the Brunswick Police, Fire, Public Works, and Parks and Recreation Departments to ensure that this community event continues to be a safe and entertaining family-oriented destination.

In the past, the Town Council has agreed to waive the \$500 event fee for similar BDA events in Downtown. If possible, we ask the Town Council to waive this event fee. There is minimal income raised, and a portion of that income will be donated to a benevolent fund of the police and fire departments choosing. Much of the remaining income is re-invested in marketing Brunswick and the event.

Thank you for your consideration in this matter. Please contact me if you need any additional information regarding this application for the Tribute to Emergency Services Personnel Community Barbecue event.

Sincerely,


Debora King
Executive Director

Brunswick Downtown Association
85 Maine Street PO Box 15 Brunswick, Maine 04011
207-729-4439
director@brunswickdowntown.org
www.brunswickdowntown.org

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

FOR 2015 11

	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	36,469,033.08	1,089.59	-279,939.08	100.8%*
111190 41102 Prev Years Supplement	0	0	.00	.00	.00	.0%
111190 41103 Deferred Property Tax	-200,000	-200,000	.00	.00	-200,000.00	.0%
111190 41104 Tax Abatements	-75,000	-75,000	-20,450.93	-816.52	-54,549.07	27.3%
111190 41105 Interest on Taxes	75,000	75,000	54,032.07	4,591.35	20,967.93	72.0%*
111190 41106 Tax Lien Costs Revenu	12,000	12,000	14,610.69	.00	-2,610.69	121.8%*
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	104,400.30	500.00	45,599.70	69.6%*
111190 41197 BETE reimbursement	157,895	157,895	413,833.00	198.00	-255,938.00	262.1%*
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	2,729,821.81	291,100.66	95,178.19	96.6%*
111191 41111 Excise Tax Boat/ATV/S	25,000	25,000	20,663.35	6,578.80	4,336.65	82.7%*
111191 41112 Excise Tax - Airplane	4,000	4,000	4,059.94	.00	-59.94	101.5%*
TOTAL Taxes	39,605,579	39,605,579	40,129,996.16	303,241.88	-524,417.16	101.3%
TOTAL REVENUES	39,605,579	39,605,579	40,129,996.16	303,241.88	-524,417.16	
20 Licenses & Fees						
121111 42207 Passport Fees	8,000	8,000	12,650.00	1,050.00	-4,650.00	158.1%*
121111 42208 Postage Fees	0	0	39.98	.00	-39.98	100.0%*
121111 42209 Passport Picture Reve	2,000	2,000	2,433.00	453.00	-433.00	121.7%*
121411 42100 Building Permits	132,500	132,500	145,756.85	12,749.85	-13,256.85	110.0%*
121411 42101 Electrical Permits	31,000	31,000	28,865.09	1,455.36	2,134.91	93.1%*
121411 42102 Plumbing Permits	20,500	20,500	18,190.00	1,302.50	2,310.00	88.7%*
121411 42103 Zoning Board Fees	0	0	.00	.00	.00	.0%
121411 42104 CEO Reinspections	0	0	.00	.00	.00	.0%
121411 42105 Mobile Home Permits	0	0	.00	.00	.00	.0%
121411 42106 Institutional Permits	0	0	.00	.00	.00	.0%
121411 42107 Alts/Addds Permits	0	0	.00	.00	.00	.0%
121411 42108 Comm/Indus Permits	0	0	.00	.00	.00	.0%
121411 42109 Multiple Dwellings	0	0	.00	.00	.00	.0%
121411 42110 Accessory Structures	0	0	.00	.00	.00	.0%
121611 42200 Hunting & Fishing Lic	1,300	1,300	984.25	168.50	315.75	75.7%*
121611 42201 Dog License Fee	2,502	2,502	2,668.00	45.00	-166.00	106.6%*
121611 42202 Vital Statistics	45,000	45,000	49,174.60	4,471.00	-4,174.60	109.3%*
121611 42203 General Licenses	24,250	24,250	17,997.50	2,452.50	6,252.50	74.2%*

FOR 2015 11

	ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
121611 42204 Victulars/Innkeepers	20,675	20,675	17,000.00	16,150.00	3,675.00	82.2%*
121611 42205 Shellfish Licenses	15,175	15,175	18,825.00	925.00	-3,650.00	124.1%*
121611 42206 Neutered/Spayed Dog L	4,510	4,510	4,802.00	62.00	-292.00	106.5%*
121611 42207 Passport Fees	0	0	.00	.00	.00	.0%
121611 42208 Postage Fees	0	0	465.44	19.99	-465.44	100.0%*
121611 42209 Passport Picture Reve	0	0	.00	.00	.00	.0%
121911 42300 Planning Board Appl F	15,000	15,000	24,682.39	2,210.00	-9,682.39	164.5%*
122121 42400 Fire Permits	500	500	300.00	40.00	200.00	60.0%*
122221 42500 Conc Weapons Permits	600	600	915.00	110.00	-315.00	152.5%*
122221 42501 Parking Permit fee	0	0	400.00	125.00	-400.00	100.0%*
123131 42600 Public Works Opening	0	0	1,056.00	32.00	-1,056.00	100.0%*
TOTAL Licenses & Fees	323,512	323,512	347,205.10	43,821.70	-23,693.10	107.3%
TOTAL REVENUES	323,512	323,512	347,205.10	43,821.70	-23,693.10	
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30 Intergovernmental						
131122 43505 FD EMPG grant	15,000	15,000	14,911.25	.00	88.75	99.4%*
131122 43506 FD SAFER grant	0	0	.00	.00	.00	.0%
131132 43103 Highway Grant Fund	214,000	214,000	197,188.00	.00	16,812.00	92.1%*
131142 43104 State General Assista	24,000	24,000	29,044.98	3,029.46	-5,044.98	121.0%*
131190 43102 State Tax Exemption R	40,000	40,000	8,175.51	.00	31,824.49	20.4%*
131192 43101 State Revenue Sharing	977,671	977,671	945,273.30	151,562.58	32,397.70	96.7%*
131192 43105 Emergency Management	0	0	11,146.71	.00	-11,146.71	100.0%*
131192 43106 Snowmobile Receipts	1,400	1,400	1,628.52	.00	-228.52	116.3%*
131192 43107 Property Tax Relief	0	0	.00	.00	.00	.0%
134546 43120 State Education Subsi	9,946,831	9,946,831	9,097,249.71	665,894.45	849,581.29	91.5%*
134546 43121 State Adult Educ. Sub	0	0	.00	.00	.00	.0%
134546 43122 St Fiscal Stabilizati	0	0	.00	.00	.00	.0%
134546 43125 Education Tax Relief	0	0	.00	.00	.00	.0%
134546 43150 Federal Education Sub	0	0	13,758.19	.00	-13,758.19	100.0%*
TOTAL Intergovernmental	11,218,902	11,218,902	10,318,376.17	820,486.49	900,525.83	92.0%
TOTAL REVENUES	11,218,902	11,218,902	10,318,376.17	820,486.49	900,525.83	
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40 Charges for services						
141111 44110 Agent Fee Auto Reg	50,000	50,000	47,720.49	5,712.00	2,279.51	95.4%*
141111 44111 Agent Fee Boat/ATV/Sn	1,500	1,500	1,288.00	373.00	212.00	85.9%*
141111 44121 Rental of Property	0	0	.00	.00	.00	.0%

FOR 2015 11

	ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
141111 44140 Housing Services Fees	0	0	.00	.00	.00	.0%
141211 44121 Rental of Property	0	0	1,100.00	100.00	-1,100.00	100.0%*
141611 44131 Advertising Fees	0	0	1,092.52	.00	-1,092.52	100.0%*
142121 44155 Ambulance Service Fee	875,000	875,000	800,336.72	73,291.30	74,663.28	91.5%*
142121 44166 Special Detail - Fire	1,000	1,000	2,415.60	.00	-1,415.60	241.6%*
142221 44161 Witness Fees	3,000	3,000	3,563.87	63.87	-563.87	118.8%*
142221 44162 Police Reports	3,600	3,600	3,766.50	.00	-166.50	104.6%*
142221 44163 School Resource Offic	84,000	84,000	84,000.00	.00	.00	100.0%*
142221 44164 Youth Aid Officer Rei	0	0	.00	.00	.00	.0%
142221 44165 Special Detail - Poli	1,000	1,000	43,749.00	2,848.00	-42,749.00	4374.9%*
142221 44167 Dispatch Services fee	141,500	141,500	130,501.98	10,994.27	10,998.02	92.2%*
143131 44174 PW Labor & Materials	0	0	.00	.00	.00	.0%
143431 44175 Recycling Revenue	25,000	25,000	18,305.45	2,696.65	6,694.55	73.2%*
144545 44100 School Tuition, etc	137,000	137,000	90,899.71	1,488.41	46,100.29	66.4%*
145051 44121 Rental of Property	0	0	1,920.00	.00	-1,920.00	100.0%*
145051 44185 Parks	0	0	.00	.00	.00	.0%
145051 44187 Coffin Pond	0	0	.00	.00	.00	.0%
145051 44189 Recreation Outside Se	0	0	.00	.00	.00	.0%
TOTAL Charges for services	1,322,600	1,322,600	1,230,659.84	97,567.50	91,940.16	93.0%
TOTAL REVENUES	1,322,600	1,322,600	1,230,659.84	97,567.50	91,940.16	
50 Fines & Penalties						
151621 45103 Unlicensed Dog Fines	6,250	6,250	10,125.00	300.00	-3,875.00	162.0%*
152121 45104 False Alarm Fire	1,000	1,000	325.00	.00	675.00	32.5%*
152121 45107 Fire Code Violation F	0	0	200.00	100.00	-200.00	100.0%*
152221 45100 Ordinance Fines	600	600	1,930.00	301.00	-1,330.00	321.7%*
152221 45101 Parking Tickets	20,000	20,000	36,840.00	2,840.00	-16,840.00	184.2%*
152221 45102 Leash Law Fines	600	600	50.00	.00	550.00	8.3%*
152221 45105 False Alarm Police	300	300	10.00	.00	290.00	3.3%*
152221 45106 Restitution	0	0	1,372.88	19.93	-1,372.88	100.0%*
TOTAL Fines & Penalties	28,750	28,750	50,852.88	3,560.93	-22,102.88	176.9%
TOTAL REVENUES	28,750	28,750	50,852.88	3,560.93	-22,102.88	
60 Interest earned						
161193 46100 Interest Earned	40,000	40,000	8,476.53	1,680.36	31,523.47	21.2%*
TOTAL Interest earned	40,000	40,000	8,476.53	1,680.36	31,523.47	21.2%
TOTAL REVENUES	40,000	40,000	8,476.53	1,680.36	31,523.47	

FOR 2015 11

	ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
70 Donations						
<u>171952 47000 BDC Contrib to Econ D</u>	94,000	94,000	94,000.00	.00	.00	100.0%*
<u>171952 47001 MRRA - Eco Dev positi</u>	0	0	.00	.00	.00	.0%
<u>171952 47002 MRRA - 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	
80 Use of fund balance						
<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>181100 48002 Highway Grant Fund Ba</u>	0	0	.00	.00	.00	.0%
<u>181100 48003 Property Tax Relief B</u>	0	0	.00	.00	.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	
90 Other						
<u>191011 49000 Administration Miscel</u>	0	0	.00	.00	.00	.0%
<u>191111 46200 A/R Late Fees</u>	0	0	.00	.00	.00	.0%
<u>191111 49000 Finance Miscellaneous</u>	1,000	1,000	4,047.90	921.65	-3,047.90	404.8%*
<u>191111 49101 Workers Comp Dividend</u>	0	0	16,160.00	.00	-16,160.00	100.0%*
<u>191111 49102 Energy Rebate</u>	0	0	.00	.00	.00	.0%
<u>191111 49104 Property & Casualty D</u>	0	0	9,267.00	.00	-9,267.00	100.0%*
<u>191111 49105 Postage & Handling</u>	0	0	2,573.02	272.00	-2,573.02	100.0%*
<u>191111 49106 W/C Proceeds</u>	0	0	12,575.34	2,884.52	-12,575.34	100.0%*
<u>191111 49210 Insurance Proceeds</u>	0	0	375.07	.00	-375.07	100.0%*
<u>191111 49211 Incident Recovery</u>	0	0	.00	.00	.00	.0%
<u>191192 49100 Cable Television</u>	225,000	225,000	186,215.36	63,227.23	38,784.64	82.8%*
<u>191194 49150 Gen Govt Asset Sales</u>	0	0	150.00	.00	-150.00	100.0%*
<u>191311 49000 Assessing Miscellaneo</u>	0	0	.00	.00	.00	.0%
<u>191411 49000 Codes Miscellaneous</u>	0	0	100.00	100.00	-100.00	100.0%*

FOR 2015 11

	ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
191611 49000 Town Clerk Miscellane	1,250	1,250	1,326.00	134.75	-76.00	106.1%*
191911 49000 Planning Miscellaneou	150	150	431.50	.00	-281.50	287.7%*
191941 49000 Natural Resources Mis	0	0	.00	.00	.00	.0%*
192121 49000 Fire Miscellaneous	800	800	1,251.04	26.52	-451.04	156.4%*
192194 49151 Fire Vehicle Sales	0	0	.00	.00	.00	.0%*
192221 49000 Police Miscellaneous	0	0	3,076.03	25.00	-3,076.03	100.0%*
192294 49153 Police Vehicle Sales	8,000	8,000	.00	.00	8,000.00	.0%*
193131 49000 Public Works Miscella	0	0	1,794.87	.00	-1,794.87	100.0%*
193131 49155 PW Fuel Sales - Gasol	0	0	.00	.00	.00	.0%*
193131 49156 PW Fuel Sales - Diese	0	0	.00	.00	.00	.0%*
193194 49154 Public Works Vehicle	0	0	.00	.00	.00	.0%*
194141 49000 Human Services Misc	0	0	.00	.00	.00	.0%*
194141 49103 General Assistance Re	0	0	1,323.54	.00	-1,323.54	100.0%*
194545 49000 School Miscellaneous	118,000	118,000	119,779.00	13,456.24	-1,779.00	101.5%*
195051 49000 Recreation Miscellane	0	0	1,004.28	3.95	-1,004.28	100.0%*
199980 48100 General Fund Transfer	710,000	710,000	511,224.73	.00	198,775.27	72.0%*
TOTAL Other	1,064,200	1,064,200	872,674.68	81,051.86	191,525.32	82.0%
TOTAL REVENUES	1,064,200	1,064,200	872,674.68	81,051.86	191,525.32	
GRAND TOTAL	58,099,543	58,299,543	53,052,241.36	1,351,410.72	5,247,301.64	91.0%

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

FOR 2015 11

	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
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00 Fill	<hr/>						
19000 General Fund Transfers Out	1,147,860	1,147,860	1,153,360.00	5,500.00	.00	-5,500.00	100.5%
TOTAL Fill	1,147,860	1,147,860	1,153,360.00	5,500.00	.00	-5,500.00	100.5%
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10 General Government	<hr/>						
11000 Administration	489,397	489,397	494,266.80	51,541.23	80.00	-4,949.80	101.0%
11100 Finance Department	715,425	715,425	596,110.86	72,431.42	539.20	118,774.94	83.4%
11150 Technology Services Dept	327,848	327,848	293,727.95	18,884.75	1,782.50	32,337.55	90.1%
11200 Municipal Officers	85,615	85,615	62,217.33	1,596.80	3,571.00	19,826.67	76.8%
11210 Munic Bldg - 85 Union	210,720	210,720	173,318.15	17,569.85	6,254.07	31,147.78	85.2%
11230 Risk Management	473,750	473,750	452,224.08	795.16	.00	21,525.92	95.5%
11240 Employee benefits	0	0	-186,330.82	-14,047.57	.00	186,330.82	100.0%
11250 Cable TV	47,790	47,790	44,232.63	5,357.29	.00	3,557.37	92.6%
11300 Assessing	293,660	293,660	239,266.24	27,334.00	1,745.00	52,648.76	82.1%
11600 Town Clerk & Elections	362,077	365,477	310,841.70	35,736.00	4,750.00	49,885.30	86.4%
11900 Planning Department	490,779	510,504	439,085.05	54,357.66	4,133.03	67,285.93	86.8%
11950 Economic Development Dept	109,087	109,087	89,457.45	11,218.26	.00	19,629.55	82.0%
TOTAL General Government	3,606,148	3,629,273	3,008,417.42	282,774.85	22,854.80	598,000.79	83.5%
<hr/>							
20 Public Safety	<hr/>						
12100 Fire Department	3,104,392	3,113,742	2,755,485.20	316,242.71	21,649.20	336,607.60	89.2%
12150 Central Fire Station	42,089	45,739	32,990.14	4,110.42	900.00	11,849.10	74.1%
12160 Emerson Fire Station	41,825	41,825	41,400.77	3,868.02	2,112.78	-1,688.55	104.0%
12200 Police Department	3,762,478	3,762,478	3,304,908.84	389,540.87	2,340.40	455,228.76	87.9%
12210 Police Special Detail	0	0	37,758.04	3,234.87	.00	-37,758.04	100.0%
12220 Emergency Services Dispatch	777,412	777,412	671,446.46	79,695.00	.00	105,965.54	86.4%
12250 Police Station Building	98,020	98,020	86,822.29	7,115.65	1,332.38	9,865.33	89.9%
12310 Streetlights	208,000	208,000	186,130.74	16,956.62	.00	21,869.26	89.5%
12320 Traffic Signals	31,600	31,600	22,150.25	6,352.75	6,000.00	3,449.75	89.1%
12330 Hydrants	438,790	438,790	336,447.80	.00	.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	7,477,203.18	827,116.91	34,334.76	1,008,068.30	88.2%
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30 Public Works	<hr/>						

FOR 2015 11

30	Public Works	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
13100	Public Works Administration	429,111	429,111	378,989.95	45,649.11	5,590.00	44,531.05	89.6%
13110	PW General Maintenance	1,706,214	1,906,214	1,814,583.39	151,442.30	62,194.09	29,436.52	98.5%
13130	Refuse Collection	581,847	581,847	515,211.70	50,259.23	59,474.41	7,160.89	98.8%
13140	Recycling	297,729	297,729	248,805.63	23,450.93	47,669.81	1,253.56	99.6%
13150	PW Central Garage	741,300	751,500	815,684.41	78,526.13	17,515.30	-81,699.71	110.9%
	TOTAL Public Works	3,756,201	3,966,401	3,773,275.08	349,327.70	192,443.61	682.31	100.0%
40 Human Services								
14100	General Assistance	163,607	163,607	155,162.12	18,023.43	2,896.66	5,548.22	96.6%
14120	Health & Social Services	2,766	2,766	2,343.09	.00	.00	422.91	84.7%
	TOTAL Human Services	166,373	166,373	157,505.21	18,023.43	2,896.66	5,971.13	96.4%
45 Education								
14500	School Department	35,763,587	35,763,587	27,753,364.06	3,240,171.75	.00	8,010,222.94	77.6%
	TOTAL Education	35,763,587	35,763,587	27,753,364.06	3,240,171.75	.00	8,010,222.94	77.6%
50 Recreation and Culture								
15000	Recreation Administration	456,225	466,225	414,092.95	49,069.84	520.24	51,611.81	88.9%
15050	Rec Buildings and Grounds	678,434	678,434	563,044.65	64,459.33	15,507.35	99,882.00	85.3%
15250	Rec Building 211	160,327	160,327	115,510.43	4,590.12	12,912.00	31,904.57	80.1%
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	.00	.00	4,326.45	96.2%
15400	Curtis Memorial Library	1,285,000	1,285,000	1,167,891.87	105,833.33	.00	117,108.13	90.9%
	TOTAL Recreation and Culture	2,709,986	2,719,986	2,386,213.45	223,952.62	28,939.59	304,832.96	88.8%
60 Intergovernmental								
16000	County tax	1,333,350	1,333,350	1,333,350.00	.00	.00	.00	100.0%

FOR 2015 11

60	Intergovernmental	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
	TOTAL Intergovernmental	1,333,350	1,333,350	1,333,350.00	.00	.00	.00	100.0%
70 Unclassified								
17000	Promotion and Development	164,917	164,917	153,598.95	15.00	.00	11,318.05	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	.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	195,098.95	15.00	14,526.97	-8,181.95	104.1%
80 Debt Service								
18020	2006 CIP G/O Bonds	252,000	252,000	252,000.00	.00	.00	.00	100.0%
18030	2011 GO CIP Bonds	264,890	264,890	264,890.00	.00	.00	.00	100.0%
18040	Police Station Bond	405,625	405,625	405,625.02	.00	.00	-.02	100.0%
18050	2010 Elementary School Bond	0	0	232.54	.00	.00	-232.54	100.0%
	TOTAL Debt Service	922,515	922,515	922,747.56	.00	.00	-232.56	100.0%
	GRAND TOTAL	58,099,543	58,370,395	48,160,534.91	4,946,882.26	295,996.39	9,913,863.92	83.0%

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

MANAGER'S REPORT - B BACK UP MATERIALS

MEMORANDUM

TO: Town Council

FROM: John Eldridge
Town Manager

DATE: June 11, 2015

SUBJECT: NNEPRA Layover Facility and Auxiliary Power Unit

On June 3rd, the Maine Department of Environmental Protection (Maine DEP or DEP) released a draft stormwater license for the layover facility the Northern New England Passenger Rail Authority (NNEPRA) intends to construct at the Brunswick West site. The parties to the permit process were required to submit written comments on the draft to the DEP by June 10th. Maine DEP expects to issue a final license decision on June 17th. A copy of the draft license is attached.

In a related matter, we have received a copy of the letter the Transportation Committee sent to NNEPRA regarding the installation of the auxiliary power unit (APU). Again, NNEPRA plans to install an APU at the Brunswick West site. NNEPRA expects installation to take place later this summer. The letter is clear that the installation of the additional air compressor unit was subject to funding. To date, the source of that funding has not been identified. A copy of the Transportation Committee's letter is also attached.

Attachments



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE
GOVERNOR

PATRICIA W. AHO
COMMISSIONER

MEMORANDUM

TO: The Parties and Interested Persons
FROM: Bill Bullard, Project Manager, Bureau of Land & Water Quality
DATE: June 3, 2015
SUBJ: The Department’s Draft License Decision on the Stormwater Management Law Permit Application Submitted to the Department by Northern New England Passenger Rail Authority

Attached please find the Maine Department of Environmental Protection’s (Department) draft license decision on Northern New England Passenger Rail Authority’s Storm Water Management Law permit application (Draft Department Order #L-26119-NJ-C-N). The proposed project is located in Brunswick, Maine. Following a public hearing, the Department is required to provide the draft license decision to the parties (applicant and intervenors) and interested persons for review and comment.

All comments on the draft Order must be received by the Department **on or before Wednesday, June 10, 2015 at 5:00 p.m.** Each party must ensure its comments are copied to all names on the public hearing service list. Comments should be directed to:

- By mail – Bill Bullard, Project Manager
Maine Department of Environmental Protection
Bureau of Land & Water Quality
312 Canco Road
Portland, Maine 04103
- Electronically – Bill.Bullard@maine.gov
- By hand – Bill Bullard, Project Manager
Maine Department of Environmental Protection
312 Canco Road
Portland, Maine

After considering the comments received on the draft Order, the Department will issue the final license decision by Wednesday, June 17, 2015.

The Department’s technical review comments associated with this permit application are available on the Department’s website at www.maine.gov/dep/permits/blf in the file, “DEP Review Comments.”

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143



DEPARTMENT ORDER

DRAFT

IN THE MATTER OF

NORTHERN NEW ENGLAND PASSENGER) STORM WATER MANAGEMENT LAW
RAIL AUTHORITY)
Brunswick, Cumberland County)
LAYOVER FACILITY STORMWATER PLAN)
L-26119-NJ-C-N (Approval)) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S.A. § 420-D, and Chapters 500 and 502 of the Department’s Regulations, the Maine Department of Environmental Protection (Department) has considered the application of NORTHERN NEW ENGLAND PASSENGER RAIL AUTHORITY (NNEPRA) with its supportive data, the public hearing testimony, the agency review comments, the written comments submitted by the general public, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. History:

On August 14, 2013, NNEPRA filed an application with the Department for a Storm Water Management Law Permit for the construction of a stormwater management system to serve a proposed passenger rail equipment layover facility to be constructed in Brunswick.¹ In Department Order #L-26119-NJ-A-N, dated November 11, 2013, the Department issued a permit for the proposed project, which would create 3.9 acres of impervious area and 6.2 acres of disturbed area upon completion.

BMR Brunswick, LLC, Charles F. Wallace, Jr., Daniel Sullivan, and Frederick Schwab (petitioners) appealed the Department’s issuance of the permit to the Cumberland County Superior Court. The petitioners maintained that certain neighboring landowners, including the three named petitioners, who owned property southerly of the project site were not properly notified by the applicant of the permit application and were therefore unable to comment on or otherwise participate in the review process. In *BMR Brunswick, LLC v. DEP*, the Court held that the petitioners are abutters as defined in the Department’s *Rule Concerning the Processing of Applications and other Administrative Matters* (Chapter 2), 06-096 CMR 2(1)(A) (as amended Aug. 25, 2013), and were therefore entitled to notice of NNEPRA’s stormwater permit application. In a decision dated July 2, 2014, the Court vacated the Department’s approval of Department Order #L-26119-NJ-A-N.

¹ A permit under the Site Location of Development Act, 38 M.R.S.A. §§ 481 *et seq.*, is not required as a result of preemption by federal law, 49 U.S.C. § 24902(j).

A second application for a stormwater management system to serve the proposed passenger rail equipment layover facility was received by the Department on August 6, 2014. That application—DEP Project #L-26119-NJ-B-N—was found to be unacceptable for processing due to incomplete information regarding design and construction plan details of the proposed stormwater management system.

A third application, with additional information, was received by the Department on September 12, 2014 and was found to be complete for processing on October 3, 2014. The materials in the record from the first permit application and its review were incorporated into the record of the third application.

A public hearing on the application was held on March 25, 2015 at the Brunswick Golf Club in Brunswick. The Department granted intervenor status to J. Maurice L. Bisson, Robert N. Morrison, Charles F. Wallace, Jr. and the Brunswick West Neighborhood Coalition (collectively Coalition) and TrainRiders Northeast (TrainRiders), and they participated in the public hearing process. A portion of the hearing was devoted to receiving testimony from members of the general public. Written comments were received throughout the application processing period, until the close of the hearing on March 25, 2015.

B. Summary: The proposed project is a modified version of the project approved in Department Order #L-26119-NJ-A-N and referenced above. The applicant proposes to construct a stormwater management system for a passenger rail equipment layover facility to be used for overnight storage, light maintenance and refueling of passenger trains. The proposed project includes a train enclosure building, rail spurs to access the building, vehicle travel lanes, parking areas, utilities to support the facility, and a stormwater management system and wet pond.

The proposed stormwater management system includes grassed swales, a roof drip edge collection system, and a catch basin collection system, all discharging to a wet pond for treatment and then to an unnamed tributary stream that drains to the Androscoggin River. The system is designed to capture and treat stormwater runoff from the proposed passenger rail equipment layover facility building, new rail tracks, paved and gravel access drives, and paved parking areas. The proposed project will create a total of 4.3 acres of impervious area and 6.7 acres of disturbed area. The project site is located between Church Road and Stanwood Street in Brunswick.

The proposed project is depicted on a set of plans, the first of which is entitled “Brunswick Layover Facility – Cover Sheet – Northern New England Passenger Rail Authority,” prepared on behalf of the applicant by DeLuca Hoffman Associates, Inc., and dated June, 2013, with a latest revision date on any of the sheets of October 30, 2014.² During the Department’s review, at the request of Department staff, the applicant also submitted a plumbing plan and three drawings entitled “Stormwater Schematic,” “Utility

² During the Department’s review of the applications submitted by NNEPRA, DeLuca Hoffman Associates, Inc. was acquired by Fay, Spofford & Thorndike, Inc.

Profiles,” and “Plumbing Sanitary Overall Plan,” with a latest revision date on any sheet of March 15, 2015. These drawings were developed from existing project plans and were intended to clarify the designs of drainage and utility piping systems for the benefit of the parties involved in the public hearing process.

C. Current Use of the Site: The site of the proposed project contains existing railroad tracks and areas that are sparsely vegetated with shrubs and grasses. A fringe of woodland is located along the northerly property line of the site. There are no structures on the property other than the railroad tracks and a gravel access road for use by train personnel. As a result of the past usage of the site during the era of coal-fired locomotives, contaminants associated with coal ash were identified in the soils at the site during a Limited Phase II Environmental Site Assessment conducted by the applicant in 2011. Because of the history of the site, the applicant developed a voluntary remedial action plan and submitted an application to the Department’s Voluntary Response Action Program (VRAP). The action plan was approved as discussed further in Finding 3.

2. STORMWATER STANDARDS:

The proposed project includes approximately 6.7 acres of developed area of which 4.3 acres is impervious area. The site lies within the watershed of an unnamed tributary that drains to the Androscoggin River. The project site is located adjacent to, but not within, an Urban Impaired Stream watershed of a different unnamed tributary to the Androscoggin River (near River Street). The applicant submitted a stormwater management system plan based on the Basic, General, and Flooding Standards contained in the Department’s rules concerning *Stormwater Management* (Chapter 500), 06-096 CMR 500 (as amended Dec. 27, 2011). The proposed stormwater management system consists of grassed swales, a roof drip edge collection system, and catch basin collection system discharging to a wet pond for treatment. Outflows from the wet pond will be discharged at a controlled rate to the unnamed stream which flows northerly approximately one-quarter mile until it reaches the Androscoggin River.

A. Basic Standards:

A project disturbing one acre or more must meet the Basic Standards for erosion and sedimentation control, inspection and maintenance, and housekeeping.

(1) Erosion and Sedimentation Control: A person who conducts, or causes to be conducted, an activity that involves filling, displacing or exposing soil or other earthen materials must take measures to prevent unreasonable erosion of soil or sediment beyond the project site or into a protected natural resource. The applicant submitted an Erosion and Sedimentation Control Plan that is based on the performance standards contained in Appendix A of Chapter 500 and the Best Management Practices outlined in the Maine Erosion and Sediment Control Best Management Practices, which were developed by the Department. This plan and plan sheets containing erosion control details were reviewed by, and revised in response to the comments of, the Division of Land Resource Regulation (DLRR) of the Bureau of Land and Water Quality (BLWQ). Erosion control

measures are shown on Sheets C-4.1, C-4.2, and C-4.3 of the plan set referenced above. Erosion control details and narratives are shown on sheets C-6.3, C-6.4A and C-6.4B of the same plan set and in Appendix G of the application. The erosion control plan includes provisions for final stabilization and vegetation of exposed soil at the site.

During the public hearing, one member of the public testifying expressed concern about the proposed fertilizer application rate for stabilizing the grassed areas upon project completion. The erosion and sedimentation control plan submitted by the applicant includes a seeding plan as set forth in Appendix G, Attachment A of the application, and subsequently incorporated by reference in the applicant's pre-filed testimony. In order to minimize the potential to discharge excess nutrients to the unnamed stream and the Androscoggin River, the applicant proposes to base the fertilizer application rates on the results of soil testing of the topsoil used for the project.

The Department finds that the Erosion and Sedimentation Control Plan submitted with the application meets the requirements of Chapter 500, Appendix A.

Given the size and nature of the project site, the applicant must retain the services of a third party inspector in accordance with the Special Condition for Third Party Inspection Program, which is attached to this Order.

To ensure that the Erosion and Sedimentation Control Plan is properly implemented, prior to the start of construction, the applicant must conduct a pre-construction meeting. This meeting must be attended by the applicant's representative, Department staff, the applicant's design engineer, the contractor, the Town of Brunswick, and the third-party inspector.

(2) Inspection and Maintenance: The applicant submitted an inspection and maintenance plan that addresses both short and long-term maintenance requirements of the stormwater management system. The plan is set forth in Appendix H, Attachment E of the application, and is based on the standards contained in Appendix B of Chapter 500. This plan was reviewed by, and revised in response to the comments of, DLRR. The applicant will be responsible for the maintenance of the stormwater management system.

Storm sewer grit and sediment materials removed from stormwater control structures during maintenance activities must be disposed of in compliance with the Maine Solid Waste Management Rules.

(3) Housekeeping: The applicant addressed the performance standards of the Housekeeping requirements outlined in Appendix C of Chapter 500 with the following submittals:

- a) Spill Prevention: An applicant must demonstrate that controls will be used to prevent pollutants from being discharged from materials on site, including storage practices to minimize exposure of the materials to stormwater, and appropriate spill prevention, containment, and response planning and implementation. The applicant submitted a

plan to prevent and control the potential for the discharge of pollutants from materials on site. The plan was reviewed by staff from the BLWQ's Division of Environment Assessment (DEA). DEA stated that the spill containment plan provided with the application as Exhibit 9 in the applicant's pre-filed testimony is consistent with Department requirements for a Spill Prevention Plan under Chapter 500. Any spill prevention plans developed by site subcontractors must be consistent with, and no less stringent than, the spill prevention plan submitted by the applicant. Any petroleum spills must be reported to the Department within two hours of their discovery.

- b) Groundwater Protection: Chapter 500, Appendix C(2) requires that, during construction, the applicant protect groundwater from contamination by spills of liquid petroleum products and other hazardous materials with the potential to contaminate groundwater. The applicant proposes to utilize a designated refueling area isolated from potential infiltration areas and stormwater structures and will require each contractor to have a spill kit available and to follow the applicant's Spill Containment Plan.
- c) Fugitive Sediment and Dust: Chapter 500, Appendix C(3) requires that the construction of a project will not result in noticeable erosion of soils or fugitive dust emissions. The applicant's proposal includes the use of stone-on-fabric construction entrances, water, calcium chloride and polymer bonding agents for dust control. All exposed soil will be stabilized with vegetation or hardscaping upon completion of construction.
- d) Debris and other materials: The applicant's construction plan includes measures to prevent litter, construction and demolition debris and liquid wastes from becoming pollutant sources during construction. Contractors will be required to adhere to on-site recycling of construction debris and to use individual dumpsters for daily disposal of metal, cardboard, masonry and other construction materials.
- e) Trench or Foundation Dewatering: The applicant is proposing to install shallow groundwater wells in order to lower the water table during the construction of the building foundation footings and the wet pond. The Coalition contends that contaminants in the soil may be disturbed and mobilized into the groundwater during this aspect of construction of the project. The Coalition also questioned whether the unnamed stream on the southerly side of the project site would be affected by the dewatering activity during construction of the project.

The applicant's investigation of groundwater quality on the site showed that, with the exception of one exceedance for sodium levels in one monitoring well, analytical results reported that all constituents were below the applicable Federal Primary Drinking Water Standard Maximum Contaminant Levels or State of Maine Maximum Exposure Guidelines. In its review comments, DEA stated that water quality data provided with the application do not indicate significant adverse impact on groundwater quality in the immediate area of the proposed project. However, given the long-term historical land use of the site and much of the surrounding area, as the

Coalition argued, it is possible that some spills may not have been reported or that other sources of contamination may exist that may not have been located. Members of the public also testified as to their concerns on this particular issue. As a precaution against unexpected sources of contamination, DEA recommended several precautionary measures as outlined in Finding 3(A) to be taken during dewatering activities.

- f) Non-stormwater discharges: The sanitary sewer plumbing drain lines in the passenger rail equipment layover facility building will discharge to the Town of Brunswick's municipal sewer system. Snowmelt from trains inside the building will be collected with an interior floor drain system and will discharge to the municipal sewer system. Snow melting from the trains outside of the layover building would not generally meet the definition of stormwater; however, any resulting runoff would be captured and treated if on new impervious surfaces. The applicant has received a permit from the Brunswick Sewer District for the floor drain discharge and the District also confirmed its capacity to handle sanitary plumbing flows. The Sewer District stated that a permit will be required prior to connection of the sanitary discharge lines and, if needed, prior to discharge of excess water extracted during construction dewatering.
- g) Additional Requirements: The applicant's proposal includes adequate plans for handling and disposing of coal ash encountered and any minor spills of petroleum products that could occur. Although no other hazardous materials or evidence of petroleum contamination were identified by the applicant on the surface or in subsurface explorations at the site, the nature of the project site and adjacent properties is such that these materials may be encountered during construction of this project. The applicant developed contingency measures to follow should contractors encounter conditions or materials suggesting the presence of hazardous materials and/or petroleum during excavation. Contingency measures to be taken are described in the Coal Ash/Impacted Soil Management and Health and Safety Plans, submitted by the applicant as Exhibit 31 in its pre-filed rebuttal testimony. Upon discovering any such potential contaminants, the operator must immediately stop work in that area (except as may be necessary for worker safety) and the Bureau of Remediation and Waste Management's (BRWM) Oil and Hazardous Materials Response Unit must be contacted.

DEA and DLRR staff analysis is that the proposals and provisions in the elements above address the applicable Department standards for housekeeping provided that, before construction is initiated, a revised dewatering plan as described in Finding 2(A)(3)(e) and in Finding 3(A)(2), and all other housekeeping components are consolidated by the applicant in a single location within the application plan set.

Based on DLRR's review of the erosion and sedimentation control plan, the inspection and maintenance plan and DEA's review of the proposed housekeeping measures, the Department finds that the proposed project meets the Basic Standards contained in Chapter 500 § 4(A) provided that the applicant requires all its subcontractors to follow its spill prevention plan, revises the dewatering plan as described above, and consolidates

this and all other elements of the housekeeping plan into a single document to be incorporated into the application as a revision of the plan set referenced in Finding 1, and submits the information to the BLWQ for review and approval prior to the start of construction.

B. General Standards:

To meet the General Standards, a project's stormwater management system must include general treatment measures that will mitigate for the increased frequency and duration of channel erosive flows due to runoff from smaller storms, provide for effective treatment of pollutants in stormwater, and mitigate potential temperature impacts. The applicant proposes to achieve this by using Best Management Practices to control runoff from no less than 95 percent of the new impervious area and no less than 80 percent of the new developed area. The applicant proposes to construct vegetated swales with a catch basin system and roof drip edge collection system discharging to a wet pond to provide treatment for developed areas on the site.

The Coalition alleges that the applicant failed to provide project drainage plans containing all topographic features and land cover types in the application. The applicant submitted evidence depicting existing and post-construction site topography and land cover types on plan sheets C-2.1, "Existing Conditions and Demolition Plan," and sheets C-4.1, C-4.2 and C-4.3, "Grading Erosion Control Plan," all of which are part of the plan set referenced in Finding 1. This information adequately characterizes site topography to the extent required for the design of the stormwater management system.

The Coalition also alleges that the soils data provided in the stormwater permit application is deficient and that the Soil Conservation Service soil maps used in the application do not take into account the disturbed nature of the soils and the history of the site. To characterize the drainage properties of the soils on the site, the applicant reviewed data from over twenty soil borings taken across the site during the Phase I and limited Phase II Environmental Site Assessments, and the geotechnical exploration for the design of the building foundation. The applicant assessed this information in conjunction with the soil maps to determine appropriate soil drainage class inputs for the stormwater program model used to size the stormwater management system. DLRR staff reviewed the applicant's data and the supporting calculations used to develop the stormwater management system design and concluded that the applicant designed the system based on appropriate assumptions of hydrologic soils groups "A" and "B" for the soils at the site.

The stormwater management system proposed by the applicant was reviewed by, and revised in response to comments from, DLRR. In its final review, DLRR recommended that the applicant retain a design engineer to oversee the construction of the grassed swales, wet pond and roof drip edge collection system to insure that they are constructed in accordance with the details and notes specified on the approved plans.

The Department finds that the proposed stormwater management system is designed in accordance with the General Standards contained in Chapter 500 § 4(B) provided the applicant retains a design engineer to oversee and document the construction of the stormwater management structures as described above. Within thirty days of completion of the grassed swales, wet pond and roof drip edge collection system, the applicant must submit to the BLWQ for review a log of inspection reports detailing the items inspected, photographs taken, and the dates of each inspection.

C. Flooding Standard:

Because the proposed project will result in over three acres of impervious area, the Flooding Standard applies. The applicant must demonstrate that the project would detain, retain, or result in the infiltration of stormwater from 24-hour storms of the 2-year, 10-year, and 25-year frequencies such that the peak flows of stormwater from the site do not exceed the peak flows of stormwater prior to the construction of the project. The applicant is proposing to utilize a stormwater management system based on estimates of pre- and post-development stormwater runoff flows obtained by using Hydrocad, a stormwater modeling software that utilizes the methodologies outlined in Technical Releases #55 and #20, U.S.D.A., Soil Conservation Service, and detains stormwater from 24-hour storms of 2-, 10-, and 25-year frequency. The applicant submitted calculations that indicate that the post-development peak flow from the site and the peak flow of the receiving waters will not be increased as a result of stormwater runoff from the development site.

The Coalition raised concerns that the proposed project would exacerbate existing off-site flooding problems on nearby properties. Members of the public with properties located southerly of the site testified about the possibility of increased flooding as a result of construction of the project. One business owner on the north side of the site also testified about existing intermittent flooding on his property and expressed concerns that construction of the project would increase existing drainage problems.

The proposed wet pond was sized by the applicant in accordance with the Department's stormwater Best Management Practices manual to attenuate peak flows from the site to less than the pre-development flows. Stormwater runoff entering the site from off-site locations to the north will be captured by regrading and maintaining an existing swale on the north side of the site. Runoff will then be routed through the grassed swale and a catch basin collection system to the unnamed stream and to the Androscoggin River.

The Department finds that existing berms, ditches and railroad tracks preclude significant amounts of stormwater runoff from flowing toward abutting properties to the south such that they would adversely affect abutting properties. The applicant submitted credible information demonstrating that groundwater flows generally easterly through the site and toward the unnamed stream, and not to the north or to the south where the adjacent properties are located. For these reasons, the project is not anticipated to unreasonably impact off-site properties to the north or south.

DLRR staff's analysis concluded that the proposed stormwater management system has been designed with adequate capacity and stability to receive and treat the project's stormwater runoff, and includes provisions to adequately manage any runoff from off-site that flows through the project site. DLRR commented that the proposed system is designed in accordance with the Flooding Standard contained in Chapter 500§4(E).

Based on the system's design, the physical characteristics of the project site, and DLRR's analysis, the Department finds that the applicant has made adequate provision to ensure that the proposed project will meet the Flooding Standard contained in Chapter 500 § 4 (E) for peak flow from the project site, and channel limits and runoff areas.

3. ADDITIONAL CONTROLS FOR GROUNDWATER PROTECTION:

Chapter 500 § 5(D) provides for additional controls to be imposed if necessary for certain projects to avoid impacts to water bodies from pollutants. Due to the nature of the development, the historic uses of the site and the characteristics of the soils on site, additional controls for protection of groundwater are required as described below:

A. Roof Drip Edge Collection System: The project design includes a foundation underdrain system with subsurface collection pipes designed to drain excess groundwater from the building's foundation footings. This foundation underdrain system is not a part of the stormwater management system. Its purpose is to convey excess groundwater from the foundation footings of the completed layover building to a concrete drainage ring located easterly of the building, where it will be reinfiltated back into the groundwater table. Results of a geotechnical investigation submitted by the applicant indicate that groundwater is at a lower elevation in this part of the site than it is within the building footprint so that infiltration can be accommodated. The applicant stated that it intends to register the system as a Class V injection well with the Department's Underground Injection Control program.

As designed, the foundation drainage system will be located vertically below the roof drip edge collection system that is intended to collect and convey stormwater from the roof of the building to the wet pond for treatment. The Coalition argues that, because the proposed project design includes a permeable fabric separating the roof drip edge and foundation drain collection systems, roof runoff could bypass the upper roof drip edge collection pipe. This runoff could be introduced to the groundwater by way of the underlying foundation drain system and the drainage ring, through which potential contaminants from roof runoff could be infiltrated to the groundwater without receiving adequate quality treatment. During the Department's review, the applicant stated that it would not object to a permit condition requiring the substitution of an impervious material for the permeable fabric separating the two systems to reduce the potential for direct infiltration of roof runoff into groundwater.

DEA staff reviewed the project design and stated that, due to its location in permeable soils with a deep water table, unless the roof drip edge collection system is lined with an impermeable liner, some fraction of the stormwater entering the roof drip edge collection

system could potentially bypass that system, enter the foundation drain collection system, and eventually flow to the drainage ring, where it would enter the groundwater. Infiltration is defined in Chapter 500 §3(L) as a process specifically used to meet all or part of the stormwater standards by actively directing all or part of the stormwater into the soil; incidental wetting of soil in ditches, detention basins or the equivalent is excluded. However, because the unlined roof drip edge collection system could potentially include some element of infiltration, to ensure no discharge of contaminants to groundwater from the proposed systems, the Department conditions its findings with the requirement that the applicant must revise the roof drip edge collection system to include an impermeable liner.

The Department does not anticipate that the drainage ring will adversely impact groundwater quality provided that the drip-edge collection system is equipped with an impervious liner as described above.

DEA also commented that the drainage ring must be registered as a Class V injection well prior to operation and must meet all applicable requirements of the Department's *Rules to Control the Subsurface Discharge of Pollutants* (Chapter 543) 06-096 CMR 543 (as amended Oct. 3, 2006) and the Underground Injection Control Program. The applicant has represented that it intends to register this structure as described above.

The Department finds that the proposed stormwater management system will not discharge contaminants to groundwater; however, to provide an additional safeguard, the applicant must revise the project design to include an impermeable liner between the roof drip edge collection system and the foundation drain system. Prior to construction, the applicant must submit the revised roof drip edge collection system design to the Department for review and approval.

The Department further finds that the foundation drainage ring must be registered as a Class V injection well prior to operation of the drainage ring, and must meet all applicable requirements of Chapter 543, and the Underground Injection Control Program.

B. Dewatering: As outlined in Finding 2(A)(3)(e), a dewatering plan for construction of certain project components was submitted with the application. The plan includes the use of a well point dewatering system which would be used to lower the water table approximately two feet below the proposed excavation level. The water would be pumped from discrete well point locations around the wet pond and deposited into a temporary sump area on site from where it would be re-infiltrated to the groundwater. Similar procedures would be used for dewatering as needed during construction of the building foundation. Pumping extraction rates will be adjusted if necessary to prevent overflows at the sump area. The plan includes alternatives for storage of extracted water in portable tanks from where it would be sent to the infiltration sump at a reduced rate if necessary. Another alternative in the plan would be to discharge water to the Brunswick Sewer system with prior approval from the sewer district.

Based on the Department's experience with similar systems at other projects, DEA's analysis agreed that the dewatering would not be extensive nor should it be necessary for it to continue for an extended period. However, the dewatering will be conducted within and adjacent to industrialized areas. Department records include the occurrence of several spills on properties adjacent to the site. The spill records indicate that those known spills have been cleaned up to the satisfaction of Department response staff, and water quality data provided with the application do not indicate significant adverse impact on groundwater quality in the immediate area of the proposed project. Monitoring wells, however, sample only a small area of the site. To detect and allow action to address the potential for the dewatering drawing contaminated water from the site from unknown spills which may have affected water quality, and in response to concerns expressed by the Coalition and members of the public, the Department is imposing certain additional requirements described below as conditions of this approval

DEA recommended that the applicant monitor the groundwater extracted during dewatering through the use of a lined, temporary collection basin for visual inspection for the presence of a visible sheen or other evidence of petroleum contamination. DEA also recommended that, in addition to the visual inspection, a photometric ionization detector or equivalent analysis be performed at two-hour intervals on water samples from the basin. Additionally, DEA recommended that the applicant be required to visually observe conditions in the stream at the easterly end of the site at two hour intervals to ensure that stream flow conditions are not unreasonably impacted by the dewatering process.

During dewatering, the applicant must install a lined basin to receive discharge from the dewatering pumps, and this basin should be inspected at two-hour intervals for any evidence of sheens or other indications of petroleum contamination; time and results of these visual inspections should be recorded on log sheets to be provided to the Department. This lined basin should discharge to the designated dewatering infiltration basin. If a visible sheen or other evidence of petroleum contamination is observed, pumping should cease and BRWM response staff should be contacted immediately.

In addition to visual inspection for a sheen or petroleum residue on the liner or other parts of the forebay or stilling basin, the applicant must perform a headspace analysis on water samples from the basin. BRWM response staff follows a standard field procedure that includes collection of a sample in a sample bottle, closure of the bottle with foil or a similar cover, agitation of the sample bottle, and penetration of the cover with a photometric ionization detector probe or equivalent instrument to measure hydrocarbon concentration in the headspace. Based on a recommendation from BRWM response staff, this test must be performed at least every two hours during dewatering, and detection of 25 parts per million (ppm) or greater of hydrocarbons in the headspace requires cessation of pumping and immediate notification of BRWM response staff in order to determine the need for further action, if any.

The applicant must also visually observe the dewatering outfall for an extended period during the startup and early stages of pumping to guarantee that sufficient freeboard is

maintained on both the lined basin and in the infiltration area; this should be confirmed during other visual observations of the lined basin during operations. Pumping rates and/or sizes of these basins must be adjusted as necessary to maintain basin functions. During dewatering, the applicant must also visually observe conditions in the unnamed stream at the east end of the project site at two-hour intervals to ensure that stream flow conditions are not unreasonably impacted by the dewatering process.

Prior to the start of construction, the applicant must submit a final dewatering plan to the BLWQ for review and approval, which incorporates the conditions of this approval. The plan must include a standard operating procedure or similar document, together with any necessary plan sheets and details, describing the procedures for dewatering during construction and the conduct of the water sample collection, monitoring and analysis, and stream flow monitoring provisions for the unnamed stream on the site. The plan must also include a maintenance log of visual inspections and sampling results and other details as outlined above as well as alternatives for disposal, such as a holding tank or discharge to the public sewer system, should contamination become an issue during the dewatering process.

C. VRAP: As noted in Finding 1, because of the industrialized history of the site, the applicant developed a voluntary remedial action plan and submitted an application to the Department's VRAP Program. The proposed remedial actions and other recommendations for management of contaminated soils were conditionally approved in a letter to the applicant dated September 12, 2011 from Jean Firth, Brownfields Coordinator in the BRWM. The applicant submitted a Coal Ash/Ash Impacted Soil Management Plan, dated October 2014, to the Department. The October 2014 plan was designed to integrate the layover project construction plan with the requirements of the voluntary remedial action plan described above and was reviewed and found to be acceptable by BRWM staff. The proposed project is subject to the findings, conclusions and conditions of the September 12, 2011 letter of approval from BRWM and the October 2014 soil management plan. Copies of any soil test results or other materials submitted to the BRWM pursuant to the VRAP program must also be submitted to the BLWQ.

Based on the proposed project design and the Department's review, and with the additional requirements imposed in Finding 3 of this Department Order, the Department finds that the proposed project will not adversely affect groundwater quantity or quality provided that the applicant revises the roof drip edge collection system with an impermeable liner, revises the dewatering plan to include the inspection and sampling requirements set forth above, and the applicant submits copies of any soil test results or other materials submitted in connection with the VRAP program, all as described above.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S.A. § 420-D, and Chapters 500 and 502 of the Department's Regulations:

- A. The applicant has made adequate provision to ensure that the proposed project will meet the Chapter 500 Basic Standards for: (1) erosion and sediment control; (2) inspection and maintenance; (3) housekeeping; and (4) grading and construction activity provided that storm sewer grit and sediment materials removed from stormwater control structures is disposed of in compliance with the Maine Solid Waste Management Rules (06-096 CMR 400 et seq., effective September 6, 1999); provided that the applicant submits a revised spill contingency plan and a final dewatering plan, and incorporates this information into a consolidated housekeeping plan; and provided that a third-party inspector is retained and a pre-construction meeting is held, all as described in Finding 2A.
- B. The applicant has made adequate provisions to ensure that the proposed project will meet the Chapter 500 General Standards provided that the applicant retains the services of a design engineer to oversee and document the construction of the stormwater management wet pond to insure that it is constructed in accordance with the details and notes specified on the approved plans as described in Finding 2B.
- C. The applicant has made adequate provision to ensure that the proposed project will meet the Flooding Standard contained in Chapter 500 § 4(E) for peak flow from the project site, and channel limits and runoff areas.
- D. The applicant has made adequate provision to protect groundwater provided that the roof drip edge collection system is revised to include an impermeable liner, the drainage ring is registered with the Department's Underground Injection Control program, the dewatering plan is revised to include inspection and sampling requirements, and any soil samples taken related to the VRAP program are submitted to the BLWQ, all as described in Finding 3.

THEREFORE, the Department APPROVES the application of NORTHERN NEW ENGLAND PASSENGER RAIL AUTHORITY to construct a stormwater management system as described above in Brunswick, Maine, SUBJECT TO THE FOLLOWING CONDITIONS, and all applicable standards and regulations:

1. The Standard Conditions of Approval, which are attached to this Order.
2. In addition to any specific erosion control measures described in this Order, the applicant shall take all necessary actions to ensure that its activities or those of its agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation of the project covered by this approval.
3. Erosion control details shall be included on the final construction plans and the erosion control narrative shall be included in the project specifications to be provided to the construction contractor.
4. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This

License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

5. The applicant or other responsible party shall, within three (3) months of the expiration of each five-year interval from the date of this Order, submit a report to the Department certifying that the items listed in Department Rules, Chapter 500, Appendix B(4) have been completed in accordance with the approved plans.
6. The applicant shall retain the services of a third-party inspector in accordance with the Special Condition for Third-Party Inspection Program, which is attached to this Order. The applicant shall comply with the conditions contained in the Special Condition for Third-Party Inspection Program.
7. Prior to the start of construction, the applicant shall conduct a pre-construction meeting. This meeting must be attended by the applicant's representative, Department staff, the applicant's design engineer, the contractor, the Town of Brunswick, and the third-party inspector.
8. Prior to the start of construction, the applicant shall submit to the Department a revised housekeeping plan that consolidates the elements of the housekeeping plan described above into a single document to be incorporated into a revised plan sheet and incorporated into the project plan set.
9. Any spill prevention plans developed by site subcontractors shall be consistent with and no less stringent than the spill prevention plan submitted by the applicant. Any petroleum spills shall be reported to the Department within two hours of their discovery.
10. Prior to the start of construction, the applicant shall submit to the Department, for review and approval, a revised plan to include an impermeable liner between the roof drip edge collection system and the foundation drain system.
11. The applicant shall register the drainage ring as a Class V injection well with the Department's Underground Injection Control program prior to operation of the drainage ring, and must meet all applicable requirements of Department Rules, Chapter 543 and the Underground Injection Control Program.
12. Prior to the start of construction, the applicant shall submit to the Department, for review and approval, a revised dewatering plan that includes provisions for monitoring for and disposal of contaminants and monitoring the unnamed stream for evidence of dewatering. The revised plan shall include measures to be taken if contaminated groundwater as determined by the criteria outlined in the applicant's monitoring plan is encountered during dewatering,
13. Storm sewer grit and sediment materials removed from stormwater control structures shall be disposed of in compliance with the Maine Solid Waste Management Rules (06-096 CMR 400 et seq. effective September 6, 1999).

- 14. The applicant shall retain a design engineer to oversee the construction of the stormwater management system in accordance with the details and notes specified on the approved plans. Within thirty (30) days of completion of the entire stormwater management system, the applicant shall submit to the Department a log of inspection reports detailing the items inspected, photographs taken, and the dates of each inspection.
- 15. The applicant shall submit to the Bureau of Land and Water Quality copies of all information submitted to the VRAP program related to soil disturbance associated with project construction at the site.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

DONE AND DATED IN AUGUSTA, MAINE, THIS _____ DAY OF _____, 2015.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____
Patricia W. Aho, Commissioner

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES...

WB/L26119CN/ATS#78298

STORMWATER STANDARD CONDITIONS

STRICT CONFORMANCE WITH THE STANDARD AND SPECIAL CONDITIONS OF THIS APPROVAL IS NECESSARY FOR THE PROJECT TO MEET THE STATUTORY CRITERIA FOR APPROVAL

Standard conditions of approval. Unless otherwise specifically stated in the approval, a department approval is subject to the following standard conditions pursuant to Chapter 500 Stormwater Management Law.

- (1) Approval of variations from plans. The granting of this approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents must be reviewed and approved by the department prior to implementation. Any variation undertaken without approval of the department is in violation of 38 M.R.S.A. §420-D(8) and is subject to penalties under 38 M.R.S.A. §349.
- (2) Compliance with all terms and conditions of approval. The applicant shall submit all reports and information requested by the department demonstrating that the applicant has complied or will comply with all terms and conditions of this approval. All preconstruction terms and conditions must be met before construction begins.
- (3) Advertising. Advertising relating to matters included in this application may not refer to this approval unless it notes that the approval has been granted WITH CONDITIONS, and indicates where copies of those conditions may be obtained.
- (4) Transfer of project. Unless otherwise provided in this approval, the applicant may not sell, lease, assign, or otherwise transfer the project or any portion thereof without written approval by the department where the purpose or consequence of the transfer is to transfer any of the obligations of the developer as incorporated in this approval. Such approval may only be granted if the applicant or transferee demonstrates to the department that the transferee agrees to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant. Approval of a transfer of the permit must be applied for no later than two weeks after any transfer of property subject to the license.
- (5) Time frame for approvals. If the construction or operation of the activity is not begun within four years, this approval shall lapse and the applicant shall reapply to the department for a new approval. The applicant may not begin construction or operation of the project until a new approval is granted. A reapplication for approval may include information submitted in the initial application by reference. This approval, if construction is begun within the four-year time frame, is valid for seven years. If construction is not completed within the seven-year time frame, the applicant must reapply for, and receive, approval prior to continuing construction.
- (6) Certification. Contracts must specify that "all work is to comply with the conditions of the Stormwater Permit." Work done by a contractor or subcontractor pursuant to this approval may not begin before the contractor and any subcontractors have been shown a copy of this approval with the conditions by the developer, and the owner and each contractor and subcontractor has certified, on a form provided by the department, that the approval and conditions have been received and read, and that the work will be carried out in accordance

with the approval and conditions. Completed certification forms must be forwarded to the department.

- (7) Maintenance. The components of the stormwater management system must be adequately maintained to ensure that the system operates as designed, and as approved by the department.
- (8) Recertification requirement. Within three months of the expiration of each five-year interval from the date of issuance of the permit, the permittee shall certify the following to the department.
 - (a) All areas of the project site have been inspected for areas of erosion, and appropriate steps have been taken to permanently stabilize these areas.
 - (b) All aspects of the stormwater control system have been inspected for damage, wear, and malfunction, and appropriate steps have been taken to repair or replace the facilities.
 - (c) The erosion and stormwater maintenance plan for the site is being implemented as written, or modifications to the plan have been submitted to and approved by the department, and the maintenance log is being maintained.
- (9) Severability. The invalidity or unenforceability of any provision, or part thereof, of this permit shall not affect the remainder of the provision or any other provisions. This permit shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

November 16, 2005 (revised December 27, 2011)

Special Condition
for
Third Party Inspection Program

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THIRD-PARTY INSPECTION PROGRAM

1.0 THE PURPOSE OF THE THIRD-PARTY INSPECTION

As a condition of this permit, the Maine Department of Environmental Protection (MDEP) requires the permit applicant to retain the services of a third-party inspector to monitor compliance with MDEP permit conditions during construction. The objectives of this condition are as follows:

- 1) to ensure that all construction and stabilization activities comply with the permit conditions and the MDEP-approved drawings and specifications,
- 2) to ensure that field decisions regarding erosion control implementation, stormwater system installation, and natural resource protection are based on sound engineering and environmental considerations, and
- 3) to ensure communication between the contractor and MDEP regarding any changes to the development's erosion control plan, stormwater management plan, or final stabilization plan.

This document establishes the inspection program and outlines the responsibilities of the permit applicant, the MDEP, and the inspector.

2.0 SELECTING THE INSPECTOR

At least 30 days prior to starting any construction activity on the site, the applicant will submit the names of at least two inspector candidates to the MDEP. Each candidate must meet the minimum qualifications listed under section 3.0. The candidates may not be employees, partners, or contracted consultants involved with the permitting of the project or otherwise employed by the same company or agency except that the MDEP may accept subcontractors who worked for the project's primary consultant on some aspect of the project such as, but not limited to, completing wetland delineations, identifying significant wildlife habitats, or conducting geotechnical investigations, but who were not directly employed by the applicant, as Third Party inspectors on a case by case basis. The MDEP will have 15 days from receiving the names to select one of the candidates as the inspector or to reject both candidates. If the MDEP rejects both candidates, then the MDEP shall state the particular reasons for the rejections. In this case, the applicant may either dispute the rejection to the Director of the Bureau of Land and Water Quality or start the selection process over by nominating two, new candidates.

3.0 THE INSPECTOR'S QUALIFICATIONS

Each inspector candidate nominated by the applicant shall have the following minimum qualifications:

- 1) a degree in an environmental science or civil engineering, or other demonstrated expertise,
- 2) a practical knowledge of erosion control practices and stormwater hydrology,
- 3) experience in management or supervision on large construction projects,
- 4) the ability to understand and articulate permit conditions to contractors concerning erosion control or stormwater management,
- 5) the ability to clearly document activities being inspected,
- 6) appropriate facilities and, if necessary, support staff to carry out the duties and responsibilities set forth in section 6.0 in a timely manner, and
- 7) no ownership or financial interest in the development other than that created by being retained as the third-party inspector.

4.0 INITIATING THE INSPECTOR'S SERVICES

The applicant will not formally and finally engage for service any inspector under this permit condition prior to MDEP approval or waiver by omission under section 2.0. No clearing, grubbing, grading, filling, stockpiling, or other construction activity will take place on the development site until the applicant retains the MDEP-approved inspector for service.

5.0 TERMINATING THE INSPECTOR'S SERVICES

The applicant will not terminate the services of the MDEP-approved inspector at any time between commencing construction and completing final site stabilization without first getting written approval to do so from the MDEP.

6.0 THE INSPECTOR'S DUTIES AND RESPONSIBILITIES

The inspector's work shall consist of the duties and responsibilities outlined below.

- 1) Prior to construction, the inspector will become thoroughly familiar with the terms and conditions of the state-issued site permit, natural resources protection permit, or both.
- 2) Prior to construction, the inspector will become thoroughly familiar with the proposed construction schedule, including the timing for installing and removing erosion controls, the timing for constructing and stabilizing any basins or ponds, and the deadlines for completing stabilization of disturbed soils.
- 3) Prior to construction, the inspector will become thoroughly familiar with the project plans and specifications, including those for building detention basins, those for installing the erosion control measures to be used on the site, and those for temporarily or permanently stabilizing disturbed soils in a timely manner.
- 4) During construction, the inspector will monitor the contractor's installation and maintenance of the erosion control measures called for in the state permit(s) and any additional measures the inspector believes are necessary to prevent sediment discharge to off-site properties or natural resources. This direction will be based on the approved erosion control plan, field conditions at the time of construction, and the natural resources potentially impacted by construction activities.
- 5) During construction, the inspector will monitor the contractor's construction of the stormwater system, including the construction and stabilization of ditches, culverts, detention basins, water quality treatment measures, and storm sewers.
- 6) During construction, the inspector will monitor the contractor's installation of any stream or wetland crossings.
- 7) During construction, the inspector will monitor the contractor's final stabilization of the project site.
- 8) During construction, the inspector will keep logs recording any rain storms at the site, the contractor's activities on the site, discussions with the contractor(s), and possible violations of the permit conditions.
- 9) During construction, the inspector will inspect the project site at least once a week and before and after any significant rain event. The inspector will photograph all protected natural resources both before and after construction and will photograph all areas under construction. All photographs will be identified with, at a minimum the date the photo was taken, the location and the name of the individual taking the photograph.
Note: the frequency of these inspections as contained in this condition may be varied to best address particular project needs.
- 10) During construction, the inspector will prepare and submit weekly inspection reports to the MDEP.

- 11) During construction, the inspector will notify the designated person at the MDEP immediately of any sediment-laden discharges to a protected natural resource or other significant issues such as the improper construction of a stormwater control structure or the use of construction plans not approved by the MDEP.

7.0 INSPECTION REPORTS

The inspector will submit weekly written reports, including photographs of areas that are under construction, on a form provided by the Department to the designated person at the MDEP. Each report will be due at the MDEP by the Friday following the inspection week (Monday through Sunday).

The weekly report will summarize construction activities and events on the site for the previous week as outlined below.

- 1) The report will state the name of the development, its permit number, and the start and end dates for the inspection week (Monday through Sunday).
- 2) The report will state the date(s) and time(s) when the inspector was on the site making inspections.
- 3) The report will state the date(s) and approximate duration(s) of any rainfall events on the site for the week.
- 4) The report will identify and describe any erosion problems that resulted in sediment leaving the property or sediment being discharged into a wetland, brook, stream, river, lake, or public storm sewer system. The report will describe the contractor's actions to repair any damage to other properties or natural resources, actions to eliminate the erosion source, and actions to prevent future sediment discharges from the area.
- 5) The report will list the buildings, roads, parking lots, detention basins, stream crossings or other features open to construction for the week, including those features or areas actively worked and those left unworked (dormant).
- 6) For each area open to construction, the report will list the date of initial soil disturbance for the area.
- 7) For each area open to construction, the report will note which areas were actively worked that week and which were left dormant for the week. For those areas actively worked, the report will briefly state the work performed in the area that week and the progress toward final stabilization of the area -- e.g. "grubbing in progress", "grubbing complete", "rough grading in progress", "rough grading complete", "finish grading in progress", "finish grading complete", "permanent seeding completed", "area fully stable and temporary erosion controls removed", etc.
- 8) For each area open to construction, the report will list the erosion and sedimentation control measures installed, maintained, or removed during the week.
- 9) For each erosion control measure in-place, the report will note the condition of the measure and any maintenance performed to bring it to standard.

Third Party Inspection Form

This report is prepared by a Third Party Inspector to meet the requirements of the Third Party Inspector Condition attached as a Special Condition to the Department Order that was issued for the project identified below. The information in this report/form is not intended to serve as a determination of whether the project is in compliance with the Department permit or other applicable Department laws and rules. Only Department staff may make that determination.

TO: <i>PM, Maine DEP (@maine.gov)</i>	FROM:
PROJECT NAME/ LOCATION:	DEP #:
DATE OF INSPECTION:	DATE OF REPORT:
WEATHER:	CONDITIONS:

SITE CHARACTERISTICS:

# ACRES OPEN:	# ACRES ACTIVE:	# ACRES INACTIVE:
LOCATION OF OPEN LAND:	LOCATION OF ACTIVE LAND:	LOCATION OF INACTIVE LAND:
OPEN SINCE:	OPEN SINCE:	OPEN SINCE:

PROGRESS OF WORK:

INSPECTION OF:	Satisfactory	Minor Deviation (corrective action required)	Unsatisfactory (include photos)
STORMWATER CONTROL (VEGETATIVE & STRUCTURAL BMP'S)			
EROSION & SEDIMENTATION CONTROL (TEMPORARY & PERMANENT BMP'S)			
OTHER: (PERMIT CONDITIONS, ENGINEERING DESIGN, ETC.)			

COMMENTS/CORRECTIVE ACTIONS TAKEN (attach additional sheets as necessary):

Photos (must be labeled with date, photographer and location):

Cc:		
<i>Original and all copies were sent by email only.</i>		



DEP INFORMATION SHEET

Appealing a Department Licensing Decision

Dated: March 2012

Contact: (207) 287-2811

SUMMARY

There are two methods available to an aggrieved person seeking to appeal a licensing decision made by the Department of Environmental Protection's ("DEP") Commissioner: (1) in an administrative process before the Board of Environmental Protection ("Board"); or (2) in a judicial process before Maine's Superior Court. An aggrieved person seeking review of a licensing decision over which the Board had original jurisdiction may seek judicial review in Maine's Superior Court.

A judicial appeal of final action by the Commissioner or the Board regarding an application for an expedited wind energy development (35-A M.R.S.A. § 3451(4)) or a general permit for an offshore wind energy demonstration project (38 M.R.S.A. § 480-HH(1)) or a general permit for a tidal energy demonstration project (38 M.R.S.A. § 636-A) must be taken to the Supreme Judicial Court sitting as the Law Court.

This INFORMATION SHEET, in conjunction with a review of the statutory and regulatory provisions referred to herein, can help a person to understand his or her rights and obligations in filing an administrative or judicial appeal.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

The laws concerning the DEP's *Organization and Powers*, 38 M.R.S.A. §§ 341-D(4) & 346, the *Maine Administrative Procedure Act*, 5 M.R.S.A. § 11001, and the DEP's *Rules Concerning the Processing of Applications and Other Administrative Matters* ("Chapter 2"), 06-096 CMR 2 (April 1, 2003).

HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

The Board must receive a written appeal within 30 days of the date on which the Commissioner's decision was filed with the Board. Appeals filed after 30 calendar days of the date on which the Commissioner's decision was filed with the Board will be rejected.

HOW TO SUBMIT AN APPEAL TO THE BOARD

Signed original appeal documents must be sent to: Chair, Board of Environmental Protection, c/o Department of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017; faxes are acceptable for purposes of meeting the deadline when followed by the Board's receipt of mailed original documents within five (5) working days. Receipt on a particular day must be by 5:00 PM at DEP's offices in Augusta; materials received after 5:00 PM are not considered received until the following day. The person appealing a licensing decision must also send the DEP's Commissioner a copy of the appeal documents and if the person appealing is not the applicant in the license proceeding at issue the applicant must also be sent a copy of the appeal documents. All of the information listed in the next section must be submitted at the time the appeal is filed. Only the extraordinary circumstances described at the end of that section will justify evidence not in the DEP's record at the time of decision being added to the record for consideration by the Board as part of an appeal.

WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

Appeal materials must contain the following information at the time submitted:

1. *Aggrieved Status.* The appeal must explain how the person filing the appeal has standing to maintain an appeal. This requires an explanation of how the person filing the appeal may suffer a particularized injury as a result of the Commissioner's decision.
2. *The findings, conclusions or conditions objected to or believed to be in error.* Specific references and facts regarding the appellant's issues with the decision must be provided in the notice of appeal.
3. *The basis of the objections or challenge.* If possible, specific regulations, statutes or other facts should be referenced. This may include citing omissions of relevant requirements, and errors believed to have been made in interpretations, conclusions, and relevant requirements.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license or permit to changes in specific permit conditions.
5. *All the matters to be contested.* The Board will limit its consideration to those arguments specifically raised in the written notice of appeal.
6. *Request for hearing.* The Board will hear presentations on appeals at its regularly scheduled meetings, unless a public hearing on the appeal is requested and granted. A request for public hearing on an appeal must be filed as part of the notice of appeal.
7. *New or additional evidence to be offered.* The Board may allow new or additional evidence, referred to as supplemental evidence, to be considered by the Board in an appeal only when the evidence is relevant and material and that the person seeking to add information to the record can show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process or that the evidence itself is newly discovered and could not have been presented earlier in the process. Specific requirements for additional evidence are found in Chapter 2.

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license application file is public information, subject to any applicable statutory exceptions, made easily accessible by DEP. Upon request, the DEP will make the material available during normal working hours, provide space to review the file, and provide opportunity for photocopying materials. There is a charge for copies or copying services.
2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer questions regarding applicable requirements.
3. *The filing of an appeal does not operate as a stay to any decision.* If a license has been granted and it has been appealed the license normally remains in effect pending the processing of the appeal. A license holder may proceed with a project pending the outcome of an appeal but the license holder runs the risk of the decision being reversed or modified as a result of the appeal.

WHAT TO EXPECT ONCE YOU FILE A TIMELY APPEAL WITH THE BOARD

The Board will formally acknowledge receipt of an appeal, including the name of the DEP project manager assigned to the specific appeal. The notice of appeal, any materials accepted by the Board Chair as supplementary evidence, and any materials submitted in response to the appeal will be sent to Board members with a recommendation from DEP staff. Persons filing appeals and interested persons are notified in advance of the date set for Board consideration of an appeal or request for public hearing. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision or remand the matter to the Commissioner for further proceedings. The Board will notify the appellant, a license holder, and interested persons of its decision.

II. JUDICIAL APPEALS

Maine law generally allows aggrieved persons to appeal final Commissioner or Board licensing decisions to Maine's Superior Court, see 38 M.R.S.A. § 346(1); 06-096 CMR 2; 5 M.R.S.A. § 11001; & M.R. Civ. P 80C. A party's appeal must be filed with the Superior Court within 30 days of receipt of notice of the Board's or the Commissioner's decision. For any other person, an appeal must be filed within 40 days of the date the decision was rendered. Failure to file a timely appeal will result in the Board's or the Commissioner's decision becoming final.

An appeal to court of a license decision regarding an expedited wind energy development, a general permit for an offshore wind energy demonstration project, or a general permit for a tidal energy demonstration project may only be taken directly to the Maine Supreme Judicial Court. See 38 M.R.S.A. § 346(4).

Maine's Administrative Procedure Act, DEP statutes governing a particular matter, and the Maine Rules of Civil Procedure must be consulted for the substantive and procedural details applicable to judicial appeals.

ADDITIONAL INFORMATION

If you have questions or need additional information on the appeal process, for administrative appeals contact the Board's Executive Analyst at (207) 287-2452 or for judicial appeals contact the court clerk's office in which your appeal will be filed.

Note: The DEP provides this INFORMATION SHEET for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.

DRAFT

SENATE

RONALD F. COLLINS, DISTRICT 34, CHAIR
KIMBERLEY C. ROSEN, DISTRICT 8
G. WILLIAM DIAMOND, DISTRICT 26

KAREN NADEAU-DRILLEN, LEGISLATIVE ANALYST
DARLENE SIMONEAU, COMMITTEE CLERK



HOUSE

ANDREW J. MCLEAN, GORHAM, CHAIR
GEORGE W. HOGAN, OLD ORCHARD BEACH
CHRISTINE B. POWERS, NAPLES
ARTHUR C. VEROW, BREWER
MARK E. BRYANT, WINDHAM
JARED F. GOLDEN, LEWISTON
WAYNE R. PARRY, ARUNDEL
JAMES S. GILLWAY, SEARSPORT
BRADLEE THOMAS FARRIN, NORRIDGEWOCK
BRIAN D. HOBART, BOWDOINHAM

STATE OF MAINE
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
COMMITTEE ON TRANSPORTATION

June 4, 2015

Patricia Quinn, Executive Director
Northern New England Passenger Rail Authority
75 West Commercial Street, Suite 104
Portland, ME 04101-4631

RE: LD 439 – An Act To Prohibit Excessive Idling of Passenger Trains

Dear Ms. Quinn,

Earlier this session, the Transportation Committee voted unanimously “ought not to pass” on the above referenced bill. LD 439 proposed to prohibit a passenger train engine from operating for more than 30 minutes while the train is stopped except during repairs or maintenance requiring the engine to be running or while the train is delivering or accepting merchandise or passengers requiring engine-assisted power. The bill also proposed to include a fine of \$2,500 for a violation of these provisions.

LD 439 would have impacted passenger rail operations throughout the State of Maine. However, as you know, the bill was sponsored by Senator Stan Gerzofsky of Brunswick and many of the proponents of LD 439 were residents of Brunswick, including the Brunswick West Neighborhood Coalition, which is a group opposed to the construction of the Northern New England Passenger Rail Authority’s (NNEPRA) Amtrak Maintenance and Layover Facility (MLF) at Brunswick West Side. Residents are concerned that train idling at the MLF will negatively impact air quality and public health, particularly for those in nearby residential neighborhoods and local businesses. In addition, proponents of LD 439 believe that the MLF will also result in polluted storm water runoff, contaminated groundwater, excessive nighttime noise and vibration pollution.

The Surface Transportation Board’s (STB) preemption authority under the Interstate Commerce Commission Termination Act (ICCTA) prevents states or localities from, among other things, imposing requirements that could be used to effectively deny a railroad the right to conduct rail operations. Idling provides power for the locomotive and attached rail cars, maintains pressure in the air brakes for the train set and charges the locomotive’s battery. We also understand that the Amtrak Downeaster is important to the economic prosperity of Brunswick, which was hit hard by the loss of the Brunswick Naval Air Station. In fact, many residents of Brunswick testified in opposition to LD 439.

In closing, the Transportation Committee does not feel that legislation was necessary at this time; however, we do appreciate the concerns expressed by Senator Gerzofsky and his constituents.

It is our understanding that NNEPRA has taken steps to address public concerns related to train idling in Brunswick and, in fact, one of the primary functions of the MLF in Brunswick is to eliminate the outdoor idling of trains. Additionally, NNEPRA has also committed to the installation of an auxiliary power unit (APU) in Brunswick as an interim step to reduce outdoor idling until the MLF at Brunswick West Side is completed. As outlined in your May 5, 2015 letter, the Maine Department of Transportation has authorized funding for this purpose and a purchase order for the APU was issued in on May 4, 2015 with an expected delivery date of 8 to 10 weeks from the order. The Transportation Committee requests that NNEPRA, if funds are available, add to the APU an air compressor, which would also allow for the proper brake pressure to be maintained.

We also request that NNEPRA continue to provide both the Transportation Committee and the Town of Brunswick updates on train idling mitigation efforts. Thank you for your continued efforts on this very important issue.

Sincerely,



Senator Ronald F. Collins, Co-Chair



Representative Andrew J. McLean, Co-Chair

Cc: Members, Joint Standing Committee on Transportation
Senator Stan J. Gerzofsky

MANAGER'S REPORT - C BACK UP MATERIALS



Town of Brunswick, Maine

INCORPORATED 1739

ECONOMIC AND COMMUNITY

DEVELOPMENT

85 UNION STREET

BRUNSWICK, MAINE 04011-2418

TELEPHONE 207-721-0292

FAX 207-725-6663

MEMORANDUM

TO: Town Council Members

FROM: Linda Smith, Business Development Manager

SUBJECT: CGI Communications Videos Project Update

DATE: June 8, 2015

The Town of Brunswick and CGI Communications have entered in to an Agreement (effective February 1, 2015) to create five (5) one minute videos for Brunswick. These videos are provided through a cost free Community Showcase Video Program that CGI Communications operates in partnership with the National League of Cities (NLC) and the U.S. Conference of Mayors. As part of their partnership with the NLC, they offer a *Savings and Solutions Program* to towns and cities throughout the USA. The video topics Brunswick has chosen are:

- a "Welcome" video, which provides a general welcome to and awareness of Brunswick's demographics and amenities;
- a "Community Organizations" video, which will provide a profile of several of our non-profits such as Habitat for Humanity, People Plus, Five Rivers Arts Alliance, and many more;
- a "Business Opportunities" video, which will feature Brunswick Landing, Downtown including the Pleasant Street corridor, and the Cooks Corner area;
- a "Quality of Life" video, which will profile Maine Street Station, Downtown, Brunswick Landing, Bowdoin College, the elementary / middle & high schools, our community health care options through Parkview & Midcoast Health Services as well as special events like the Holiday Tree Lighting, Early Bird - Bed Races, Race the Runways and so forth; and,
- a "Recreation & Arts" video which will feature our outdoor opportunities like winter skating / summer concerts on the Mall, our Androscoggin bike trail, locations such as Coffin Pond and other bike / trail / water opportunities as well as art events from Five Rivers, Brunswick Art Festival, our sculptures and murals, and others.

CGI Communications provides a project liaison, script writer and other production staff and does all of the assembling, editing, etc. The Town's primary work is to identify the great images of Brunswick that we want to represent us, to provide the data that CGI needs, to provide any video clips and/or still photos to complement the footage CGI will take, to come up with the people we want to speak in the videos on our behalf, and to assist in editing the videos to create a finished product that best represents our community.

Currently, we have signed off on the scripts for the five (5) one minute videos and have a CGI videographer scheduled to come to Brunswick on Monday and Tuesday, July 6th and 7th. I have been working with the Brunswick Downtown Association, the Midcoast Regional Redevelopment Authority, the Southern Midcoast Maine Chamber and our own municipal resources such as TV – 3, Marine Resources and Recreation to organize the video shoot schedule.

As a part of this project, CGI Communications has also been reaching out to our business community to offer to develop videos that highlight their company and its products. These business videos are developed for a fee. Businesses who may want to be involved in the program are companies that a new or future resident would want to connect with; for example, doctors, dentists, realtors, home builders, residential contractors, attorneys, veterinarians, locally owned restaurants, manufacturers, private schools, auto repair, orthodontists, pediatricians, etc. The Town posted a Letter of Introduction, so our businesses were aware of the project and the working relationship with CGI Communications. To date, twenty-five (25) businesses have agreed to work with CGI Communications on this project. It is likely that a total of forty (40) businesses will sign up by the end of the project.

We hope to launch the Town videos in late August or early September 2015. I'm available at the June 15, 2015 Town Council meeting to answer any questions you may have about the project.

Cc: John Eldridge, Town Manager

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

ITEM 64

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 6/15/2015 on the following Special Amusement license applications:

Special Amusement

165 PARK ROW, INC.
D/B/A: Brunswick Inn
165 Park Row

Eileen Hornor

Ravens' Roost (The)
D/B/A: Ravens' Roost (The)
103 Pleasant Street

Raven Wing/ Ronald Wing Sr. & II

Maine & Noble LLC
D/B/A: Brunswick Hotel and Tavern
4 Noble Street

J. Hilary Rockett

MCM Corp
D/B/A: Hacienda Pancho Villa Mexican Restaurant
164 Pleasant St.

Mr. Fernando Saldana

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: _____

Corporation-Corporation Name: 105 Park Row, Inc

Incorporation Date: April 2009 Incorporation State: Maine

New License: Opening Date _____ Renewal License

Business Name: The Brunswick Inn E-Mail: info@thebrunswickinn.com

Business Address: 105 Park Row Business Phone Number: 729-4914

Name of Contact Person: Eileen Hornor Contact's Phone Number: 314-3523

Mailing Address for Correspondence: 105 Park Row Brunswick

Signature of Owner, Officer, Partner or Agent: Eileen B Hornor

Date: 4/30/15

Corporations Please Complete:
 Address of Incorporation: 105 Park Row Phone #: _____
 Name of Corp. Officer, Owner, or Partner's: Title Address % of Stock or ownership

Name of Corp. Officer, Owner, or Partner's	Title	Address	% of Stock or ownership
<u>Eileen Hornor</u>	<u>President</u>		<u>100%</u>

Town Clerk Use Only

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

Required Approvals: Finance Codes/Fire Council PH Date: 6/15/15

Mailed or Issued Date: _____

Clerk Notes:

OVER

Describe in detail the kind and nature of entertainment:

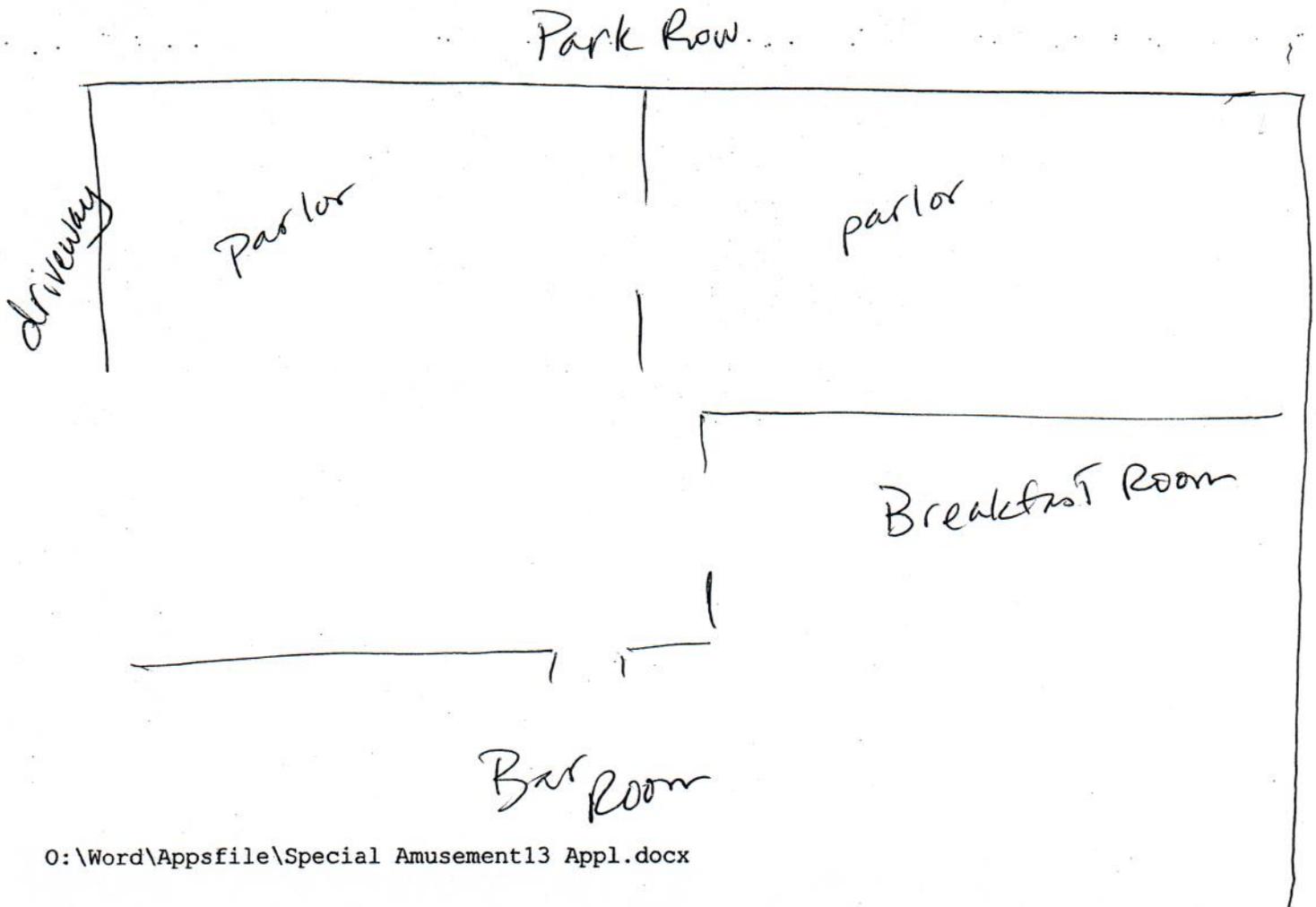
Small bands for parties and/or weddings

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

Bar Room and/or breakfast room

Front Parlor

DIAGRAM



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: _____

Corporation-Corporation Name: The Ravens Roost

Incorporation Date: 9/7/2011 Incorporation State: Maine

New License: Opening Date _____ Renewal License

Business Name: Ravens Roost E-Mail: raven.obrien@yahoo.com

Business Address: 103 Pleasant St Brunswick Business Phone Number: 207-449-9828

Name of Contact Person: Raven Wing Contact's Phone Number: 207-449-9828

Mailing Address for Correspondence: 368 Old Bath Rd Brunswick Me 04011

Signature of Owner, Officer, Partner or Agent: Raven Wing

Date: 5/26/2015

Corporations Please Complete:

Address of Incorporation: 368 Old Bath Rd Brunswick Phone #: 207-449-9828

Name of Corp. Officer, Owner, or Partner's	Title	Address	% of Stock or ownership
<u>Ronald C. Wing II</u>	<u>Pres</u>	<u>368 Old Bath Rd Brunswick</u>	<u>50%</u>
<u>Raven C. Wing</u>	<u>Treas Sec</u>	<u>1</u>	<u>50%</u>

Town Clerk Use Only

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

Required Approvals: Finance Codes/Fire Council PH Date: _____

Mailed or Issued Date: _____

Clerk Notes:

OVER

Describe in detail the kind and nature of entertainment: Bands, DJs

Tuesday: None

Wednesday: None

Thursday: 9pm-1am Karaoke

Friday: 10-1am DJ / Bike nights game outside and in

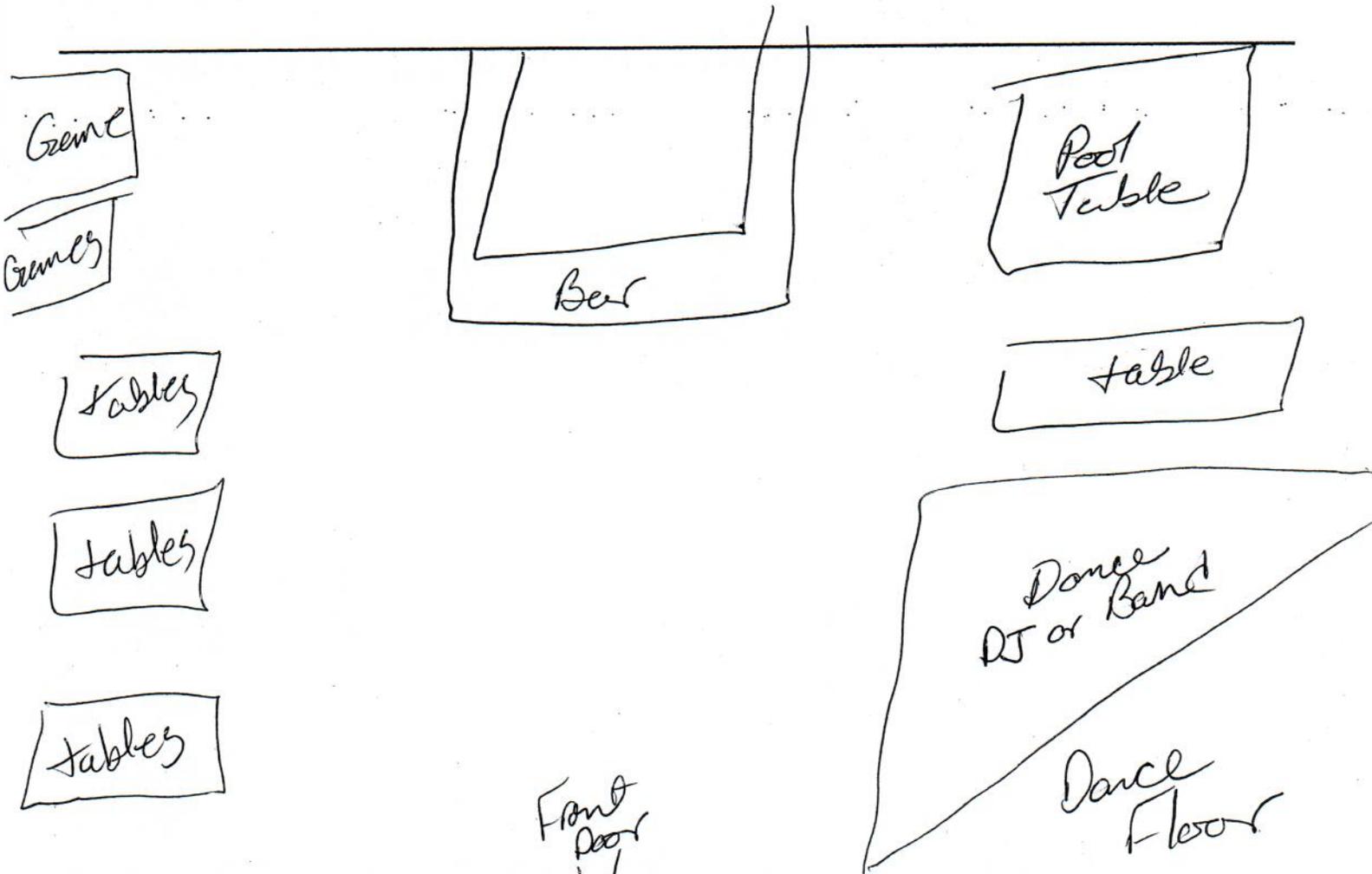
Sat & 8:30-12:30 Band

Sunday: open mic

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

Bike nights are fundraiser for charities and contest for best singer and people listen to live music or DJ.

DIAGRAM



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: _____

Corporation-Corporation Name: Maine & Noble, LLC

Incorporation Date: 11/14/2008 Incorporation State: Maine

New License: Opening Date _____ Renewal License

Business Name: The Brunswick Hotel & Tavern E-Mail: emartin@thebrunswickhotelandtavern.com

Business Address: 4 Noble St. Brunswick Me Business Phone Number: 207 837 6565

Name of Contact Person: Rick Martin Contact's Phone Number: 207 837 6565

Mailing Address for Correspondence: 4 Noble St. Brunswick Me 04011

Signature of Owner, Officer, Partner or Agent:  _____

Date: 5/14/15

Corporations Please Complete:

Address of Incorporation: _____ Phone #: _____

Name of Corp. Officer, Owner, or Partner's:	Title	Address	% of Stock or ownership

Town Clerk Use Only

License Fee \$100.00 Paid Advertising Fee \$ _____ 0 Paid

Required Approvals: Finance Codes/Fire Council PH Date: _____

Mailed or Issued Date: _____

Clerk Notes:

OVER

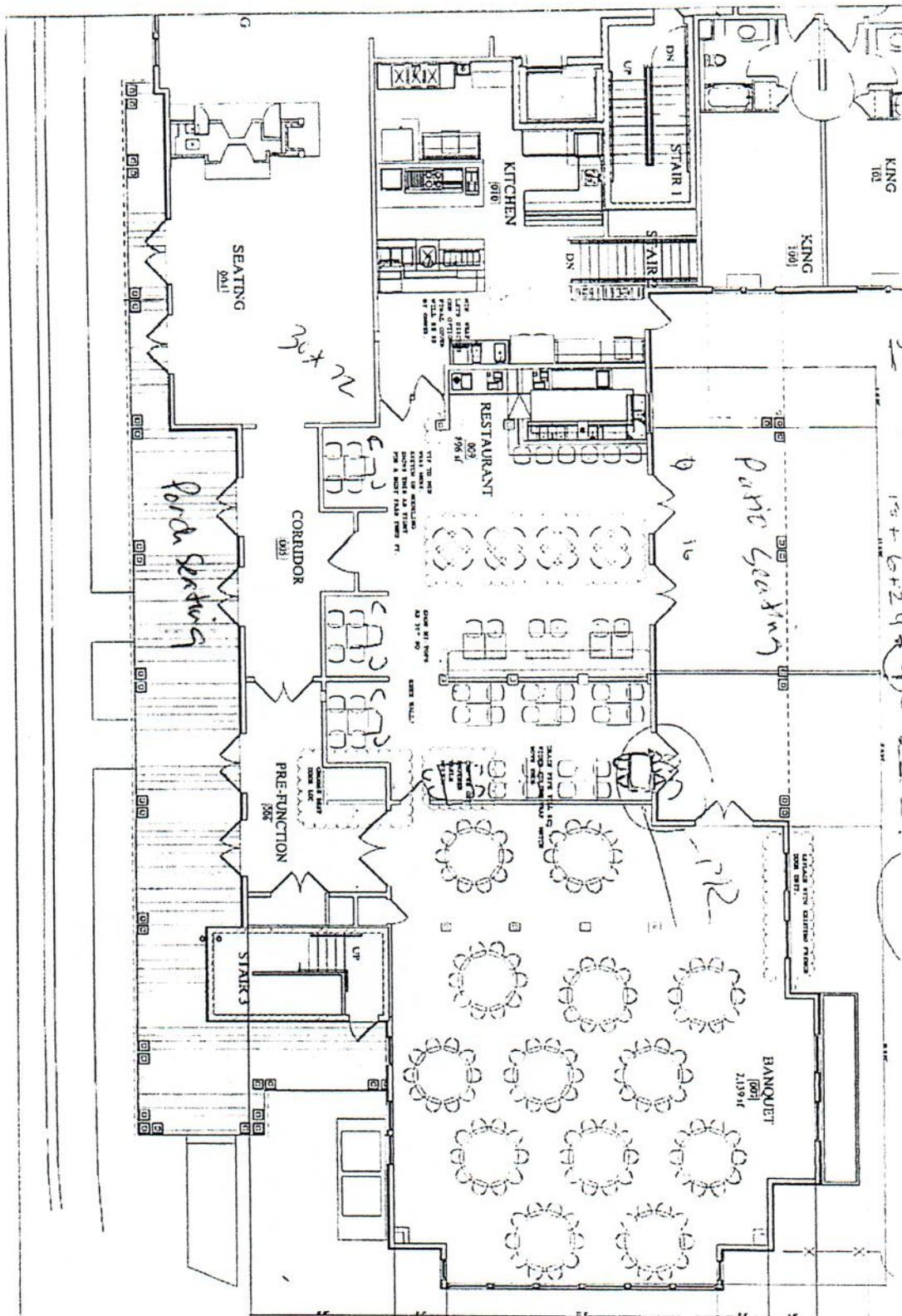
Describe in detail the kind and nature of entertainment:

Live entertainment, music, DJ. & dancing

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

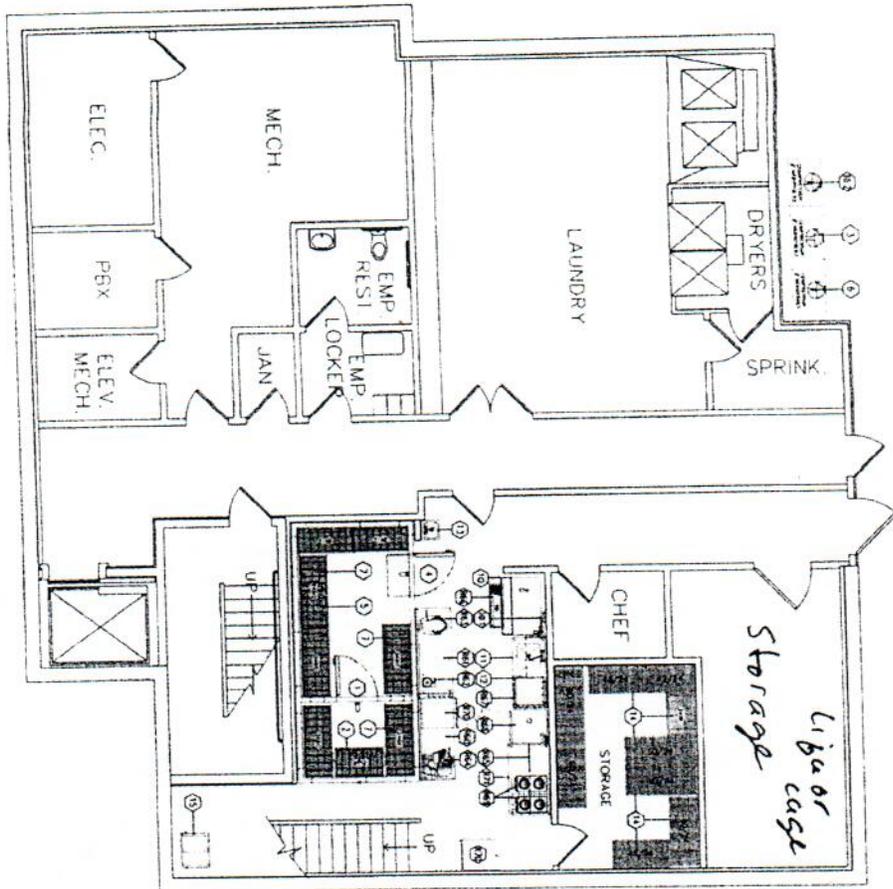
DIAGRAM

see attached



Date 24 January 2011	Scale AS NOTED	Revisions	Project MAINE STREET STATION INN	Architect ARCHETYPE architects	Construction Manager WRIGHT-RYAN CONSTRUCTION, INC.	Prepared For JLR/DC
RESTAURANT CONCEPT PLAN			MADEP 891/ET 18/11/2011, MAINE	44 Union Wharf, Portland, Maine 04101 (207) 773-6212 Fax (207) 773-6214	13 DANE STREET PORTLAND, MAINE	Date: Sheet:

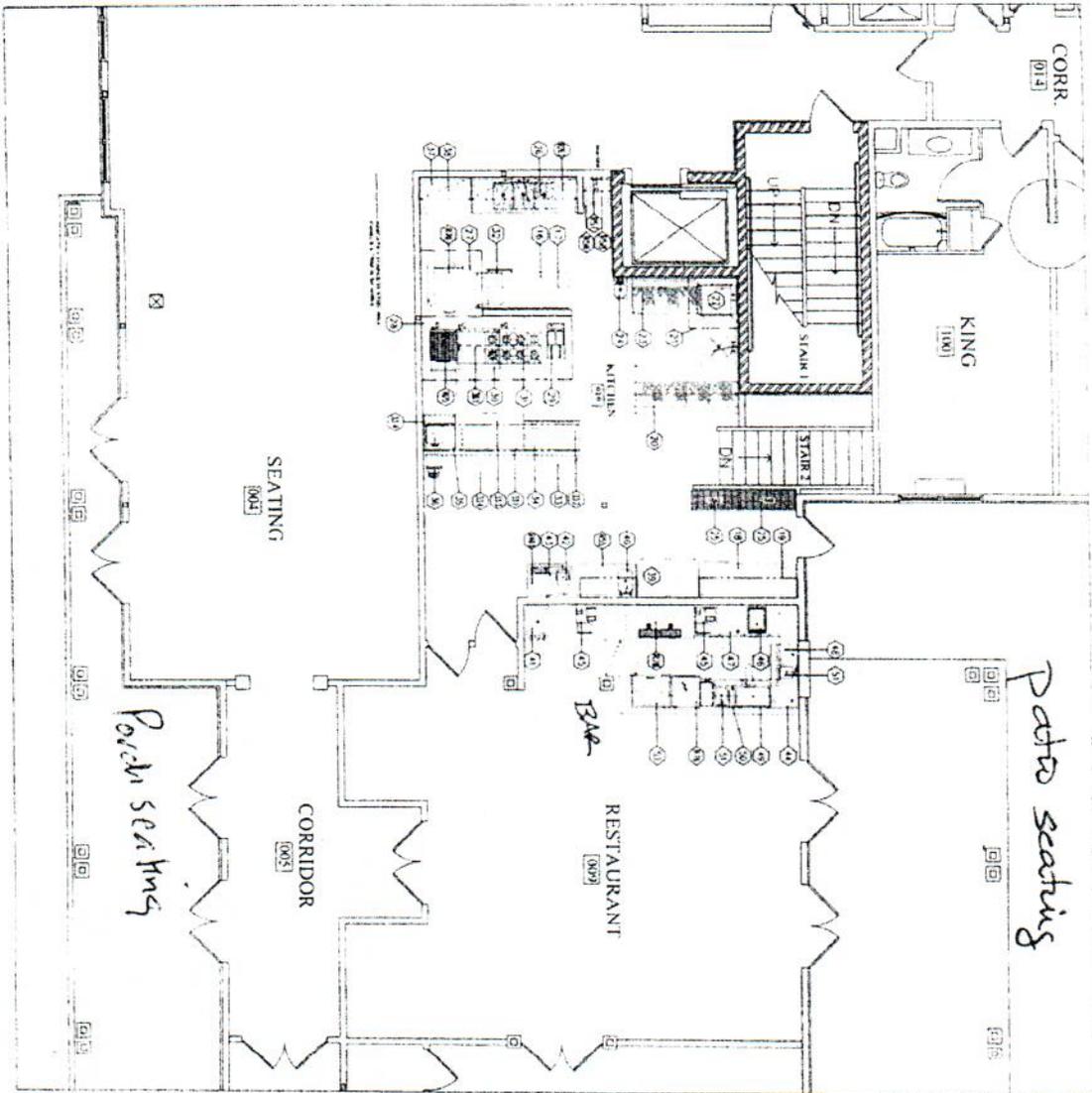
Down stairs prep area



EQUIPMENT SCHEDULE

NO.	DESCRIPTION
1	WALK-IN FREEZER
2	EVAPORATOR COIL, FREEZER
3	COMPRESSOR, FREEZER
4	WALK-IN COOLER
5	EVAPORATOR COIL, COOLER
6	COMPRESSOR, COOLER
7	COOLER/FREEZER SHELVING
8	3-PANE WINDOW
9	2-PANE WINDOW
10	1/2" WASHING WITH FILTER & BIN
11	WASH TUB WITH SINK
12	WALL SHELF
13	HAND SINK
14	1/2" DRY STORAGE SHELVING (BY OTHERS)
15	BAG-IN-BOX RACK (BY OTHERS)
16	WORK TABLE
17	WALL SHELF
18	WORK SINK /FRAMER
19	REINFORCED SINK
20	CONDENSATE HOOD & FAN
21	DISHWASHER DOOR-TYPE
22	1/2" WASHING CLEAN
23	HAND SINK
24	POT/PAN RACK, SHELVING
25	3-COMPARTMENT SINK
26	CONNECTION COIL IN WALL
27	1/2" WASHING CLEAN
28	EXHAUST FAN 3/2" DIA
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<p>FS-1.1</p>	<p>Date: 21 Sept. 2010</p>	<p>Scale: 1/4" = 1'-0"</p>	<p>Revisions:</p> <p>Harbour Review 02-04-11</p> <p>Harbour Review 02-28-11</p>	<p>Project:</p> <p>MAINE STREET STATION INN</p>	<p>Architect:</p> <p>ARCHETYPE</p>	<p>Contractor:</p> <p>WRIGHT-RYAN CONSTRUCTION, INC.</p>	<p>Logo: Harbour</p>
	<p>Foodservice Equipment Floor Plan & Schedule</p>			<p>MAINE STREET STATION INN</p>	<p>1200-1200-1200-1200-1200-1200</p>	<p>1200-1200-1200-1200-1200-1200</p>	<p>1200-1200-1200-1200-1200-1200</p>



EQUIPMENT SCHEDULE

NO	QTY	DESCRIPTION
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FS-1.0 Title: 21 Sept 2010 Scale: 1/4" = 1'-0" Project: Foodservice Equipment Floor Plan & Schedule	Date: 02-04-11 Harbour Review: 02-28-11	Project: MAIN STREET STATION INN	Architect: ARCHETYPE	Construction Manager: WRIGHT-RYAN CONSTRUCTION, INC.	Owner: Harbour
	Main Street Station Inn 100 Main Street Portland, ME 04101 Phone: (603) 876-1111				

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: _____

Corporation-Corporation Name: MCW Corporation

Incorporation Date: 2-7-5 Incorporation State: Maine

New License: Opening Date _____ Renewal License

Business Name: Hacienda Pancho Villa E-Mail: Panchos164@hotmail.com

Business Address: 164 Pleasant St. Brunswick Business Phone Number: 2077290029

Name of Contact Person: Fernando Saldaña Contact's Phone Number: 2074498043

Mailing Address for Correspondence: 4 Black Cherry Dr Brunswick ME 04011

Signature of Owner, Officer, Partner or Agent: _____

Date: 5-7-15

Corporations Please Complete:

Address of Incorporation: 164 Pleasant St. Brunswick Phone #: 207 729 0029

Name of Corp. Officer, Owner, or Partners:	Title	Address	% of Stock or ownership
<u>Fernando Saldaña</u>	<u>Owner</u>	<u>4 Black Cherry Dr. Brunswick</u>	<u>100%</u>

Town Clerk Use Only

License Fee \$100.00 Paid Advertising Fee \$ _____ 0 Paid

Required Approvals: Finance Codes/Fire Council PH Date: 6/15/15

Mailed or Issued Date: _____

Clerk Notes:

OVER

Describe in detail the kind and nature of entertainment:

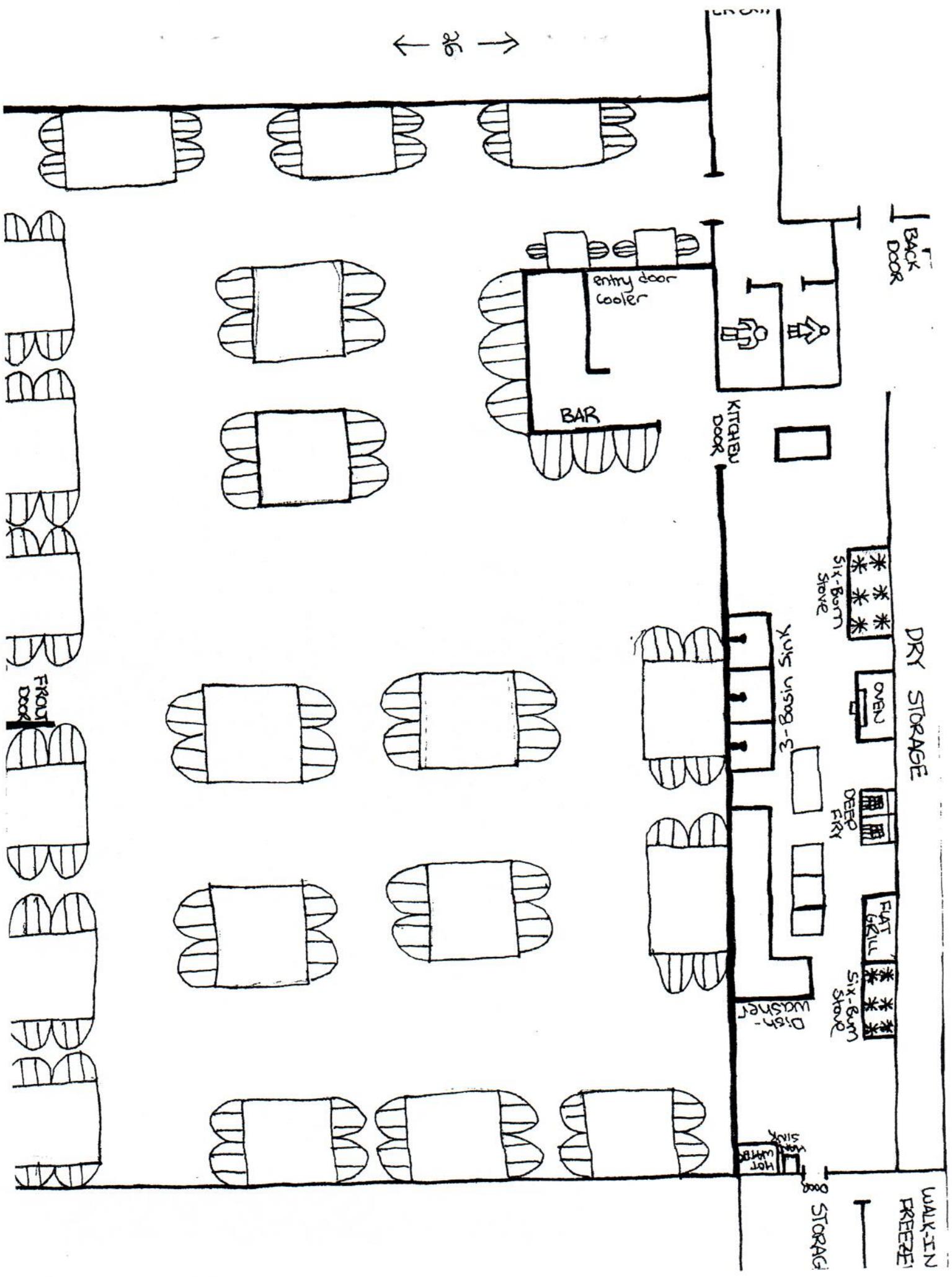
live music, DJ.

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

Dinner Rooms.

DIAGRAM

see attached



← 26 →

BACK DOOR

entry door cooler

BAR

KITCHEN DOOR

FRONT DOOR

DRY STORAGE

Six-Burn Stove

OVEN

DEEP FRY

FLAT GRILL

Six-Burn Stove

DISH WASHER

DISH WASH
HOT WATER

STORAGE

WALK-IN FREEZE

3-Basin Sink

ITEM 65

BACK UP MATERIALS

A Solarize Program for Brunswick

Introduction - Solarize programs are designed to help residents overcome the financial and logistical barriers to installing solar power systems on their homes. They accomplish this by allowing pre-selected solar installation companies to offer group discounts. An aggressive outreach and education effort, coupled with a tight deadline for committing to the program, typically produces a substantial number of motivated potential customers. A second purpose of the program is to increase the visibility of rooftop solar in the community, with the result that even those companies not participating in the initial effort can benefit from higher demand for their services. Thus, a successful Solarize program can produce employment and other economic benefits to the wider community.

Why rooftop solar? - The benefit of rooftop solar to homeowners is obvious – greatly reduced electric bills – but there are societal advantages as well. Most electricity is generated in large, centralized power plants, located many miles from the homes, stores, offices, and factories in which it is used. According to the Edison Electric Institute, an association of investor-owned public utilities, its members will spend more than \$64 Billion dollars through 2016 on construction and maintenance of the transmission infrastructure required to move this electricity from each Point A to its many Points B. In addition, the U.S. Energy Information Administration reports that about 7 percent of all electricity generated in these centralized plants is lost during transmission. Both of these costs – those associated with infrastructure and those associated with the generation of electricity that never makes it to end users – are borne by the general public in the form of higher electric bills. Finally, although an increasing percentage of Maine's electricity is generated using renewable, fossil fuels continue to account for roughly 40% of Maine's electricity. The advantages of solar over fossil fuels with regard to greenhouse gas emissions and other forms of air pollution are well documented.

Experience Elsewhere - The first Solarize program was launched in 2009 in a Portland, Oregon neighborhood. Within six months of starting their campaign, the program had signed up more than 300 residents and installed solar on 130 homes. These installations added 350 kilowatts of new photovoltaic capacity and created 18 professional-wage jobs for site assessors, engineers, project managers, journeyman electricians, and roofers. As a result of this success, other neighborhoods in the city adopted similar programs which produced 400 additional installations in 2010. Since then, the concept

has spread across the country, with a new program in Freeport, ME, as well as several others in Massachusetts, New Hampshire, Connecticut and Vermont. Approximately 40 contracts for rooftop solar in Freeport have been signed in the program's first two months. In the Upper Valley region of New Hampshire and Vermont, 301 contracts were signed during the program's first two rounds, with the Town of Hanover leading the way with 62. The programs in Massachusetts and Connecticut were coordinated at the state level, with participation by 50 to 60 towns in each state. Solarize Connecticut has resulted in the installation of over 2,000 rooftop systems, while in Massachusetts the figure is 2,400 systems.

Solarize Brunswick - A Solarize program in Brunswick would involve a partnership between the Town, the Recycling & Sustainability (R&S) Committee, and one or more solar installation companies. The Town's role would be to issue a Request for Proposals (RFP) to qualified companies, provide general oversight to program activities, and serve as a single point of contact for inquiries from interested citizens. Also, involvement by the Town would lend a sense of legitimacy to the program. The R&S Committee would perform outreach to promote the program. The Town and Committee would also appoint a committee to review bids received from the solar installation companies and select a winning bidder. The solar installation companies would respond to the RFP, offering a tiered pricing plan under which the costs for individual projects would drop as the number of residents participating increases. The winning bidder would be given contact information, primarily e-mail addresses, for interested residents and would conduct all follow-up activities with them. Companies can either bid on their own or form consortiums to bid collectively.

The following steps would be involved in a "Solarize Brunswick" program:

- The R&S Committee begins outreach activities to inform the public and gather e-mails of interested residents and small businesses.
- The Town issues a RFP to solar installation companies interested in offering competitive tiered pricing for a direct-ownership model for solar PV.
- A partner installer is selected to participate in the program.
- The partner installer takes the lead on outreach activities, initiates contact with interested residents to provide additional information and, if appropriate, schedules site assessments.
- If the site assessment indicates that a solar installation is appropriate, the partner installer submits a bid to the resident.
- The partner installer executes the contract with the resident to install the solar PV system. The Town is not involved in installation contracts.

The following table summarizes the activities of various players.

Program Activity	Town staff	Recycling and Sustainability Committee/Volunteers	Partner Installer
Start up	Review/approve RFP	Write RFP. Recruit volunteers for outreach and bid evaluation activities. Solicit e-mail addresses of potential customers.	
Installer Selection	Distribute RFP. Review/approve evaluation panel recommendation.	Evaluate proposals and recommend winner or finalists to be interviewed. Interview finalists and recommend winner.	Respond to RFP.
Outreach	Oversee outreach activities. Issue list of known financing options.	Develop website. Create and distribute informational material on the program. Research and prepare list of known financing options	Include program information on company website. Link to Town website. Create and distribute informational material on the program.
Enrollment		Compile database of enrollees.	
Site Assessments/Installations	Perform/oversee permitting, inspection, interconnection.		Conduct site assessments. Install systems
Program Evaluation	Prepare program evaluation with input from BRSC, citizens, and partner installers.	Solicit information from citizens and installer concerning program strengths and weaknesses.	Provide information on program strengths and weaknesses.

ITEM 66

BACK UP MATERIALS



Town of Brunswick, Maine

INCORPORATED 1739

ECONOMIC AND COMMUNITY

DEVELOPMENT

85 UNION STREET

BRUNSWICK, MAINE 04011-2418

TELEPHONE 207-721-0292

FAX 207-725-6663

MEMORANDUM

TO: Town Council Members

FROM: Linda Smith, Business Development Manager

SUBJECT: Request to Set Public Hearing for MicroEnterprise Assistance Program Contract Amendment

DATE: June 10, 2015

The Maine Department of Economic and Community Development (DECD) provides for individual municipalities to apply for a MicroEnterprise Assistance Program grant of up to \$150,000 maximum funding in any program year. In March 2015, DECD approved a contract awarding the Town of Brunswick \$50,000 on behalf of its business applicant, Blue Dog Day Care. The Town can apply on behalf of other Brunswick microbusinesses for an additional \$100,000 as a contract amendment to this original contract award. Two businesses, Fair Winds, Inc. and Anew Studio, have been working with DECD and the Town to apply for MicroEnterprise Assistance Program funds. [NOTE: The funds DECD used for Blue Dog and will likely use for Fair Winds, Inc. and Anew Studio are 2014 Program Funds, which means that the Town can still access the program through its 2015 program funds and via a new contract, if there are future new, interested and eligible microbusinesses.]

Established in 2012, Fair Winds provides lab analyses including ongoing regulatory paralytic shellfish poisoning (PSP) testing of shellfish, marine environmental consulting and monitoring projects for businesses and municipalities. Fair Winds is moving from a home based business to a new location at 68 Thomas Point Road. The new building will provide professional office space as well as laboratory space and is convenient to the company's primary customers from Harpswell, Bath, West Bath and Brunswick. The building is zoned commercial, but needs extensive upgrades. The business has a good track record, but the growth to a professional location and the need to hire two lab techs to provide services in response to new contract opportunities has capped the company's ability to find financing. CEI has committed to financing the building (at \$149,000). The owner, Darcie Couture, has committed to \$40,000 in personal equity for working capital and initial building improvements. However, a gap remains of \$50,000 for completing the facility upgrades. The facilities upgrades are projected to cost \$90,000 and the request for \$50,000 to the MicroEnterprise Assistance Program addresses a part of this gap.

Established in 2010, Anew Studio provides personal beautification services to families, working professionals and retirees in the midcoast area. New clients comprise 20% of the business sales with 80% of sales coming from satisfied return customers. Since its start five

years ago, Anew Studio has more than tripled its leased space presence at 14 Middle Street and increased its independent subcontractors from one to six, including four licensed cosmetologists, one certified massage therapist, and one licensed professional social worker. To stay competitive, Anew Studio needs to upgrade its interior studio space, improve exterior access, and upgrade and enhance its website presence and visibility. The landlord has agreed to make exterior improvements including paving, fencing and landscaping. The owner is requesting funds from the MicroEnterprise Assistance grant to take on two initiatives: to make interior improvements, which include energy efficiencies, facility upgrades and general leasehold improvements for floors, walls and systems; and, to invest in new technology systems, including computer hardware and web-site improvements. The total project cost is \$30,000 with \$24,000 requested from the MicroEnterprise Assistance Program.

Both business owners are eligible directly under the criteria of Low Moderate Income (LMI) households; therefore, DECD is not requiring a job creation target for either of the project requests. However, Fair Winds, Inc. anticipates hiring two new lab tech level positions once the new building is rehabilitated.

DECD recommended that the Town hold one Public Hearing and submit one contract amendment request (for a total of \$74,000) for both applicants. Based on the information available from the businesses, the contract amendment application can be ready for a Public Hearing on July 6, 2015. As with previous CDBG requests, the Public Hearing notice will be posted in the Times Record ten days prior to the Town Council meeting when the Public Hearing is held and the public will be able to review the contract amendment application at that time. I would ask that the Town Council set a Public Hearing on July 6, 2015 to review the MicroEnterprise contract amendment grant application, which is to assist Anew Studio and Fair Winds, Inc. with funds to undertake building or leasehold improvements and technical system enhancements. I will be available at the June 15, 2015 Town Council meeting to answer any questions that you may have about the projects.

Cc: John Eldridge, Town Manager

ITEM 67

BACK UP MATERIALS

MEMORANDUM

TO: Town Council

FROM: John Eldridge
Town Manager

DATE: June 11, 2015

SUBJECT: Cumberland Farms Property

Subject to Town Council approval, we have negotiated the purchase of the Cumberland Farms property located at the corner of Pleasant and Mill Streets. The Town's interest in the property is primarily to provide additional right-of-way for potential traffic improvements at the intersection. The intersection has long been identified as one requiring improvement, and a number of concept plans have been drafted. While neither the Town nor Maine Department of Transportation (MDOT) has any current plans to undertake improvements to the intersection, most of the concept plans assume additional right-of-way width would be required. Further, conversations with MDOT indicate that a proposed project, with MDOT participation, would be more favorably received if additional right-of-way had already been acquired.

The property had been listed for sale at \$350,000. The Town has offered to purchase, and Cumberland Farms has agreed to sell, the property at \$250,000. We are proposing to fund the property acquisition, and related costs, from the balance of funds in the Industrial Park Fund. That fund has a balance of \$279,525. While the fund was originally intended to provide resources for the development of a new industrial park, the Town no longer intends to use the funds for that purpose. Over the past few years, money has been drawn from the fund for other purposes.

Attached is a resolution that would authorize purchasing the property, as well as razing the building that housed the convenience store. The resolution would also authorize additional expenditures to grade and seed the property. The property would be converted to and retained as green space until a project could be developed to improve the intersection. The parcel abuts property the Town currently is using as a canoe portage and park. Should a transportation project not materialize, the Town could either sell the property or retain it as green space.

Should the Town Council adopt the funding resolution, the Town would move forward with finalizing a purchase and sales agreement. Such an agreement would be written to allow for inspection and testing on the property. Given the property's use as a gas station, we are concerned about any environmental issues related to the property. We have been told that there does not appear to be any significant environmental concerns, but the Town would reserve the right for additional analysis.

In addition to the funding resolution, the property listing is also attached. The Town has had the property appraised, and that appraisal supports the Town's \$250,000 offer.

Attachments

A Resolution Authorizing a Transfer of the Balance of Funds From the Town's Industrial Park Fund and the Appropriation and Expenditure of Those Funds for the Purpose of Acquiring Real Estate and Razing Building(s) Located at the Northwest Corner of Pleasant and Mill Streets

WHEREAS, the Town of Brunswick (the "Town") and other entities have discussed the desire to make traffic improvements to the intersection of Pleasant and Mill Streets (the "Intersection"); and

WHEREAS, the Town has described the Intersection as a gateway and expressed a desire to improve the aesthetic quality of the Intersection; and

WHEREAS, real estate, consisting of a building and land of approximately 0.73 acres, located on the northwest corner of the Intersection, and identified on the Town's tax maps as Map U14 Lot 120 (a.k.a. 88 Pleasant Street), is currently offered for sale at an asking price of \$350,000 (the "Property"); and

WHEREAS, the Town Manager has communicated, to the listing broker, the Town's interest in acquiring the property at a price of \$250,000, subject to the approval of the Brunswick Town Council; and

WHEREAS, the Town has an Industrial Park Fund that has accumulated resources for the development of a future industrial park; and

WHEREAS, the current balance of funds available in the Industrial Park Fund is \$279,525; and

WHEREAS, the Town does not have plans to develop a new industrial park; and

WHEREAS, the Town Manager has recommended that the entire balance in Industrial Park Fund be utilized for the acquisition of the Property and related costs; and

WHEREAS, the Town Manager has also recommended that the entire balance in the Industrial Park Fund be utilized for razing building(s) located on the property, and other related costs; and

WHEREAS, the Town Council concurs that the Property should be acquired, and that the acquisition, razing the building(s), and related costs should be funded with the entire balance of Funds in the Industrial Park Fund;

NOW THEREFORE BE IT RESOLVED:

Section 1. Appropriation and Expenditure Authorization. The Town transfers from its Industrial Park Fund the entire balance in that Fund (currently \$279,525) and appropriates and authorizes the expenditure of the balance for the acquisition of the Property, razing building(s), and related costs. The Town Manager is further authorized to expend additional funds to cover costs related to the acquisition that the Manager determines to be incidental and customary to the acquisition of real estate.

Section 2. Authorization to Execute a Purchase and Sales Agreement. 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 acquisition of the Property. The aforementioned items shall be in such form and contain such terms and conditions as may be approved by the Town Manager in consultation

with the Town Attorney and Chair of the Town Council. 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. Authorization to Raze Buildings and Make Related Expenditures. 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 razing building(s) on the Property; removing pavement and other items; and grading, loaming and seeding the Property.

Section 4. Project Costs Defined. The term "cost" or "costs" as used herein and applied to the Property Acquisition, or any portion thereof, includes:

- a. the cost of real estate, land and buildings,
- b. the cost of razing buildings, removing pavement, and incidental items from the property,
- c. grading, covering, and seeding the property,
- d. the cost of attorney fees, real estate appraisals, taxes, and other fees and costs customarily associated with real estate transactions as approved by the Town Manager,
- e. any other costs identified in the acquisition of the Property deemed to be costs under generally accepted accounting principles ("GAAP") as determined by the Town's Finance Director.

Section 5. Other Actions Authorized. Any actions taken to date by the Town Manager in connection with the acquisition of the Property, are hereby ratified, confirmed, and approved.

Proposed to Town Council: June 15, 2015

Adopted by Town Council:



Overview

The former Cumberland Farms location is located at the intersection of Route One (Pleasant Street) and Mill Street. Route One in either direction past the store is channeling traffic either north from Freeport and Portland or west returning from Bath and the Mid Coast. It is one of the most heavily traveled intersections in the Brunswick area and was chosen by Cumberland Farms based upon the strong traffic count. Cumberland Farms remains committed to this immediate area having built a new prototype store just a short distance away. The store closed near the beginning of 2013.

The above aerial does not reflect the removal of the former store's gasoline pumps. Pumps and tanks have been removed from the site.

Building Type:	Single story concrete block
Building Size:	3,300± SF
Site Size:	0.73± acres
Frontage:	100±' on US Route 1 100±' on Mill Street
Zone:	Highway Commercial 1
Most Recent Use:	Cumberland Farms (Closed in 2013)



JOHN DOYON, CCIM
207.772.8300 direct
207.358.7913 direct fax
john@malonecb.com

MALONE COMMERCIAL BROKERS
5 Moulton Street • Suite 3
Portland, ME 04101

207.772.2422 main
www.malonecb.com



Features

- Existing 3,300± SF building (former convenience & gas store)
- 0.73± acre site with 100±' frontage on U.S. Route 1 and 100±' frontage on Mill Street
- Located on major artery in Brunswick
- Pumps and tanks have been removed from the site

Contact Us

JOHN DOYON, CCIM
207.772.8300 direct
207.358.7913 direct fax
john@malonecb.com



5 Moulton Street • Suite 3
Portland, ME 04101
207.772.2422 main
www.malonecb.com

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Property Summary

88 PLEASANT STREET, BRUNSWICK, MAINE



Please note that large corporations may not have a key person familiar with the current condition of the improvements. The broker was not exposed to the store when systems were last operational; therefore, a buyer is responsible for conducting their due diligence to ascertain the property's and systems' conditions.

PROPERTY:	Former Cumberland Farms	CEILINGS:	10±'
OWNER:	VSH Realty, Inc.	LIGHTING:	Fluorescent
BUILDING SIZE:	3,300± SF	HVAC & HOT WATER:	Appears to be (2) roof-mounted units which are propane-fired for heat. 10± gallon electric hot water tank
MOST RECENT USE:	Convenience store	ELECTRICITY:	200 amps, 208/120 volts, 3-phase indicated
SITE SIZE:	0.73± acre	RESTROOMS:	2
FRONTAGE:	100±' on U.S. Route 1 100±' on Mill Street	UTILITIES:	Municipal water and sewer
ZONE:	Highway Commercial 1	PARKING:	20± unlined spaces
AGE:	Approx. 25 years	ASSESSOR MAP:	Map U15, Lot 120
CONSTRUCTION:	Concrete block	DEED REFERENCE:	Cumberland County Registry of Deeds Book 3729, Page 147
FOUNDATION:	Slab	ASSESSED VALUE:	\$ 167,000 Land \$ <u>152,700</u> Building \$ 319,700
STORIES:	1	REAL ESTATE TAX-	\$ 8,941.59±
ROOF TYPE:	Flat	SALE PRICE:	\$ 350,000.00

DEED RESTRICTIONS

The building will be sold with deed restrictions prohibiting a convenience store as well as the sale of gas and coffee. If purchasers are unsure if their concept may be allowed, they should submit it to the broker to obtain feedback from Cumberland Farms.



JOHN DOYON, CCIM
207.772.8300 direct
207.358.7913 direct fax
john@malonecb.com

MALONE COMMERCIAL BROKERS
5 Moulton Street • Suite 3
Portland, ME 04101

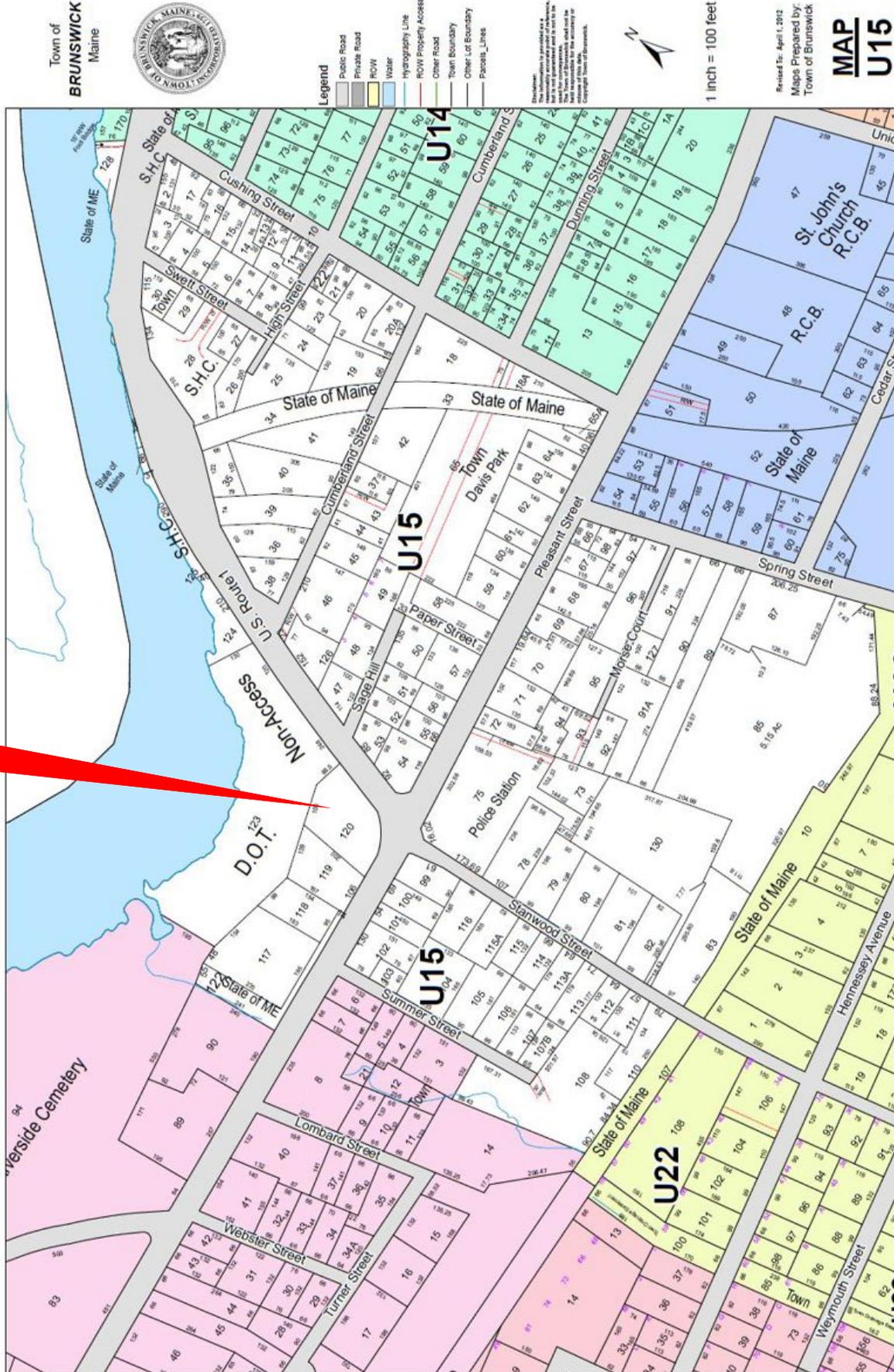
207.772.2422 main
www.malonecb.com

Assessor Map

88 PLEASANT STREET, BRUNSWICK, MAINE



MALONE
Commercial Brokers



Town of
BRUNSWICK
Maine



Legend

- Public Road
- Private Road
- ROW
- Water
- Hydrography Line
- ROW Property Access
- Other Road
- Town Boundary
- Other Lot Boundary
- Parcel Lines

This information is provided as a service to the public and is not to be used for any purpose other than that for which it was intended. The Town of Brunswick does not warrant the accuracy or completeness of this information. Copyright Town of Brunswick.

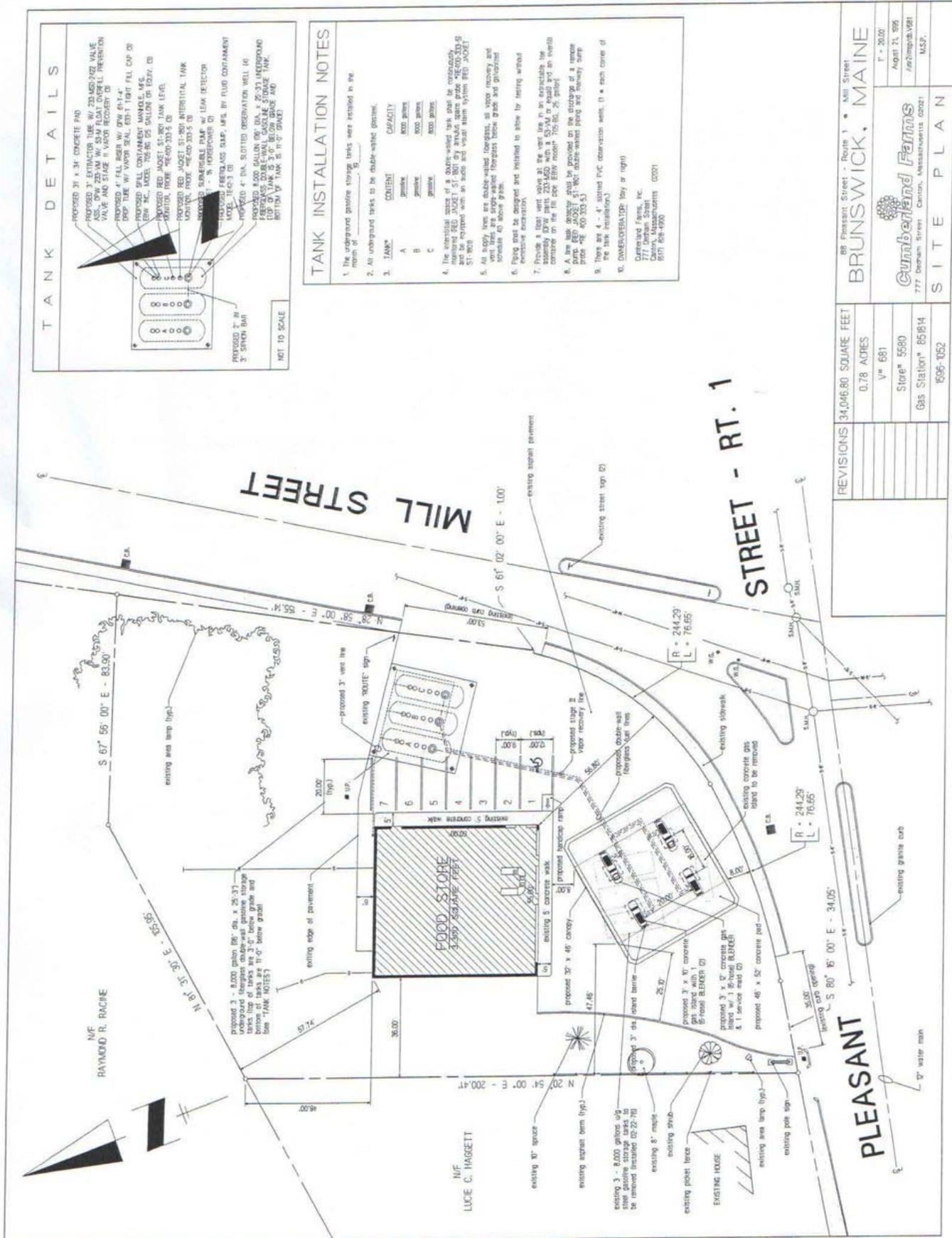


1 inch = 100 feet

Revised To: April 1, 2012
Maps Prepared by:
Town of Brunswick

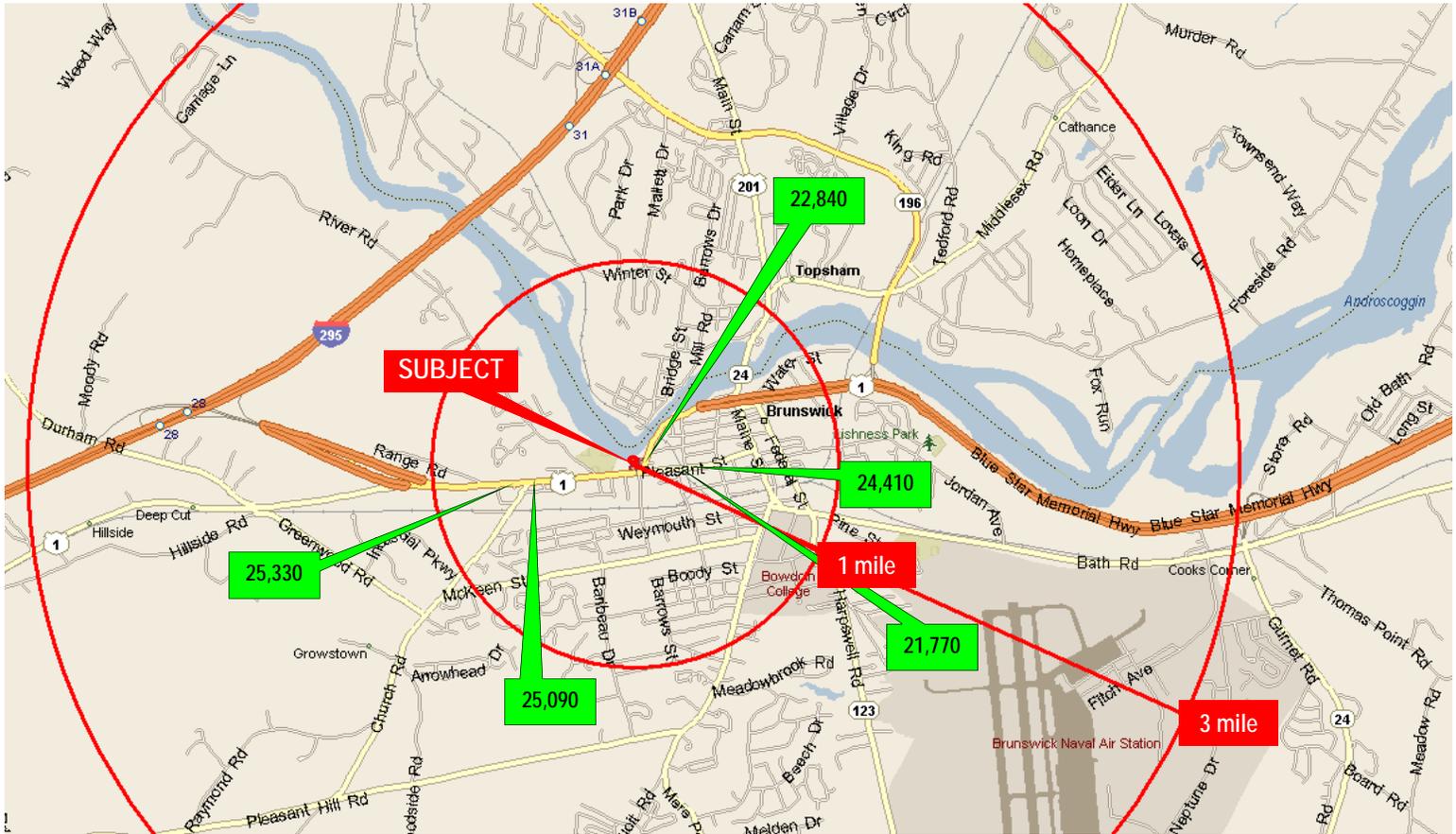
MAP
U15

SUBJECT



Area Map & Traffic Counts

88 PLEASANT STREET, BRUNSWICK, MAINE



Traffic counts noted are AADT (Annual Average Daily Traffic) and are cumulative in both directions unless otherwise noted. Source: MaineDOT, Traffic Volume Counts, 2012 Annual Report., Cumberland County.

Brunswick a town of over 20,000 people is located just 25 minutes beyond Portland and is the gateway to the state's beautiful mid-coast area which includes the three islands just south of the town (accessed by bridges) as well as other coastal towns including Bath, Wiscasset, Damariscotta, Boothbay Harbor, Camden, Rockland among others.

The Town of Brunswick is the home to world renowned Bowdoin College ranked sixth among liberal arts colleges by U.S. News and World Report in 2010. The college features an art museum, theater, concert hall, hockey rink and sports complex. Brunswick also hosts branches of Southern New Hampshire University and Southern Maine Community College.

The town has been instrumental in re-developing the former Brunswick Naval Air Base into the current Town Landing, a premier technology business park with 3,300 acres of prime real estate, over 2 million square feet of commercial and industrial space, a world-class aviation complex and on-site educational institutions.

Local major employers include Bath Iron Works, Bowdoin College, L. L. Bean, Mid Coast Hospital and Parkview Adventist Medical Center.



JOHN DOYON, CCIM
207.772.8300 direct
207.358.7913 direct fax
john@malonecb.com

MALONE COMMERCIAL BROKERS
5 Moulton Street • Suite 3
Portland, ME 04101

207.772.2422 main
www.malonecb.com

John Eldridge

From: John Doyon <John@malonecb.com>
Sent: Thursday, June 11, 2015 2:27 PM
To: John Eldridge
Subject: Cumberland Farms Brunswick

John,

Thank you for the update today. Our position is that we have the essence of an agreement for the town to purchase and are waiting for the attorneys to work on some contract language before signing. Therefore, we are treating this property as if it were under contract for the time being. Naturally, we would expect to finalize our agreement this month.

John Doyon, CCIM
Partner
Malone Commercial Brokers
5 Moulton Street
Portland, ME 04101
john@malonecb.com
207-772-8300 direct
207-772-2422 office
207-358-7913 fax

[MARKET FOCUS QUARTER 1 2015](#)



ITEM 68

BACK UP MATERIALS

- (7) Public Comments
 - (8) Correspondence
 - (9) Committee Reports
 - (10) Manager's Report
 - (11) Hearings
 - (12) Tabled Matters
 - (13) New Business
- (amended 2/9/2015.)

28 a Town Council Action on Items

The following procedures are suggested:

1. Sponsor or manager introduces the item
Any councilor may make a motion (optional) (Note 1)
2. Sponsor or manager explains the item
Sponsor, manager, staff, or others (as designated by sponsor or manager)
provide additional explanation or information
3. Town Council questions (no debate)
4. Public input (optional)
5. Additional questions from Town Council (no debate)
6. Chair recites motion, if already made, or looks for motion (Note 1)
7. Town Council debate
8. Amendments to motion (optional) and debate
9. Vote on motion (amended, if applicable)

Note 1: As a courtesy on motions, the Chair shall look first to the sponsor, then to the district councilor (if applicable), and then to the remaining councilors.

The Chair, without objection, may modify these procedures as appropriate.

29. Procedure of Motions

When a question is before the Town Council no motion shall be entertained except: (a) to adjourn, (b) to recess, (c) to table, (d) for the previous question, (e) to refer, (f) to amend, and (g) to postpone indefinitely. These motions shall have precedence in the order indicated. Any such motion, except a motion to amend or postpone indefinitely, shall be put to a vote without debate.

30. Motions to be Stated by Chair – Withdrawal

When a motion is made and seconded, it shall be stated by the Chair before debate. Any Town Councilor may demand that it be put in writing by the Clerk. A motion may not be withdrawn by the mover without the consent of the Town Councilor seconding it.

31. Motions Out of Order

ITEM 69

NO BACK UP MATERIALS

ITEM 70

BACK UP MATERIALS

Memorandum

TO: John Eldridge, Town Manager
FROM: John A. Foster, Town Engineer/Dir. PWD
DATE: 11 June, 2015
SUBJECT: Request for Permission to Apply for a Grant Pertaining
to Culvert Replacement, River Road Project

The Maine Department of Environmental Protection (DEP) will be accepting grant proposal requests for Stream Crossing Public Infrastructure Improvement Projects up until July 15, 2015. We request permission to apply for funding under this DEP grant for our planned project to replace the River Road culvert at the foot of Rocky Hill damaged by the flood event on August 14, 2014. We have currently prepared a concept design and have applied to the US Army Corps of Engineers for a permit to allow our replacement of this culvert. We are awaiting final review and approval of our application.

The DEP grant, if we are selected based on their evaluation criteria will provide us up to \$95,000 in funding.

**STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF LAND and WATER QUALITY**

RFP# 201504077

**2015 Grants for Stream Crossing Public Infrastructure
Improvements**

RFP Coordinator: Leslie Anderson
State House Station #17
28 Tyson Drive
Augusta, ME 04333

Tel: (207) 287-2821 e-mail: Leslie.Anderson@maine.gov

From the time this RFP is issued until award notification is made, all contact with the State regarding this RFP must be made through the aforementioned RFP Coordinator. No other person / State employee is empowered to make binding statements regarding this RFP. Violation of this provision may lead to disqualification from the bidding process, at the State's discretion.

Deadline for Submitted Questions: June 15, 2015, 5:00 p.m. local time

Proposals Due: July 15, 2015, not later than 2:00 p.m. local time

Submit to:

**Division of Purchases
Burton M. Cross Building, 111 Sewall Street, 4th Floor
9 State House Station, Augusta ME 04333-0009**

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State of Maine
Department of Environmental Protection
Bureau of Land and Water Quality
Public Notice for RFP# 201504077
2015 Grants for Stream Crossing Infrastructure Improvements

The State of Maine, Department of Environmental Protection, is inviting proposals for public infrastructure improvement projects including culvert upgrades and stream crossings. DEP will administer grants for projects to improve and upgrade these vital public infrastructure culvert or stream crossings to improve public safety and minimize impacts on water quality and aquatic habitat. In accordance with State grant making practices, the Department is hereby announcing the publication of a Request for Proposals - RFP# 201504077.

A copy of the RFP can be obtained at <http://www.maine.gov/dep/rfp> or by contacting the Department's RFP Coordinator for this project: Leslie Anderson. The RFP Coordinator can be reached at the following email address: Leslie.Anderson@maine.gov, or at the following mailing address: State House Station #17, 28 Tyson Drive, Augusta, ME 04333. The Department encourages all interested eligible applicants to obtain a copy of the RFP and submit a competitive proposal.

Proposals must be submitted to the State of Maine Division of Purchases, located at the Burton M. Cross Office Building, 111 Sewall Street, 4th Floor, 9 State House Station, Augusta, Maine, 04333-0009. Proposals must be submitted by 2:00 pm, local time, on July 15, 2015, when they will be opened at the Division of Purchases' aforementioned address. Proposals not received at the Division of Purchases' aforementioned address by the aforementioned deadline will not be considered for grant award.

State of Maine - Department of Environmental Protection
RFP# 201504077
2015 Grants for Stream Crossing Infrastructure Improvements

PART I. INTRODUCTION

A. Purpose and Background

The State of Maine, Department of Environmental Protection (“Department”) is inviting proposals for public infrastructure stream crossing improvements and culvert upgrades. To fund these improvements, the Maine Legislature allocated bond money through the passage of Public Law 2013, Chapter 589, An Act to Authorize a General Fund Bond Issue to Ensure Clean Water and Safe Communities, which was approved by voters in the general election in November 2014.

Pursuant to Public Law 2013, Chapter 589, the Department is charged with disbursing funds for vital public infrastructure improvement projects including stream crossings and culvert upgrades.

B. General Provisions

1. Issuance of this RFP does not commit the Department to issue an award or to pay expenses incurred by a Grant applicant in the preparation of a response to this RFP. This includes attendance at personal interviews or other meetings and software or system demonstrations, where applicable.
2. All proposals should adhere to the instructions and format requirements outlined in this RFP and all written supplements and amendments (such as the Summary of Questions and Answers), issued by the Department. Proposals are to follow the required format and respond to all questions and instructions specified below in the “Proposal Submission Requirements and Evaluation” section of this RFP.
3. Grant applicants shall take careful note that in evaluating a proposal submitted in response to this RFP, the Department will consider materials provided in the proposal, information obtained through interviews/presentations (if any), and internal Departmental information of previous grant history with the grant applicant (if any). The Department also reserves the right to consider other reliable references and publicly available information available in evaluating a grant applicant’s experience and capabilities. The proposal shall be signed by a person authorized to legally bind the grant applicant and shall contain a statement that the proposal and the pricing contained therein will remain valid and binding for a period of 180 days from the date and time of the grant opening.
4. The RFP and the selected grant applicant proposal(s), including any and all appendices and/or attachments, may be incorporated into the final grant either directly or by reference, at Department’s discretion.
5. Following announcement of an award decision, all submissions in response to this RFP will be considered public records available for public inspection pursuant to the State of Maine Freedom of Access Act (FOAA) (1 M.R.S. §§ 401 *et seq.*).
6. The Department, at its sole discretion, reserves the right to recognize and waive minor informalities and irregularities found in proposals received in response to this RFP.
7. The State of Maine Division of Purchases reserves the right to authorize other Departments to use the grant(s) resulting from this RFP, if it is deemed to be beneficial for the State to do so.
8. All applicable laws, whether or not herein contained, shall be included by this reference. It shall be Proposer’s responsibility to determine the applicability and requirements of any such laws and to abide by them.

C. Eligibility to Submit Proposals

In Maine, eligible recipients for Stream Crossing Public Infrastructure Improvement funds are individuals, businesses, municipalities, unorganized and deorganized townships, counties, soil and water conservation districts, regional planning commissions, watershed districts, and incorporated nonprofit organizations with federal tax exempt status [501(c)(3)].

State and federal agencies are not eligible recipients.

D. Grant Agreement Term

The Department is seeking a cost-efficient proposal as defined in this RFP, for the anticipated grant period described below. Please note that the dates are estimated and may be adjusted as necessary in order to comply with all procedural requirements associated with this RFP and the grant making process. The actual grant start date will be established by a completed and approved grant agreement.

Project Start Date	Project Completion Date
September 1 st , 2015	Up to 2 years from start date

E. Grant Funds Available and Number of Awards

Funds for grants were allocated by the Legislature and approved by voters through a bond measure. Grants will be available for stream crossing public infrastructure improvement projects, to be allocated over multiple rounds of RFPs, striving to take into account municipalities' budget cycles and contingent on Department staff resources. The Department anticipates two to three RFP rounds annually for three years. The Department is setting a ceiling on each grant award of \$95,000. The Department reserves the right to revise the size of the grants, and offer the grants over more or fewer RFP cycles.

PART II SCOPE OF SERVICES

The Department is inviting proposals for projects to implement public infrastructure improvements at stream crossings, including culvert upgrades, in order to improve public safety and minimize impacts on water quality and aquatic habitat.

Eligible recipients may apply for grant monies for improvements to public infrastructure. Project proposals must address improvements, modifications, repairs, or upgrades to existing culverts or stream crossings. Eligible recipients must describe how the proposed project meets the following criteria:

- Benefits water quality
- Improves habitat for wildlife, fish, and other aquatic life (such as through the replacement of blocked or poorly sized culverts or stream crossings)
- Improves public safety by reducing risk of infrastructure failure (such as culvert washouts)
- Includes provisions for climate resiliency (such as flood protection, prevention, and control at the project site and downstream)

More detailed information is included in the Appendix 1 Application Form.

A portion of the grant money may be used to cover design and engineering services related to the infrastructure improvements, up to a maximum of 8% of the grant award. The Department reserves the right to provide partial funding of proposed projects. After award of the grant, the Department will, upon coordination with the recipient, designate when the grant money must be expended by, and the payment schedule by which the funds will be disbursed.

Grant awards cannot be given on culvert replacements that have already occurred. Also, monies from this grant cannot be used for any permanent land acquisitions, conservation easements, etc.

PART III. KEY RFP EVENTS

A. Timeline of Key RFP & Grant Award Events (estimated)

Event Name	Event Date and Time
Due Date for Receipt of Written Questions	June 15, 2015 at 5:00 pm, local time
Due Date for Receipt of Proposals	July 15, 2015 at 2:00 pm, local time
Estimated Grant Start Date (subject to change)	September 1, 2015

B. Questions Submitted by Grant Applicants

1. General Instructions

- a. It is the responsibility of each Bidder to examine the entire RFP and to seek clarification in writing if the Bidder does not understand any information or instructions.
- b. Questions regarding the RFP must be submitted in writing and received by the RFP Coordinator listed on the cover page of this RFP document as soon as possible but no later than the date and time specified in the timeline above.
- c. Questions may be submitted by e-mail, and include the RFP Number and Title in the subject line. The Department assumes no liability for assuring accurate/complete/on time e-mail transmission and receipt.
- d. Include a heading with the RFP Number and Title. Be sure to refer to the page number and paragraph within this RFP relevant to the question presented for clarification, if applicable.

2. **Summary of Questions and Answers:** Responses to all substantive and relevant questions will be compiled in writing and distributed to all registered, interested persons by e-mail no later than seven (7) calendar days prior to the proposal due date. Only those answers issued in writing by the RFP Coordinator will be considered binding. The Department reserves the right to answer or not answer any question received.

C. Submitting the Proposal

1. **Proposals Due:** Proposals must be received no later than 2:00 p.m. local time, on the date listed in the timeline above, at which point they will be opened. Proposals received after the 2:00 p.m. deadline will be rejected without exception.
2. **Mailing/Delivery Instructions:** PLEASE NOTE: The proposals are not to be submitted to the RFP Coordinator at the requesting Department. The official delivery site is the State of Maine Division of Purchases (address shown below).
 - a. Only proposals received at the official delivery site prior to the stated deadline will be considered. Bidders submitting proposals are responsible for allowing adequate time for delivery. Proposals received after the 2:00 p.m. deadline will be rejected without exception. Postmarks do not count and fax or electronic mail transmissions of proposals are not permitted unless expressly stated in this RFP. Any method of hardcopy delivery is acceptable, such as US Mail, in-person delivery by Bidder, or use of private courier services.
 - b. The Bidder must send its proposal in a sealed package including **one original and 6 copies** of the complete proposal. Please clearly label the original. One electronic copy of the proposal must also be provided on CD or flash drive with the complete narrative and attachments in MS Word format. Any attachments that cannot be submitted in MS Word format may be submitted as Adobe (.pdf) files.

- c. Address each package as follows (and be sure to include the Bidder's full business name and address as well as the RFP number and title):

(Grant Applicant Name/Return Address)

Division of Purchases
Burton M. Cross Building, 4th Floor
111 Sewall Street
9 State House Station
Augusta ME 04333-0009

Re: RFP# 201504077

PART IV PROPOSAL SUBMISSION REQUIREMENTS

This section contains instructions for grant applicants to use in preparing their proposals. The grant applicant's proposal must follow the outline used below, including the numbering and section/sub-section headings as they appear here. **Failure to use the outline specified in this section, or to respond to all questions and instructions throughout this document, may result in the proposal being disqualified as non-responsive or receiving a reduced score.** The Department has sole discretion to determine whether a variance from the RFP specifications should result in either disqualification or reduction in scoring of a proposal. Rephrasing of the content provided in this RFP will, at best, be considered minimally responsive. The Department seeks detailed yet succinct responses that demonstrate the grant applicant's experience and ability to perform the requirements specified throughout this document.

General Provisions

The grant applicant may not provide additional material beyond those specified in the RFP for the purpose of extending their response. Any material exceeding the proposal limit will not be considered in rating the proposals and will not be returned. Grant applicants shall not include brochures or other promotional material with their proposals. Additional materials will not be considered part of the proposal and will not be evaluated. It is the responsibility of the grant applicant to provide all information requested in the RFP package at the time of submission. Failure to provide information requested in this RFP may, at the discretion of the Department, result in a lower rating for the incomplete sections and may result in the proposal being disqualified for consideration.

INSTRUCTIONS FOR PREPARING PROPOSALS

A complete proposal consists of three (3) parts, as follows:

PART 1 COVER LETTER

A completed cover letter (on applicant letterhead) signed by an official authorized to submit a proposal on behalf of the applicant.

Part 1 - Maximum 2 pages

PART 2 APPLICATION

A completed grant application (See Appendix 1)

Part 2 - Maximum 10 pages

PART 3 PHOTOS AND LOCATION MAP

Provide photos of the existing crossing/culvert and a map of the project location clearly showing the water body(s), town(s), and location of each stream crossing. Do not include oversized drawings. Pages must be 8.5" by 11" paper size.

Part 3 - Maximum 5 pages

PART V. PROPOSAL EVALUATION AND SELECTION

Evaluation of the submitted proposals shall be accomplished as follows:

A. Evaluation Process - General Information

1. An evaluation team, comprised of qualified reviewers within the Department, will judge the merits of the proposals received in accordance with the criteria defined in the RFP.
2. Officials responsible for making decisions for grant awards shall ensure that the selection process affords equal opportunity and appropriate consideration to all who are capable of meeting the specifications. The goals of the evaluation process are to ensure fairness and objectivity in review of proposals and to ensure that grants best satisfying the criteria of the RFP are selected.
3. The Department reserves the right to communicate and/or schedule interviews/presentations with grant applicants if needed to obtain clarification of information contained in the proposals received, and the Department may revise the scores assigned in the initial evaluation to reflect those communications and/or interviews/presentations. Interviews/presentations are not required, and changes to proposals will not be permitted during any interview/presentation process. Therefore, grant applicants should submit proposals that present costs and other requested information as clearly and completely as possible.

B. Evaluation Criteria / Scoring Weights

Proposal scoring will be based on a 100 point scale and will measure the degree to which each proposal meets the evaluation criteria shown below.

1. **Scoring Criteria for Existing Culvert/Crossing Information** (Maximum of 25 points)
Relevant section: Part IV of the application (Appendix 1).
Describe if, and when, the culvert/crossing has washed out, failed, flooded or overtopped the road in the last 20 years. Describe what sort of impacts would occur if the structure were to fail and what critical public facilities would be impacted. Describe if the existing structure impairs or prevents wildlife, fish and aquatic life from passing through the structure and whether the structure is identified as a barrier or potential barrier by the Maine Stream Connectivity Work Group in their online Stream Habitat Viewer: <http://mapserver.maine.gov/streamviewer/streamdocHome.html>. If the project is located in a town that has not been mapped, discuss the barriers or potential barriers that exist.
2. **Scoring Criteria for Proposed Culvert/Crossing Cost & Budget Information** (Maximum of 25 Points)
Relevant section: Part V of the application (Appendix 1).
Describe the proposed culvert materials and physical dimensions. Provide a brief description of the proposed project, including the requested amount of funds from this grant. Provide information on the estimated costs and schedule for the proposed culvert replacement.
3. **Scoring Criteria of the Proposed Culvert/Crossing** (Maximum of 50 Points)
Relevant section: Part VI of the application (Appendix 1).
Describe the benefits to public infrastructure and safety from the project through reduction in risk of infrastructure failure, such as a culvert washout due to extreme storm events. Describe how the project will reduce future costs in infrastructure repair and upgrades at the site as well as downstream.

Describe if design plans and construction specifications are complete and if all necessary local, state and federal permits have been obtained. If no design plans or permits are complete, provide an estimate of the design and engineering costs for the proposed culvert.

Discuss how the new design and construction process will meet erosion control best management practices.

Describe provisions for climate resiliency in the design of the new structure. Considerations may include: past washouts due to storm events; damage to the existing stream crossing; and ability of existing crossing to handle 100-year or greater storm events.

Describe habitat benefits such as wildlife and fish passage and other aquatic life improvements.

Describe the water quality benefits that will be provided as a result of the project. Water quality benefits may include improved downstream impacts to watersheds as well as drinking water sources, streams, lakes, etc.

C. Scoring Process

The review team will use a consensus approach to evaluate the bids. Members of the review team will not score the proposals individually but instead will arrive at a consensus as to assignment of points on each category of each proposal. The contract award(s) will be made to the Bidder(s) receiving the highest number of evaluation points, based upon the proposals' satisfaction of the criteria established in the RFP.

Regarding the grant funds requested and the proposed work, the review team will consider the degree to which the project represents a *good return for the investment* (money, time) as well as whether the project work and cost estimates (tasks & budget) are reasonable for the expected outcomes, along with the amount and quality of proposed matching funds or services.

No Best and Final Offers: The State of Maine will not seek a best and final offer (BAFO) from any Bidder in this procurement process. All Bidders are expected to provide their best value pricing with the submission of their proposal.

D. Selection/Negotiations/Awards

1. Final decisions regarding award of the grants will be made by the Department, subject to approval by the State Purchases Review Committee.
2. Written notification of proposal selection or non-selection will be made to respondents of this RFP by the Department.
3. Issuance of this RFP in no way constitutes a commitment by the State of Maine to award a grant, to pay costs incurred in the preparation of a response to this request, or to pay costs incurred in acquiring grant services or procuring or contracting for services, supplies, physical space, personnel or any other costs incurred by the grant applicant.
4. The Department reserves the right to reject any and all proposals, to make multiple awards, and make subsequent awards based on funding availability.

E. Post Award Grant Negotiations

The Department reserves the right to negotiate with the successful applicants to finalize grants at the same project cost as presented in the selected proposal or at a different project cost, given the amount of

total funds available and the number of proposals the evaluation team decides to fund. Such negotiations may not significantly vary the content, nature or requirements of the proposal or the Department's Request for Proposals to an extent that may affect the integrity of the project proposed. The Department or applicant may reserve the right to terminate negotiations if the Department and applicant cannot come to agreement or if the applicant's revised project proposal does not comply with the RFP or is not acceptable to the Department. In the event that an acceptable project and grant cannot be negotiated with any selected grantee, the Department may withdraw its award and negotiate with the next-highest ranked applicant, and so on, until an acceptable contract amount has been finalized and available grant funds have been allocated. Alternatively, the Department may cancel the RFP or choose not to award all grant funds available, at its sole discretion.

F. Appeal of Grant Awards

Any person aggrieved by the award decision that result from this RFP may appeal the decision to the Director of the Bureau of General Services in the manner prescribed in 5 MRSA § 1825-E and 18-554 Code of Maine Rules, Chapter 120 (found here: <http://www.maine.gov/purchases/policies/120.shtml>). The appeal must be in writing and filed with the Director of the Bureau of General Services, 9 State House Station, Augusta, Maine, 04333-0009 within 15 calendar days of receipt of notification of grant award results.

PART VI. GRANT ADMINISTRATION AND CONDITIONS

A. Grant Agreement Document

1. The successful Grant applicant will be required to execute a grant in the form of a State of Maine Agreement to Purchase Services (BP54). A list of applicable Riders is as follows:

Rider A: Specification of Work to be Performed

Rider B: Method of Payment and Other Provisions

Rider C: Exceptions to Rider B

Rider D: (optional; for use by Department)

Rider E: (optional; for use by Department)

Rider G: Identification of Country in Which Contracted Work Will Be Performed

The complete set of standard BP54 agreement documents may be found on the Division of Purchases website at the following link: <http://www.maine.gov/purchases/info/forms/BP54.doc>.

Other forms and agreement documents commonly used by the State can be found on the Division of Purchases website at the following link: <http://www.maine.gov/purchases/info/forms.shtml>.

2. Allocation of funds is final upon successful negotiation and execution of the grant, subject to the review and approval of the State Purchases Review Committee. Grants are not considered fully executed and valid until approved by the State Purchases Review Committee and funds are encumbered. No grant will be approved based on an RFP which has an effective date less than fourteen (14) calendar days after award notification to grant applicants. (Referenced in the regulations of the Department of Administrative and Financial Services, Chapter 110, § 3(B)(i): <http://www.maine.gov/purchases/policies/110.shtml> .

This provision means that a grant cannot be effective until at least 14 days after award notification.

3. The Department estimates having grants in place by September 1, 2015. The State recognizes, however, that the actual effective date(s) of grant awards depends upon completion of the RFP process, date of formal award notifications, length of grant negotiations, and preparation and approval by the State Purchases Review Committee. Any appeals to the Department's award decision(s) may further postpone the actual grant effective date, depending upon the outcome. The grant effective date may need to be adjusted, if necessary, to comply with mandated requirements.
4. In performing under the grant, successful Grant applicants shall act independently and not as an agent of the State of Maine.

B. Standard State Agreement Provisions

1. Agreement Administration
 - a.) Following the award, an Agreement Administrator from the Department will be appointed to assist with the development and administration of the grant and to act as administrator during the entire grant period. Department staff will be available after the award to consult with the successful grant applicant in the finalization of the grant.
 - b.) In the event that an acceptable grant cannot be negotiated with the highest-ranked grant applicant, the Department may withdraw its award to that applicant and negotiate with the next-highest ranked grant applicant, and so on, until an acceptable grant is finalized and

available grant funds are satisfactorily awarded or obligated. Alternatively, the Department may cancel the RFP, at its sole discretion.

2. Payments and Other Provisions

The State anticipates paying the Grantee on the basis of net 30 payment terms, upon the receipt of an accurate and acceptable invoice. An invoice will be considered accurate and acceptable if it contains a reference to the State of Maine grant number, contains correct pricing information relative to the grant, and provides any required supporting documents, proof of payments to others as applicable, and any other specific and agreed-upon requirements listed within the grants that result from this RFP. All unobligated funds from the original grant award determination will go back to the “pool of funds” for redistribution to other grantees upon project completion.

PART VII LIST OF RFP APPENDICES AND RELATED DOCUMENTS

Appendix 1 Grant Application Form

Appendix 2 Debarment, Performance, and Non-Collusion Certification

APPENDIX 1

Maine Department of Environmental Protection Request for Proposals for Stream Crossing Public Infrastructure Improvement Projects Proposal Application Form 2015 RFP# 201504077				
I. Applicant Information				
Applicant Name				
Applicant Mailing Address			State	Zip
Applicant Phone #		Applicant Email Address		
II. Agent/Consultant Information, if applicable				
Agent Name				
Agent Mailing Address			State	Zip
Agent Phone #		Agent Email Address		
III. Existing Culvert/Stream Crossing Information (please attach a map(s) of the project location and a photo of the existing culvert/crossing to this application):				
Municipality or Unorganized territory where project will take place:		County:		
Description of culvert/crossing location. Include distances from nearest road intersections, latitude/longitude GPS coordinates, UTM Northing and Easting (if known), etc.				
Existing culvert material: Circle One (Plastic pipe, concrete pipe, corrugated metal pipe, concrete box culvert, stone/granite culvert, bridge, or Other type (describe).				
Length:	Diameter:	Width:	Height:	Approximate Age of Culvert:
Provide other information about the existing crossing that you believe is important:				
IV. Scoring Criteria for Existing Culvert/Stream Crossing Information (25 Points total):				
Has the culvert/crossing washed out, flooded, overtopped the road, or failed in the past 20 years due to storm events? If yes, please describe how often, and the approximate dates of culvert/crossing failure.				
What sort of impacts would occur if the culvert/crossing were to fail? For instance, are there critical public services (fire or police station, hospital, school, public works facility) located on this road that would be cutoff? If there are no critical public services on this road, what other types of facilities or neighborhoods would be impacted if the culvert failed?				

Is the existing crossing/culvert a 'hanging culvert', meaning that it impairs or prevents fish and aquatic life from passing upstream through the culvert due to its height above the stream? If yes, please describe the type of barrier or potential barrier that the culvert/crossing causes.

Is the existing culvert/crossing identified as a barrier or potential barrier on the Maine Stream Habitat Viewer database? If the project is located in a town that has not been mapped, discuss the barriers or potential barriers that exist.

V. Scoring Criteria for Proposed Culvert/Crossing Cost & Budget Information (25 Points total):

Proposed culvert/crossing material: Circle One (Plastic pipe, concrete pipe, corrugated metal pipe, concrete box culvert, stone/granite culvert, pipe arch, bridge, or Other type (describe):

Length:

Diameter:

Width:

Height:

Please provide a brief overview/description of the proposed project, including the requested amount of funds from this grant (award grants are capped at \$95,000).

What are the estimated construction costs for the culvert/crossing replacement? Include estimated items for mobilization of equipment, erosion control and stream diversion, existing culvert removal, installation of the new culvert, permanent stabilization, and engineering design costs

What is the estimated construction schedule for the proposed project? Include estimated start and completion dates, and include any time of year restrictions from state or federal permitting agencies.

**VI. Scoring Criteria for Proposed Culvert/Crossing Information (50 Points total):
(See Section V.B. on pages 10-11 for more detail.)**

Please describe how the new culvert/crossing has been/will be designed to improve public infrastructure and safety.

Please describe what provisions for addressing climate resiliency were used/will be used in designing the replacement culvert/crossing.

If the existing culvert/crossing was to be replaced, how much habitat (i.e., miles of stream, or acres of wetland habitat) would be opened up to fish passage and other aquatic life?

Please describe the water quality benefits that will be provided as a result of the replacement culvert/crossing.

Do you have engineered design plans and construction specifications for the replacement culvert/crossing? If yes, describe who designed the plans, and when the plans were completed.

Discuss how the culvert/crossing design and construction process complies with erosion control best management practices.

Do you have all necessary local, state and federal permits and approvals in place to construct the proposed replacement culvert/crossing? If so, please list the types of approvals, the approving agency, the permit number or identifier, and the approval date of the permit(s).

If no design plans and permit approvals are in place, what are your anticipated engineering and permitting costs to complete this work? Who will provide the design engineering and permitting services? (Note that design and permitting costs will be limited to 8% of the total grant award.)

Please provide other information about the proposed project that you believe is important:

APPENDIX 2

Debarment, Performance, and Non-Collusion Certification

By signing this document I certify to the best of my knowledge and belief that the aforementioned organization, its principals, and any subcontractors named in this proposal:

- a. Are not presently debarred, suspended, proposed for debarment, and declared ineligible or voluntarily excluded from bidding or working on contracts issued by any governmental agency.*
 - b. Have not within three years of submitting the proposal for this contract been convicted of or had a civil judgment rendered against them for:*
 - i. fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a federal, state or local government transaction or contract.*
 - ii. violating Federal or State antitrust statutes or committing embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;*
 - iii. are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and*
 - iv. have not within a three (3) year period preceding this proposal had one or more federal, state or local government transactions terminated for cause or default.*
 - c. Have not entered into a prior understanding, agreement, or connection with any corporation, firm, or person submitting a response for the same materials, supplies, equipment, or services and this proposal is in all respects fair and without collusion or fraud. The above mentioned entities understand and agree that collusive bidding is a violation of state and federal law and can result in fines, prison sentences, and civil damage awards.*
- Failure to provide this certification may result in the disqualification of the Bidder’s proposal, at the discretion of the Department.**

To the best of my knowledge all information provided in the enclosed proposal, both programmatic and financial, is complete and accurate at the time of submission.

Name:	Title:
Authorized Signature:	Date: