

BRUNSWICK TOWN COUNCIL
Agenda
January 19, 2016
Executive Session – 6:00 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: Personnel Matter [1 M.R.S.A. §405(6)(A)]

Pledge of Allegiance

Adjustments to Agenda

CONSENT AGENDA

- a) Approval of the minutes of December 21, 2015
- b) Approval of the minutes of January 4, 2016
- c) Abatement of personal property taxes that were assessed in error
- d) Approval of the “Resolution authorizing the Town Treasurer to waive foreclosure on certain real estate tax lien mortgages”
- e) Annual permission to allow the Marine Resource Committee the authority to open and close coastal waters
- f) Accept and expend a donation of \$1,000 for the Police Department to be used for the DARE program

Public Comments

Correspondence

COMMITTEE REPORTS

- Teen Center Board
- Cable TV Committee
- Cable TV Franchise Negotiating Committee
- Human Rights Task Force

MANAGER’S REPORT

- a) Financial update
- b) Dog licensing reminder
- c) Resolution Supporting Non-Discrimination – July 1998

PUBLIC HEARING

- 3. The Town Council will hear public comments on amendments to Chapter 4 of the Municipal Code of Ordinance regarding changing the domestic chicken licensing period from one to two years at a fee of \$30 per license and requiring only an initial coop inspection, and will take any appropriate action. (Chair Brayman and Councilor Walker)

HEARING/ACTION

NEW BUSINESS

- 4. The Town Council will consider supporting a Letter of Intent for a CDBG grant for Artforms, Inc. for a business equipment upgrade, and will take any appropriate action. (Manager)

ACTION

- 5. The Town Council will consider supporting a Letter of Intent for a CDBG MicroEnterprise grant for Pathways Rehabilitation Services, and will take any appropriate action. (Manager)

ACTION

- 6. The Town Council will consider setting a public hearing for March 7, 2016, for an ordinance to enact a ban on polystyrene foam in consumer packaging, and will determine if any future action is necessary. (Councilor Walker and Councilor K. Wilson)

ACTION

- 7. The Town Council will consider setting a public hearing for February 1, 2016, for amendments to Chapter 15 “Traffic and Vehicles” regarding banning parking on a section of Weymouth Street from Union Street and extending west 100 feet, and will take any appropriate action. (Councilor Millett)

ACTION

- 8. The Town Council will consider setting a public hearing for February 1, 2016, for amendments to Chapter 7 Fire Prevention and Protection for the purposing of updating language and placing the fee schedule in the Master Schedule of Revenues, Charges, Fees, and Fines Appendix A, and will take any appropriate action. (Manager)

ACTION

- 9. The Town Council will discuss changes to the Council Rules of Order and Procedure relative to Town Council interactions with the Town Manager, staff, and the Town Attorney, and will determine if any future action is necessary. (Manager)

DISCUSSION

Executive Session: Consultation with Legal Counsel [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
January 19, 2016
Council Notes and Suggested Motions**

Executive Session: Personnel Matter [1 M.R.S.A. §405(6)(A)]

Suggested motion:

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

CONSENT AGENDA

- a) Approval of the Minutes of December 21, 2015: A copy of the minutes is included in your packet.
- b) Approval of the Minutes of January 4, 2016: A copy of the minutes is included in your packet.
- c) Abatement of personal property taxes that were assessed in error: The Assessor has identified an account that was assessed in error and is requesting an abatement. A copy of her memo is included in your packet.
- d) Approval of the “Resolution authorizing the Town Treasurer to waive foreclosure on certain real estate tax lien mortgages”: This item is an annual Resolution adopted by the Council. As the Resolution states, on February 22, 2016, tax liens are foreclosed and any property that has not had the taxes paid becomes Town property. Each year staff reviews the potential properties and makes a determination whether or not it is in the best interest of the Town to foreclose on certain properties. Reasons not to foreclose would include that some properties, primarily mobile homes, would cost more for the Town to dispose of than the amount due in taxes. The liens stay on the properties, and the Town just does not foreclose, so the Town is still entitled to the owed taxes. A copy of the Resolution is included in your packet.
- e) Annual permission to allow the Marine Resource Committee the authority to open and close coastal waters: The Marine Resource Committee is requesting the annual permission from the Council to open and close coastal waters to shellfish harvesting. This approval takes the responsibility of opening and closing flats from the Council and gives it to the Committee. A copy of a memo from Officer Devereaux will be included in your packet.
- f) Accept and expend a donation of \$1,000 for the Police Department to be used for the DARE program: This item is to allow the Police Department to accept and expend this anonymous donation. They plan to use it in the DARE fund to offset some of the costs on an upcoming “Citizen Police Academy.”

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.

COMMITTEE REPORTS

- Teen Center Board
- Cable TV Committee
- Cable TV Franchise Negotiating Committee
- Human Rights Task Force

Councilors representing the Council on the above committees that have met since the last Council meeting will provide brief updates. If there is any additional information on the Committees they are involved with, Councilors can also share that with the Council and public.

MANAGER'S REPORT

- a) Financial Update: Manager Eldridge will update the Council on the Town's financial picture halfway through the fiscal year. Copies of financial reports will be included in your packet.
- b) Reminder of renewal of dog licenses: This item is to remind the public that 2016 dog licenses are available and must be renewed by January 31, 2016, in order to avoid a \$25 late fee. That date is a Sunday, so if you are renewing at the office, you must do so by Friday, January 29th by 4:30 p.m. You may also do so by mail prior to the deadline.
- c) Resolution Supporting Non-Discrimination – July 1998: After the December 21st meeting, at which a Resolution on a similar subject was passed, a former Councilor notified the Town that another Council had done an Anti-Discrimination Resolution in 1998. After a copy was provided to the Council, Councilor K. Wilson requested that it be shared with the public as it demonstrates a history of the Town's intolerance to discrimination. A copy of the resolution is included in your packet.

PUBLIC HEARING

3. This item, sponsored by Chair Brayman and Councilor Walker, is the required public hearing for amendments to Chapter 4 of the Municipal Code of Ordinance regarding changing the domestic chicken licenses from one to two years at a fee of \$30 per license and requiring only an initial coop inspection. The changes to the 2009 ordinance will reduce staff time and simplify the process for homeowners. A copy of a memo from Fran Smith, Town Clerk, is included in your packet.

Option for the Council if they choose to vote this evening - suggested motion:

Motion to suspend the Council Rules to allow the Council to vote on this item at this meeting.

Suggested Motion:

Motion to adopt amendments to Chapter 4 of the Municipal Code of Ordinance regarding changing the domestic chicken licensing period from one to two years at a fee of \$30 per license and requiring only an initial inspection of the coop.

NEW BUSINESS

4. This item is for the Council to consider supporting a Letter of Intent for a CDBG grant for Artforms, Inc. for a business equipment upgrade. Artforms relocated to Brunswick in 2012, and the company has seen an increase demand for its product and needs to improve efficiency. They are seeking a \$100,000 CDBG grant as a part of their \$203,000 equipment upgrade and expansion effort. The expansion will support state-of-the-art equipment purchase and installation. Copies of a memo from Linda Smith and the draft Letter of Intent are included in your packet.

Suggested Motion

Motion to support a Letter of Intent for a CDBG grant for Artforms, Inc. for a business equipment upgrade.

5. This item is for the Council to consider supporting a Letter of Intent for a CDBG MicroEnterprise grant for Pathways Rehabilitation Services. The company, based at 77 Jordan Avenue, started in 2013 in the Town of Brunswick and provides a variety of services including driving ability evaluations, behind-the-wheel driver training to refresh driving skills, and adaptive equipment consultations and try outs. While the owner has made a substantial investment in her business in the past 2 years, Ms. Shields needs additional financial resources. The grant funds will support the purchase of evaluation and adaptive equipment (\$7,500); promotional materials (\$3,000); technology systems upgrade (\$4,700); development of OT webinar modules (\$4,800); and, support to launch a special needs driving school (technical training and curriculum development at \$8,300). The MicroEnterprise Assistance Grant Program could provide that financial resource while allowing the young company to maintain a strong cash flow as the business grows. Copies of a memo from Linda Smith and a draft Letter of Intent are included in your packet.

Suggested Motion

Motion to support a Letter of Intent for a CDBG MicroEnterprise grant for Pathways Rehabilitation Services.

6. This item, sponsored by Councilor Walker and Councilor K. Wilson, is for the Council to consider setting a public hearing on March 7th on this proposed ordinance; this extra time allows for outreach to those businesses affected. At the December 7, 2015 Town Council meeting, the Town Council directed the Town Manager to have staff review and revise the draft polystyrene foam ban ordinance, requested the Town Attorney review the revised draft, and asked that staff address the issues related to outreach to the business community and community at large. The attached proposed ordinance has been revised by staff and reviewed by the Town Attorney. After working with a variety of local groups and the Town Clerk, a plan has been developed to notify businesses about the public hearing and an information session on the proposed ordinance. Copies of a memo from Manager Eldridge and proposed ordinance are included in your packet.

Suggested Motion

Motion to set a public hearing for March 7, 2016, for an ordinance to enact a ban on polystyrene foam in consumer packaging, and to direct staff to provide business outreach as outlined in Manager Eldridge's memo.

7. This item, sponsored by Councilor Millett, is for the Council to consider setting a public hearing for February 1, 2016, for amendments to Chapter 15 "Traffic and Vehicles" regarding banning parking on a section of Weymouth Street from Unions Street and extending west 100 feet. This request comes after concerns have been raised by citizens, Councilors, and staff about vehicle parking on both sides near the intersection and the traffic concerns this generates. Copies of a memo from Manager Eldridge, the proposed language, and a diagram of the street are included in your packet.

Suggested Motion

Motion to set a public hearing for February 1, 2016, for amendments to Chapter 15 "Traffic and Vehicles" regarding banning parking on a section of Weymouth Street from Union Street and extending west 100 feet.

8. This item is for the Council to consider setting a public hearing for February 1, 2016, on these proposed amendments that:
 - Update Code Adoption - The updated code references bring the Municipal Code in-line with the State-adopted codes and standards.
 - Update Permit Language - These proposed changes improve the Codes' clarity and ease of reference.
 - Updated Revenues, Charges, Fees, and Fines - Permit fees and fines would be placed in the "Master Schedule of Revenues, Charges, Fees and Fines", along with updated them.

Deputy Chief Emerson will not be at the meeting due to a work commitment, but will be at the public hearing to respond to any questions Councilors or the public have at either meeting. Copies of memos from Manager Eldridge and Deputy Chief Emerson, along with proposed ordinance language, are included in your packet.

Suggested Motion

Motion to set a public hearing for February 1, 2016, for amendments to Chapter 7 "Fire Prevention and Protection" for the purposing of updating language and placing the fee schedule in the "Master Schedule of Revenues, Charges, Fees, and Fines Appendix A".

9. This item is for the Council to discuss proposed Council rule changes relative to Town Council interactions with the Town Manager, staff and the Town Attorney. These changes were discussed at the Council retreat, held January 9th, where there was support to move to forward. Per the rules, the Council cannot make changes at this time, but if you wish, the changes can be made at the next meeting. Copies of a memo from Manager Eldridge and the proposed changes are included in your packet.

Suggested Motion:

There is no motion since this is a discussion item. The Council will determine if this item is to come back for adoption.

Executive Session: Consultation with Legal Counsel [1 M.R.S.A. §405(6)(E)]

Suggested Motion:

Motion to go into executive session for a consultation with Legal Counsel per 1 M.R.S.A. §405(6)(E).

There will be no action taken after the Executive Session.

Suggested Motion:

Motion to adjourn the meeting.

CONSENT AGENDA - A BACK UP MATERIALS

Draft
BRUNSWICK TOWN COUNCIL
Minutes
December 21, 2015
7:00 P.M. – Regular Meeting
Council Chambers
Town Hall
85 Union Street

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

Councilors Absent: None

Town Staff Present: John S. Eldridge, III, Town Manager; Fran Smith, Town Clerk; Steve Langsdorf, Town Attorney; Derek Scrapchansky, Assistant Town Manager; Heidi Nelson, Animal Control Officer; Mark Waltz, Police Commander; Julie Henze, Finance Director; Linda Smith, Business Development Manager; Tom Farrell, Parks and Recreation Director; Byran Cobb, IT 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 – Update on School Board progress on facilities issues added to the Manager’s Report.

Recognition of U12 Girls Soccer team *(This item was discussed at 7:05 p.m.)*

Chair Brayman read a Resolution and members of the U12 Girls Soccer team were recognized by the Council.

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

Recognition of outgoing Councilor Richardson *(This item was discussed at 7:10 p.m.)*

Councilor S. Wilson and Councilor K. Wilson recognized and thanked Councilor Richardson for his service to the Town.

Councilor Richardson thanked his family, Town staff and Councilors.

CONSENT AGENDA *(This item was discussed at 7:15 p.m.)*

- a) **Approval of the Minutes of December 7, 2015**
- b) **Approval of Games of Chance for Knights of Columbus, 2 Columbus Drive**
- c) **Permission for Town offices to close at noon on Christmas Eve**

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

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

Richard Fisco, 2 Lincoln Street, said that staff and the Council need to take time to make decisions. He quoted Council rules about postponing votes on an ordinance until the meeting after the public hearing. He spoke about his concern with School staff misleading the Council regarding the need to replace the boiler.

Councilor Harris spoke regarding the inspection of the high school boiler and the School Department's indication they were not required to have a competitive bid process for its replacement. He hopes they delayed action on the contract with Siemen's or the implementation of the work if they already signed.

Correspondence *(This item was discussed at 7:23p.m.)*

Councilor Perreault said it was brought to his attention that Joshua's Restaurant raised over \$11,000 for the Santa Fund and over the years they have raised \$100,000. He thanked them for their work.

Committee Reports *(This item was discussed at 7:24 p.m.)*

A report was given on the Finance Committee.

MANAGER'S REPORT:

a) Financial Update *(This item was discussed at 7:54 p.m.)*

Manager Eldridge provided this report.

b) Report on the solar project at Recreation Center *(This item was discussed at 7:56 p.m.)*

Manager Eldridge provided this report.

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

c) Report on River Road resident's concerns on vibration *(This item was discussed at 8:00 p.m.)*

Manager Eldridge provided this report.

d) Report on NNEPRA layover facility *(This item was discussed at 8:02 p.m.)*

Manager Eldridge provided this report.

Councilor Millett and Councilor K. Wilson spoke regarding this item.

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e) **Report on Growstown School repairs** (*This item was discussed at 8:05 p.m.*)

Manager Eldridge provided this report.

f) **Report on Maine Natural Gas rate increase case** (*This item was discussed at 8:06 p.m.*)

Manager Eldridge provided this report.

g) **Report on Cable TV Franchise negotiations** (*This item was discussed at 8:09 p.m.*)

Manager Eldridge and Councilor Watson provided this report.

h) **Report on holiday trash and recycling pick-up schedule** (*This item was discussed at 8:10 p.m.*)

Manager Eldridge provided this report.

(Items MR-c through MR-h have one memo summarizing them and will be attached to the official minutes.)

i) **ADDED update on School project** (*This item was discussed at 7:29 p.m.*)

William Thompson, School Board Chair, spoke regarding this item and responded to questions from Chair Brayman, Councilor Richardson, Councilor Millett, and Councilor Walker.

Councilor S. Wilson, Councilor Millett, Councilor K. Wilson, Chair Brayman, Councilor Richardson, and Councilor Perreault spoke regarding this item.

PUBLIC HEARING

121. The Town Council will hear public comments on an application for a special amusement license, and will take any appropriate action. (Manager) (*This item was discussed at 8:11 p.m.*)

**Special Amusement
Brunswick Lodge of Elks #2043
D/B/A: Brunswick Lodge of Elks
179 Park Row**

Ms. Angela Brackett

HEARING/ACTION

Chair Brayman opened the public hearing.

Fran Smith, Town Clerk, introduced this item.

Chair Brayman closed the public hearing.

Councilor Perreault moved, Councilor Walker seconded, to approve a renewal application for a special amusement license for the Brunswick Lodge of Elks, located at 179 Park Row. The motion carried with nine (9) yeas.

NEW BUSINESS

122. The Town Council will consider setting a public hearing for January 19, 2016, for amendments to Chapter 4 of the Municipal Code of Ordinance regarding changing the domestic chicken licensing period from one to two years at a fee of \$30 per license and requiring only an initial coop inspection, and will take any appropriate action. (Chair Brayman and Councilor Walker) *(This item was discussed at 8:13 p.m.*

Chair Brayman and Councilor Walker introduced this item.

Fran Smith answered questions from Councilor K. Wilson, who also spoke on the item.

Councilor Perreault and Councilor Millett asked questions, to which Heidi Nelson, Animal Control Officer, responded.

Soxna Dice, 3 Brecken Road, spoke regarding this item.

Councilor Walker moved, Councilor Richardson seconded, to set a public hearing for January 19, 2016, for amendments to Chapter 4 of the Municipal Code of Ordinance regarding changing the domestic chicken licensing period from one to two years at a fee of \$30 per license and requiring only an initial inspection of the coop. The motion carried with nine (9) yeas.

123. The Town Council will considering establishing a Race and Gender Task Force to review and make recommendations regarding race and gender issues, and will take any appropriate action. (Chair Brayman) *(This item was discussed at 8:30 p.m.)*

Chair Brayman introduced this item.

Councilor Millett, Councilor Richardson, Councilor Dan Harris, Chair Brayman, Councilor K. Wilson, Councilor Perreault, Councilor Watson, and Councilor Walker spoke regarding this item.

Councilor Harris spoke regarding his draft resolution.

Steve Langsdorf, Town Attorney, spoke regarding this item.

Councilor K. Wilson moved to adopt a resolution consistent with the Human Rights Act protected classes. This motion was withdrawn before there was a second.

Main Motion

Councilor K. Wilson moved, Councilor Harris seconded, to adopt the Resolution that is before the Council, with the amendment under the second “Whereas” to include all the protected classes set forth under the Human Right Act, and to adopt the Task Force as written, with the amendment also to be consistent with protected classes under the Human Rights Act.

Chair Brayman asked for any public comment.

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

There was additional Council discussion with Councilor Walker, Councilor Perreault, Councilor Dan Harris and Chair Brayman speaking to the motion.

AMENDMENT TO MOTION

Councilor K. Wilson moved, Councilor Harris seconded, to remove the last paragraph of the Resolution and have the second to last paragraph end at “the Town of Brunswick” and “be it further” struck out.

VOTE ON AMENDMENT TO MOTION

Councilor K. Wilson moved, Councilor Harris seconded, to remove the last paragraph of the Resolution and have the second to last paragraph end at “the Town of Brunswick” and “be it further” struck out. The motion carried with six (6) yeas. Councilor Watson, Councilor S. Wilson, and Councilor Millett were opposed.

VOTE ON MAIN MOTION AS AMENDED

Councilor K. Wilson moved, Councilor Harris seconded, to adopt the motion as amended, which adopts the Town Council Resolution as amended, and modifies the Task Force to be consistent with the protected classes under the Maine Human Rights Act. The motion carried with six (6) yeas. Councilor Watson, Councilor S. Wilson and Councilor Millett were opposed.

Chair Brayman appointed Councilor Millett, Councilor K. Wilson, and herself to the Human Rights Task Force.

(A copy of the Resolution and the Task Force charge will be attached to the official minutes.)

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

Councilor Watson moved, Councilor Millett seconded, to go into executive session to discuss Union Negotiations per 1 M.R.S.A. §405(6)(D). The motion carried with nine (9) yeas.

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

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The meeting adjourned at 10:00 p.m.

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

Frances M. Smith
Town Clerk
January 10, 2015

January 19, 2016
Date of Approval

Council Chair

CONSENT AGENDA - B BACK UP MATERIALS

Draft
BRUNSWICK TOWN COUNCIL
Minutes
January 4, 2016
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, Kathy Wilson and Alison Harris

Councilors Absent: None

School Board Members Present: Richard P. Ellis, Brenda D. Clough, Teresa V. Gillis, Corinne A. Perreault, James S. Grant, Janet C. Connors, Sarah N. Singer, Joy Y. Prescott, and William H. Thompson

Town Staff Present: John S. Eldridge, III, Town Manager; Fran Smith, Town Clerk; Paul Perzanoski, Superintendent of Schools; Derek Scrapchansky, Assistant Town Manager; Anna Breinich, Director of Planning and Development; Tom Farrell, Director of Parks and Recreation; Cathy Jamison, Assessor; Linda Smith, Business Development Manager; Brandon Perreault, Deputy Finance Director; Elin M. Gould, Deputy Town Clerk; Susan M. Karnes, Assistant Town Clerk; and TV video crew

Councilors-Elect Sworn to Office: Town Clerk Fran Smith led the oath for the following Town Councilors: Suzan Wilson, John M. Perreault, and Alison Harris

School Board Members-Elect Sworn to Office: Town Clerk Fran Smith led the oath for the following School Board members: Teresa V. Gillis, Corinne A. Perreault, and Joy Y. Prescott

Town Clerk Fran Smith opened the Organizational meeting at 7:12 p.m., acknowledged that proper notice of the meeting was given, and conducted roll call.

1. Elections and Appointments

a. Election of Council Chair. *(This item was discussed at 7:13 p.m.)*

Ms. Smith, Town Clerk, asked for nominations for Council Chair.

Councilor S. Wilson nominated Councilor K. Wilson.

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Councilor Walker nominated Councilor Brayman.

There were no further nominations and Ms. Smith called for a vote in order of nomination.

Councilor K. Wilson received votes from the following Councilors: Councilor Watson, Councilor S. Wilson, Councilor K. Wilson, and Councilor Alison Harris.

Councilor Brayman received votes from the following Councilors: Councilor Walker, Councilor Perreault, Councilor Dan Harris, Councilor Millett, and Councilor Brayman.

Councilor Brayman was elected 2016 Council Chair with five (5) years.

b. Election of Council Vice Chair.

Chair Brayman asked for nominations for 2016 Vice Chair.

Councilor S. Wilson nominated Councilor Walker.

There were no other nominations and Chair Brayman called for a vote.

Councilor Walker was elected 2016 Council Vice Chair with nine (9) years.

c. The Town Council will appoint the Town Attorney.

Chair Brayman asked that this item to be done at the next Council meeting.

d. The Town Council will appoint Council Representatives to the following:

- **Appointments Sub-committee**
- **Brunswick Development Corporation**
- **Brunswick Teen Center**
- **Cable Television Committee**
- **Citizens Initiative Clarity Board**
- **Downtown and Outer Pleasant Street Master Plan Implementation Committee**
- **Recycling & Sustainability Committee**
- **Rivers & Coastal Waters Commission**
- **TIF – MRRA Districts Committee**
- **Trust Fund Advisory Committee**

Chair Brayman made the following appointments for 2016:

Appointments Subcommittee

Alison

Harris

Dan

Harris

Katherine

Wilson

Brunswick Development Corporation	Daniel Katherine	Harris Wilson
Brunswick Teen Center Board	Suzan	Wilson
Cable Television Committee	W. David	Watson
Downtown & Outer Pleasant St Master Plan Implementation	Jane Katherine	Millett Wilson
Finance Committee (3 members whose terms end 6/30/16)	Alison	Harris
Recycling & Sustainability Committee	Stephen	Walker
Rivers & Coastal Waters Commission	Stephen Suzan	Walker Wilson
TIF - MRRA Districts Committee	Daniel John W. David	Harris Perreault Watson
Trust Fund Advisory Committee	Jane	Millett
Cable TV Franchise Negotiating Committee	Alison	Harris

2. The Town Council will set the dates for the 2016 Regular Council Meetings, and will take any appropriate action.

Chair Brayman suggested canceling the July 5th meeting and the Council agreed.

Chair Brayman moved, Councilor K. Wilson seconded, to adopt the 2016 Council Meeting schedule as attached to the official record.

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

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

The meeting adjourned at 7:25 p.m.

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

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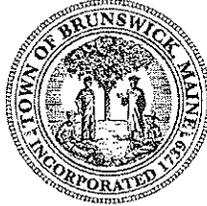
Frances M. Smith
Town Clerk
January 10, 2015

January 19, 2016
Date of Approval

Council Chair

CONSENT AGENDA - C BACK UP MATERIALS

85 Union Street
Brunswick, Maine 04011



Telephone 207 725-6650
FAX 207 725-6663

Town of Brunswick, Maine

Incorporated 1739

Assessing Department

www.brunswickme.org

MEMO

TO: John Eldridge, Town Manager
Town Council Members

FROM: Cathleen M. Jamison, Assessor *cmj*

DATE: January 6, 2016

SUBJECT: Abatement

It has recently come to my attention that Raymond J. Bisson should have received a Veteran's Exemption for his property located at 381 Durham Road for the 2014 tax year. Therefore, I am requesting the Town Council grant an abatement under Title 36 M.R.S.A § 841(1) for the 2014 tax year as follows:

<u>Year</u>	<u>Assessment</u>	<u>Tax</u>
2014	4,200	\$115.08

If approved, please complete and forward to the Tax Collector to process the abatement:

Presented to Town Council (date): _____

Approved by Town Council (date): _____

Town Clerk attestation: _____

CONSENT AGENDA - D BACK UP MATERIALS

**TOWN OF BRUNSWICK, MAINE
TOWN COUNCIL**

**Resolution Authorizing the Town Treasurer to Waive Foreclosure on
Certain Real Estate Tax Lien Mortgages**

WHEREAS, On August 22, 2014 the Tax Collector for the Town of Brunswick, pursuant to 36 MRSA §942 and §943, filed tax lien mortgage certificates in the Cumberland County Registry of Deeds to secure payment of real estate taxes that were assessed on April 1, 2013 and unpaid as of August 22, 2014; and

WHEREAS, on February 22, 2016 those tax lien mortgages will foreclose if the outstanding real estate taxes, including interest and costs, are not paid in-full; and

WHEREAS, upon foreclosure the Town of Brunswick will acquire title to the properties secured by the tax lien mortgage certificates; and

WHEREAS, the Town Manager, in consultation with the Tax Assessor, Codes Enforcement Officer and Finance Director, has determined that there are certain properties in such condition that the Town's interest is better served in not acquiring them; and

WHEREAS, the Town Manager is recommending that the Town not acquire such properties;

NOW THEREFORE BE IT RESOLVED, that pursuant to 36 MRSA §944, the Town Treasurer be authorized to waive foreclosure on any properties that the Town Manager has determined are not in the Town's interest to acquire; and

BE IT FURTHER RESOLVED, that the Town Treasurer be authorized to file, in the Cumberland County Registry of Deeds, certificates waiving foreclosure on the identified properties.

Proposed to Town Council: January 19, 2016

Adopted by Town Council:

CONSENT AGENDA - E BACK UP MATERIALS



Town of Brunswick, Maine

INCORPORATED 1739

MARINE RESOURCES & HARBOR MANAGEMENT

85 PLEASANT STREET

BRUNSWICK, MAINE 04011

TELEPHONE 207-725-5521 FAX 207-725-6663

Email – ddevereaux@brunswickpd.org



Daniel R. Devereaux

Marine Resource Officer

Harbormaster

January 11, 2016

TO: Mr. John Eldridge, Town Manager
CC: Chairman Mark Latti, Marine Resources; Fran Smith Brunswick Town Clerk
FROM: Daniel Devereaux MRO/HM
RE: *Marine Resource Committee Authority*

Dear Mr. Manger,

The Brunswick Marine Resource Committee is respectfully seeking its annual authority from the Brunswick Town Council to open in close coastal waters within the Town of Brunswick jurisdiction.

This request is under direction of the **Brunswick Municipal Code Chapter 11, Marine Activities Structures and Ways Section 11-161 Opening and Closing of Coastal Waters**. See below:

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

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

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

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

With this authority the Brunswick Marine Resource Committee is authorized to open and close shellfishing grounds for conservation based on evidence provided to them by staff or the public. It alleviates the Town Council from public hearings concerning the closure of coastal waters. It however does not prohibit the Town Council from reviewing and reversing decisions made by the Marine Resource Committee.

The Marine Resource Committee on an occasional basis will open and close areas to ensure sustainability or allow undersized shellfish to reach marketable size without being disturbed. They also use this authority to close areas they have recently reseeded with juvenile shellfish.

To conduct these types of closures the Town Council must with a majority approval give its permission. If you have any questions or concerns please contact me.

Respectfully,

Daniel R. Devereaux MRO/HM

Daniel R. Devereaux MRO/HM

Consent Agenda –F
NO BACK UP

MANAGER'S REPORT - A BACK UP MATERIALS

FOR 2016 06

	ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
<u>00 Fill</u>						
19000 General Fund Transfers Out	1,368,236	1,554,717	1,554,717.00	.00	.00	100.0%
TOTAL Fill	1,368,236	1,554,717	1,554,717.00	.00	.00	100.0%
<u>10 General Government</u>						
11000 Administration	583,769	583,769	237,018.08	43,989.18	346,309.92	40.6%
11100 Finance Department	710,161	710,161	331,742.02	51,980.96	378,369.11	46.7%
11150 Technology Services Dept	363,164	363,164	186,565.85	18,332.58	133,756.92	51.4%
11200 Municipal Officers	85,665	85,665	36,817.29	5,557.49	48,847.71	43.0%
11210 Munic Bldg - 85 Union	214,863	215,063	93,650.56	19,478.39	112,141.09	43.5%
11230 Risk Management	479,057	479,057	174,240.20	4,883.78	226,484.30	36.4%
11240 Employee benefits	0	0	-120,047.40	-20,239.81	120,047.40	100.0%
11250 Cable TV	61,298	61,298	26,966.63	4,540.63	34,031.11	44.0%
11300 Assessing	295,863	295,863	131,121.05	21,595.65	162,023.95	44.3%
11600 Town Clerk & Elections	363,719	364,119	158,628.77	21,105.15	204,950.33	43.6%
11900 Planning Department	480,995	483,088	207,127.54	35,871.94	272,267.46	42.9%
11950 Economic Development Dept	115,106	116,726	51,546.82	8,033.51	65,179.18	44.2%
TOTAL General Government	3,753,660	3,757,973	1,515,377.41	215,129.45	2,104,408.48	40.3%
<u>20 Public Safety</u>						
12100 Fire Department	3,154,491	3,167,016	1,468,167.83	245,734.29	1,685,807.10	46.4%
12150 Central Fire Station	59,158	59,158	14,505.25	3,515.60	40,652.75	24.5%
12160 Emerson Fire Station	49,328	49,328	28,531.85	4,415.86	16,668.15	57.8%
12200 Police Department	3,836,175	3,836,175	1,764,386.89	297,116.47	2,069,390.02	46.0%
12210 Police Special Detail	0	0	25,343.06	1,477.25	-25,343.06	100.0%
12220 Emergency Services Dispatch	812,214	812,214	369,094.16	58,536.16	443,119.84	45.4%
12250 Police Station Building	101,431	101,431	40,131.55	4,175.51	61,299.45	39.6%
12310 Streetlights	211,000	211,000	103,748.19	18,929.83	107,251.81	49.2%
12320 Traffic Signals	31,600	31,600	10,903.81	1,230.98	20,696.19	34.5%
12330 Hydrants	465,000	465,000	116,257.59	.00	348,742.41	25.0%
12340 Civil Emergency Preparedness	2,000	2,000	480.00	.00	1,520.00	24.0%
TOTAL Public Safety	8,722,397	8,734,922	3,941,550.18	635,131.95	4,769,804.66	45.1%
<u>30 Public Works</u>						

FOR 2016 06

	ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
13100 Public Works Administration	446,577	446,577	200,956.53	32,851.82	245,620.47	45.0%
13110 PW General Maintenance	1,713,865	1,802,351	627,783.84	82,387.86	951,490.17	34.8%
13130 Refuse Collection	611,556	611,556	289,459.75	53,406.63	108,226.40	47.3%
13140 Recycling	298,631	298,631	132,499.62	23,834.93	-1,639.97	44.4%
13150 PW Central Garage	724,112	724,112	312,556.25	44,896.16	366,321.71	43.2%
TOTAL Public Works	3,794,741	3,883,227	1,563,255.99	237,377.40	1,670,018.78	40.3%
<hr/>						
40 Human Services						
14100 General Assistance	169,994	169,994	71,462.40	11,011.63	98,240.03	42.0%
14120 Health & Social Services	12,766	12,766	19,082.88	.00	-6,316.88	149.5%
TOTAL Human Services	182,760	182,760	90,545.28	11,011.63	91,923.15	49.5%
<hr/>						
45 Education						
14500 School Department	36,525,855	36,525,855	12,865,053.82	2,393,092.64	23,660,801.18	35.2%
TOTAL Education	36,525,855	36,525,855	12,865,053.82	2,393,092.64	23,660,801.18	35.2%
<hr/>						
50 Recreation and Culture						
15000 Recreation Administration	439,700	440,780	216,941.75	36,229.87	222,758.25	49.2%
15050 Rec Buildings and Grounds	699,391	707,371	333,777.91	53,557.80	353,527.07	47.2%
15250 Rec Building 211	173,982	173,982	24,212.35	6,449.25	132,599.98	13.9%
15300 Teen Center	15,000	15,000	15,000.00	.00	.00	100.0%
15310 People Plus	118,300	124,300	119,300.00	.00	5,000.00	96.0%
15400 Curtis Memorial Library	1,325,000	1,325,000	764,166.65	218,333.34	560,833.35	57.7%
TOTAL Recreation and Culture	2,771,373	2,786,433	1,473,398.66	314,570.26	1,274,718.65	52.9%
<hr/>						
60 Intergovernmental						
16000 County tax	1,360,042	1,360,042	1,360,042.00	.00	.00	100.0%

FOR 2016 06

	ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
TOTAL Intergovernmental	1,360,042	1,360,042	1,360,042.00	.00	.00	100.0%
<u>70 Unclassified</u>						
17000 Promotion and Development	161,917	161,917	127,972.04	263.91	33,119.96	79.0%
17010 Additional School Assistance	10,000	10,000	.00	.00	10,000.00	.0%
17020 Cemetery Care	3,000	3,000	4,250.00	.00	-1,250.00	141.7%
17030 Wage Adjustment Account	43,000	43,000	.00	.00	43,000.00	.0%
TOTAL Unclassified	217,917	217,917	132,222.04	263.91	84,869.96	60.7%
<u>80 Debt Service</u>						
18020 2006 CIP G/O Bonds	244,000	244,000	224,000.00	.00	20,000.00	91.8%
18030 2011 GO CIP Bonds	255,380	255,380	493,690.00	.00	-238,310.00	193.3%
18040 Police Station Bond	400,125	400,125	338,937.51	.00	61,187.49	84.7%
18050 2010 Elementary School Bond	0	0	1,309,886.38	.00	-1,309,886.38	100.0%
TOTAL Debt Service	899,505	899,505	2,366,513.89	.00	-1,467,008.89	263.1%
GRAND TOTAL	59,596,486	59,903,351	26,862,676.27	3,806,577.24	32,189,535.97	44.8%

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

FOR 2016 06

	ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
10 Taxes						
111190 41101 Property Taxes	38,824,828	38,824,828	37,996,099.68	.00	828,728.32	97.9%*
111190 41103 Deferred Property Tax	-200,000	-200,000	.00	.00	-200,000.00	.0%
111190 41104 Tax Abatements	-75,000	-75,000	-15,798.86	-2,424.78	-59,201.14	21.1%
111190 41105 Interest on Taxes	65,000	65,000	29,813.06	4,367.06	35,186.94	45.9%*
111190 41106 Tax Lien Costs Revenu	13,000	13,000	16,249.80	.00	-3,249.80	125.0%*
111190 41107 Tax Lien Interest Rev	13,000	13,000	19,091.21	.00	-6,091.21	146.9%*
111190 41109 Payment in Lieu of Ta	175,000	175,000	100,286.42	.00	74,713.58	57.3%*
111190 41197 BETE reimbursement	0	0	565,776.00	565,776.00	-565,776.00	100.0%*
111190 41198 Homestead exemption r	0	0	332,248.00	.00	-332,248.00	100.0%*
111190 41199 Miscellaneous tax adj	4	4	.00	.00	4.00	.0%*
111191 41110 Excise Tax - Auto	2,865,000	2,865,000	1,566,742.34	239,285.28	1,298,257.66	54.7%*
111191 41111 Excise Tax Boat/ATV/S	25,000	25,000	3,602.90	368.80	21,397.10	14.4%*
111191 41112 Excise Tax - Airplane	3,500	3,500	.00	.00	3,500.00	.0%*
TOTAL Taxes	41,709,332	41,709,332	40,614,110.55	807,372.36	1,095,221.45	97.4%
TOTAL REVENUES	41,709,332	41,709,332	40,614,110.55	807,372.36	1,095,221.45	
20 Licenses & Fees						
121111 42207 Passport Fees	9,500	9,500	5,050.00	825.00	4,450.00	53.2%*
121111 42209 Passport Picture Reve	3,000	3,000	1,995.00	345.00	1,005.00	66.5%*
121411 42100 Building Permits	145,000	145,000	68,706.30	3,659.70	76,293.70	47.4%*
121411 42101 Electrical Permits	34,000	34,000	18,095.36	1,518.29	15,904.64	53.2%*
121411 42102 Plumbing Permits	22,000	22,000	15,945.00	2,417.50	6,055.00	72.5%*
121411 42103 Zoning Board Fees	0	0	150.00	.00	-150.00	100.0%*
121611 42200 Hunting & Fishing Lic	1,100	1,100	450.25	136.50	649.75	40.9%*
121611 42201 Dog License Fee	2,500	2,500	1,463.00	1,157.00	1,037.00	58.5%*
121611 42202 Vital Statistics	50,000	50,000	25,537.60	3,981.80	24,462.40	51.1%*
121611 42203 General Licenses	21,270	21,270	6,246.00	2,785.00	15,024.00	29.4%*
121611 42204 Victulars/Innkeepers	18,250	18,250	525.00	175.00	17,725.00	2.9%*
121611 42205 Shellfish Licenses	17,400	17,400	450.00	.00	16,950.00	2.6%*
121611 42206 Neutered/Spayed Dog L	4,730	4,730	2,670.00	2,176.00	2,060.00	56.4%*
121611 42208 Postage Fees	0	0	99.95	39.98	-99.95	100.0%*
121911 42300 Planning Board Appl F	22,500	22,500	11,873.40	420.00	10,626.60	52.8%*
122121 42400 Fire Permits	500	500	100.00	40.00	400.00	20.0%*
122221 42500 Conc Weapons Permits	600	600	150.00	15.00	450.00	25.0%*
123131 42600 Public Works Opening	8,000	8,000	8,950.00	2,154.00	-950.00	111.9%*
TOTAL Licenses & Fees	360,350	360,350	168,456.86	21,845.77	191,893.14	46.7%
TOTAL REVENUES	360,350	360,350	168,456.86	21,845.77	191,893.14	

FOR 2016 06

	ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
<u>30 Intergovernmental</u>						
131122 43505 FD EMPG grant	15,000	15,000	5,055.90	.00	9,944.10	33.7%*
131132 43103 Highway Grant Fund	195,000	195,000	199,148.00	199,148.00	-4,148.00	102.1%*
131142 43104 State General Assista	24,000	24,000	14,437.80	1,297.74	9,562.20	60.2%*
131190 43102 State Tax Exemption R	40,000	40,000	11,346.86	.00	28,653.14	28.4%*
131192 43101 State Revenue Sharing	1,088,154	1,088,154	588,047.94	77,313.74	500,106.06	54.0%*
131192 43106 Snowmobile Receipts	1,400	1,400	.00	.00	1,400.00	.0%*
134546 43120 State Education Subsi	9,826,081	9,826,081	5,587,854.82	1,476,632.30	4,238,226.18	56.9%*
TOTAL Intergovernmental	11,189,635	11,189,635	6,405,891.32	1,754,391.78	4,783,743.68	57.2%
TOTAL REVENUES	11,189,635	11,189,635	6,405,891.32	1,754,391.78	4,783,743.68	
<u>40 Charges for services</u>						
141111 44110 Agent Fee Auto Reg	47,000	47,000	24,742.00	3,545.00	22,258.00	52.6%*
141111 44111 Agent Fee Boat/ATV/Sn	1,500	1,500	437.00	67.00	1,063.00	29.1%*
141211 44121 Rental of Property	1,200	1,200	700.00	200.00	500.00	58.3%*
141611 44131 Advertising Fees	0	0	706.92	384.20	-706.92	100.0%*
142121 44155 Ambulance Service Fee	845,000	845,000	518,864.84	128,116.07	326,135.16	61.4%*
142121 44166 Special Detail - Fire	1,000	1,000	2,565.20	580.80	-1,565.20	256.5%*
142221 44161 Witness Fees	3,000	3,000	550.00	.00	2,450.00	18.3%*
142221 44162 Police Reports	4,500	4,500	2,093.50	457.00	2,406.50	46.5%*
142221 44163 School Resource Offic	86,000	86,000	86,000.00	86,000.00	.00	100.0%*
142221 44165 Special Detail - Poli	3,000	3,000	15,248.50	2,268.00	-12,248.50	508.3%*
142221 44167 Dispatch Services fee	143,760	143,760	76,739.13	11,170.18	67,020.87	53.4%*
143431 44175 Recycling Revenue	25,000	25,000	9,178.70	1,307.70	15,821.30	36.7%*
144545 44100 School Tuition, etc	102,000	102,000	19,209.72	11,232.20	82,790.28	18.8%*
145051 44121 Rental of Property	0	0	300.00	.00	-300.00	100.0%*
TOTAL Charges for services	1,262,960	1,262,960	757,335.51	245,328.15	505,624.49	60.0%
TOTAL REVENUES	1,262,960	1,262,960	757,335.51	245,328.15	505,624.49	
<u>50 Fines & Penalties</u>						
151621 45103 Unlicensed Dog Fines	10,000	10,000	450.00	50.00	9,550.00	4.5%*
152121 45104 False Alarm Fire	1,000	1,000	.00	.00	1,000.00	.0%*
152121 45107 Fire Code Violation F	0	0	400.00	.00	-400.00	100.0%*

FOR 2016 06

	ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
<u>152221 45100 Ordinance Fines</u>	600	600	345.00	.00	255.00	57.5%*
<u>152221 45101 Parking Tickets</u>	30,000	30,000	14,225.00	2,645.00	15,775.00	47.4%*
<u>152221 45102 Leash Law Fines</u>	100	100	200.00	125.00	-100.00	200.0%*
<u>152221 45105 False Alarm Police</u>	100	100	5.00	.00	95.00	5.0%*
<u>152221 45106 Restitution</u>	0	0	138.58	11.69	-138.58	100.0%*
TOTAL Fines & Penalties	41,800	41,800	15,763.58	2,831.69	26,036.42	37.7%
TOTAL REVENUES	41,800	41,800	15,763.58	2,831.69	26,036.42	
60 Interest earned						
<u>161193 46100 Interest Earned</u>	20,000	20,000	3,200.62	415.57	16,799.38	16.0%*
TOTAL Interest earned	20,000	20,000	3,200.62	415.57	16,799.38	16.0%
TOTAL REVENUES	20,000	20,000	3,200.62	415.57	16,799.38	
70 Donations						
<u>171952 47000 BDC Contrib to Econ D</u>	94,000	94,000	94,000.00	.00	.00	100.0%*
<u>171952 47002 MRRA - MCOG DUES</u>	15,000	15,000	15,208.50	.00	-208.50	101.4%*
TOTAL Donations	109,000	109,000	109,208.50	.00	-208.50	100.2%
TOTAL REVENUES	109,000	109,000	109,208.50	.00	-208.50	
80 Use of fund balance						
<u>181100 48000 Unapprop General Fund</u>	825,000	1,011,481	.00	.00	1,011,481.00	.0%*
<u>181100 48001 Bal of State Revenue</u>	50,000	50,000	.00	.00	50,000.00	.0%*
<u>184500 48004 School Balance Forwar</u>	3,067,309	3,067,309	.00	.00	3,067,309.00	.0%*
<u>184500 48005 Restricted-Sch Bond P</u>	119,800	119,800	.00	.00	119,800.00	.0%*
TOTAL Use of fund balance	4,062,109	4,248,590	.00	.00	4,248,590.00	.0%
TOTAL REVENUES	4,062,109	4,248,590	.00	.00	4,248,590.00	
90 Other						
<u>191011 49000 Administration Miscel</u>	0	0	790.42	790.42	-790.42	100.0%*

FOR 2016 06

	ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
191111 49000 Finance Miscellaneous	4,000	4,000	5,630.77	1,690.40	-1,630.77	140.8%*
191111 49104 Property & Casualty D	0	0	10,052.00	.00	-10,052.00	100.0%*
191111 49105 Postage & Handling	0	0	43.00	3.00	-43.00	100.0%*
191111 49106 W/C Proceeds	0	0	5,563.01	.00	-5,563.01	100.0%*
191111 49210 Insurance Proceeds	0	0	.00	-3,014.00	.00	.0%
191192 49100 Cable Television	225,000	225,000	65,120.61	.00	159,879.39	28.9%*
191611 49000 Town Clerk Miscellane	1,300	1,300	951.00	125.00	349.00	73.2%*
191911 49000 Planning Miscellaneous	200	200	1,267.04	.00	-1,067.04	633.5%*
192121 49000 Fire Miscellaneous	5,800	5,800	11,002.00	.00	-5,202.00	189.7%*
192194 49151 Fire Vehicle Sales	0	0	5,700.00	.00	-5,700.00	100.0%*
192221 49000 Police Miscellaneous	10,000	10,000	14,344.57	.00	-4,344.57	143.4%*
193131 49000 Public Works Miscella	2,000	2,000	12.28	.00	1,987.72	.6%*
194141 49103 General Assistance Re	0	0	1,440.00	.00	-1,440.00	100.0%*
194545 49000 School Miscellaneous	93,000	93,000	19,354.69	5,190.70	73,645.31	20.8%*
199980 48100 General Fund Transfer	500,000	500,000	500,000.00	.00	.00	100.0%*
TOTAL Other	841,300	841,300	641,271.39	4,785.52	200,028.61	76.2%
TOTAL REVENUES	841,300	841,300	641,271.39	4,785.52	200,028.61	
GRAND TOTAL	59,596,486	59,782,967	48,715,238.33	2,836,970.84	11,067,728.67	81.5%

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

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

MANAGER'S REPORT - C BACK UP MATERIALS



Town of Brunswick, Maine

INCORPORATED 1739

OFFICE OF THE TOWN COUNCIL

28 FEDERAL STREET • BRUNSWICK, MAINE 04011

TELEPHONE 207-725-6659

FAX 207-725-6663

RESOLUTION SUPPORTING NON-DISCRIMINATION

WHEREAS, the citizens of the Town of Brunswick have historically welcomed individuals, families, friends, residents, and visitors; and

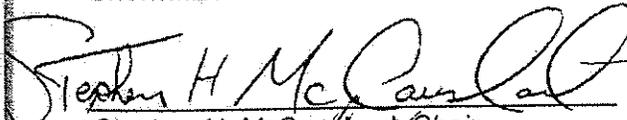
WHEREAS, the residents of the Town comprise a diverse community as to their race, creed, color, sex, nationality, and sexual orientation; and

WHEREAS, the Town is strengthened by its diversity; and

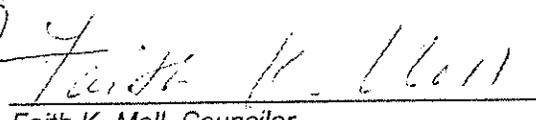
WHEREAS, the Town supports non-discrimination in all aspects of employment, housing, education, recreation and access to public accommodations; and

WHEREAS, the Town endorses non-discrimination and tolerance of diversity;

NOW, THEREFORE BE IT RESOLVED, that we, members of the Town Council, do hereby proclaim this resolution on this 6th day of July, 1998, to support a spirit of tolerance and non-discrimination as to race, creed, color, sex, nationality, and sexual orientation.



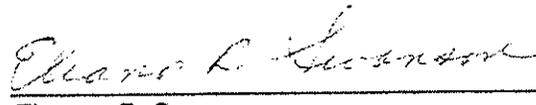
Stephen H. McCausland, Chair



Faith K. Moll, Councilor



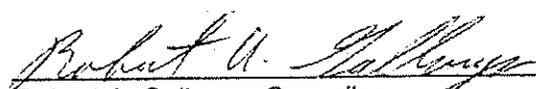
Michael B. Feldman, Councilor



Eleanor R. Swanson



Timothy P. Dotts, Councilor



Robert A. Galloupe, Councilor



Clement S. Wilson, Councilor

Municipal Officers of the Town of Brunswick
July 6, 1998

ITEM 3

BACK UP MATERIALS



MEMORANDUM

TO: Town Council
FROM: Fran Smith, Town Clerk
SUBJECT: Proposed Changes to Domesticated Chicken Ordinance
DATE: December 16, 2015
CC: John Eldridge, Town Manager

This memo introduces the proposed changes to Chapter 4 (Animals) of the Municipal Code of Ordinance, Article III (Domesticated Chickens). The item is being sponsored by Chair Brayman and Councilor Walker. The initial ordinance, adopted on October 19, 2009, allows up to six licensed domesticated chickens in a single family home within the growth zone. In 2015, the Clerk's office issued 21 licenses. There are two proposed changes to the ordinance:

- 1) Requirements were developed for the chicken coops to ensure safety for the animals and keep the chickens from straying in dense neighborhoods. There is a required one-time inspection for the building permit, which remains the same, and a required annual inspection by the Animal Control Officer. What is now being proposed is a one-time inspection by the Animal Control Officer prior to the issuance of the initial license. Any other inspection would be contingent on public concerns or changes to the original coop, which shall be noted on the renewal application. This change requires less staff time and only one inspection for the applicant.
- 2) Currently, the license is an annual one, expiring on April 30th of each year, at a cost of \$10.00. What is now being proposed is a two-year license expiring on April 30th of each even year, with a cost increase to \$30.00. There is a prorated amount for licenses issued within 6 months of expiration. This represents an overall increase to the annual cost, but better reflects the staff time needed to process the license, plus makes the process easier for the applicants. (Reminder notices are provided.)

Heidi Nelson, the Animal Control Officer, will be at your meeting to answer any questions. A copy of the proposed amendment is attached to this memo.

Proposed Ordinance Amendments
Changes to Chicken Licensing Ordinance
Public Hearing –
Adopted –
Effective –

Be it ordained by the Town Council of the Town of Brunswick, Maine, that Chapter 4, Article III, the Municipal Code of Ordinances, Town of Brunswick, Maine, is amended by adding the underlined language and removing the strike-out language as follows:

ARTICLE III. DOMESTICATED CHICKENS ^[3]

Sec. 4-61. Purpose.

The purpose of this article is to provide standards for the keeping of domesticated chickens. The article is intended to enable residents to keep a small number of female chickens while limiting the potential adverse impacts on the surrounding neighborhood.

(Ord. of 10-19-09)

Sec. 4-62. Definitions.

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

Chicken pen. An enclosure connected to a henhouse for the purpose of allowing chickens to leave the henhouse while remaining in an enclosed, predator-safe environment.

Enclosure. The combined area of a henhouse and chicken pen.

Henhouse. A structure for the sheltering of female chickens. A legally existing nonconforming detached shed, garage or barn that may be located within the required district setback can be used for this purpose if it meets all other standards contained in this article.

(Ord. of 10-19-09)

Sec. 4-63. Keeping of domesticated chickens located in the growth area.

- (a) No more than six (6) chickens shall be allowed per single-family detached dwelling property. No chickens shall be permitted within multi-family complexes, including duplexes.
- (b) Only female chickens are permitted with no restriction on chicken species.
- (c) Chickens shall be kept only for personal use.
- (d) Advertising the sale of eggs, chicken breeding or fertilizer production is prohibited.
- (e) Outside slaughtering of chickens is prohibited.

(Ord. of 10-19-09, § I)

Sec. 4-64. Enclosure.

- (a) Chickens must be kept in a secure henhouse or chicken pen area at all times. At no time shall chickens be kept in a residence including attached structures.
- (b) Chickens shall be secured within the henhouse during nondaylight hours.

- (c) Enclosures must be clean, dry and odor-free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of abutters due to noise, odor or other adverse impact.
- (d) An enclosure shall not be located in the front yard.

(Ord. of 10-19-09, § II)

Sec. 4-65. Henhouse.

- (a) A henhouse shall be provided and designed to provide safe and healthy living conditions for the chickens while minimizing adverse impacts to abutters.
- (b) The structures shall be fully enclosed with latchable doors and windows. Windows and vents must be covered with predator and birdproof wire of less than one-inch openings.
- (c) The henhouse shall be well maintained. The use of scrap, waste board, sheet metal, or similar materials for the construction of the structure is prohibited.
- (d) Henhouses shall only be located in rear yards. In the case of a corner lot, a side yard may be used in accordance with applicable zoning district setbacks but in no case shall the henhouse be closer than ten (10) feet to the side property line.
- (e) No henhouse shall be located within ten (10) feet of a rear or side property line.

(Ord. of 10-19-09, § III)

Sec. 4-66. Chicken pens.

- (a) Chicken pens may be provided. Where provided, the chicken pen shall be attached to the henhouse and the walls shall be constructed of sturdy wire fencing, other than chicken wire, and buried at least twelve (12) inches in the ground. The roof shall be covered with wire, aviary netting, chicken wire or solid roofing in a manner to prevent the escape of chickens.
- (b) Chicken pens shall only be located in rear yards. In the case of a corner lot, a side yard may be used in accordance with applicable zoning district setbacks but in no cases shall the henhouse be closer than ten (10) feet to the side property line.
- (c) No chicken pen shall be located within ten (10) feet of a rear or side property line.

(Ord. of 10-19-09, § IV)

Sec. 4-67. Odor, noise and lighting.

- (a) Odors from chickens, chicken manure, or other chicken-related substances shall not be perceptible at the property boundaries.
- (b) Perceptible noise from chickens shall not be a disturbance to abutters.
- (c) Only motion-activated lighting may be used to light the exterior of the henhouse.

(Ord. of 10-19-09, § V)

Sec. 4-68. Waste storage and removal.

Provision must be made for the storage and removal of chicken manure. All stored manure shall be covered by a fully enclosed structure with a roof line or lid over the entire structure. All other manure not used for composting or fertilizing shall be removed from the property.

(Ord. of 10-19-09, § VI)

Sec. 4-69. - Licensing requirements.

A person who keeps domesticated chickens shall obtain a license for a fee in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances. The license shall expire annually on the last day of April every even year. Any license applied for less than six months from expiration shall be half the fee. The initial license shall be issued by the town clerk after favorable inspection by the Brunswick Animal Control Officer or designee. The fee is nonrefundable if the license is not approved. There will be a late fee assessed to licenses that have expired, in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances. The fine will double after the license has been expired for more than thirty (30) days.

(Ord. of 10-19-09, § VII, Ord. of 11-16-15)

Sec. 4-70. Penalty.

In addition to any other enforcement action which the town may take, violation of any provision of this article shall be a civil violation and a fine may be imposed in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances not exceeding one hundred dollars (\$100.00) may be imposed. Each day that a violation continues will be treated as a separate offense.

(Ord. of 10-19-09, § VIII)

Sec. 4-71. Removal of chickens.

Any violation of the provisions of this article or of the license shall be grounds for an order from the code enforcement officer to remove the chickens and the chicken-related structures. The animal control officer may also order the removal of the chickens upon a determination that the chickens pose a health risk. If a chicken dies, it must be disposed of promptly in a sanitary manner.

(Ord. of 10-19-09, § IX)

Chapter 4 - Animals			
Sec. 4-31	11/1/2006	Impounding a dog (1st/2nd/3rd and subsequent impoundment of same dog)	\$25/\$50/\$100
		Keeping the dog	\$5 per day
		Notice by mail or by posting	\$3
Sec. 4-38	4/22/1997	Violation of any provision of this chapter (1st/2nd/3rd and subsequent offense)	not more than \$25/\$200/\$500
Sec. 4-69	10/19/2009	A person who keeps domesticated chickens shall obtain a license	\$30 \$10, late fee \$30 \$10
Sec. 4-70	10/19/2009	Violation of any provision, each day a separate offense	\$100
Sec. 4-97	10/17/2011	Initial license for domesticated farm animal/renewal	\$100/\$50
		Late fee for expired license/doubled after thirty days	\$25/\$50
Sec. 4-99	10/17/2011	Violation of any provision, each day a separate offense	\$100

ITEM 4

BACK UP MATERIALS



Town of Brunswick, Maine

INCORPORATED 1739

ECONOMIC AND COMMUNITY

DEVELOPMENT

28 FEDERAL STREET

BRUNSWICK, MAINE 04011-1583

TELEPHONE 207-721-0292

FAX 207-725-6663

TO: Brunswick Town Council Members
FROM: Linda Smith, Business Development Manager
SUBJECT: Request to submit a Letter of Intent (LOI) for a Community Development Block Grant application on behalf of Artforms, Inc.
DATE: January 8, 2016

Artforms, Inc. is requesting a Letter of Intent (LOI) from the Town of Brunswick to submit to the Department of Economic and Community Development's Office of Community Development for \$100,000 from the Community Development Block Grant (CDBG) Economic Development Grant Program to provide funding to support their production expansion and efficiencies in Brunswick.

As the Letter of Intent indicates, Artforms launched in the Spring of 1988 with the idea that great art deserves to be worn! They grew from two full time employees to more than twenty-five (25) full time employees by 2011. In 2012, following a complete renovation to the 128 Maine Street building, the site of the historic Brunswick Town Hall, Artforms re-located from Westbrook to Brunswick bringing cutting edge manufacturing to Maine Street along with twenty-six (26) full time, year-round jobs. Through plate glass windows in Cool As A Moose (a retail affiliate), the bee-hive of Artforms production is fully on display each Monday through Friday while behind the scenes, the creative department conjures up great new designs to keep the presses rolling (see www.artformsinc.com).

In order to continue to grow, meet demand, increase efficiencies and enhance environmentally friendly production, Artforms is proposing to upgrade its production capacity through an integrated manufacturing investment. The upgraded equipment purchase and installation costs are \$203,250.00 (approximately \$187,250 for equipment and \$16,000 for installation). This investment will update / replace equipment that is outdated and inefficient and allow the company to get more product out the door more quickly and efficiently as it continues to grow.

Artforms is contributing \$23,250 equity (11%), a loan application for \$80,000 (40%) is being submitted to the Midcoast Economic Development District loan program, and \$100,000 (49%) is being requested from the CDBG Economic Development Grant Program. The resulting production increase will result in the creation of six (6) full time jobs, including one (1) Accounting Assistant, one (1) Customer Service Assistant, two (2) Auto Printers, and two (2) Quality Control Inspectors.

The company has grown steadily since its founding in 1988. With the relocation to Brunswick in 2012, the company has greatly increased its product demand and needs to improve its efficiencies. Like most growing businesses, they are cash flow poor and are looking to mitigate the costs of this next necessary expansion. Therefore, they are seeking a \$100,000 CDBG grant as a part of their \$203,000 equipment upgrade and expansion effort. The expansion will support state-of-the art equipment purchase and installation.

The draft Letter of Intent is in the Council packet for your reference. Caroline Kurrus with Artforms will be available at the January 19, 2016 Town Council meeting to answer any questions.

Cc: John Eldridge, Town Manager, Town of Brunswick
Kip Stone and Caroline Kurrus, Artforms

EDP ELIGIBLE ACTIVITY CATEGORIES

	<p>Grants to Municipalities: for acquisition, relocation, demolition, clearance, construction, reconstruction, installation and rehabilitation <u>associated with public infrastructure</u> projects such as water and sewer improvements, flood and drainage improvements, publicly-owned commercial and industrial buildings, parking, streets, curbs, gutters, sidewalks, etc. <u>All public infrastructure must be owned by the municipality or public or private utility and be in support of an identified business.</u></p>	\$1,000,000
X	<p>Grants to Municipalities for Direct Business Support: for capital and non-capital equipment, land and site improvements, rehabilitation or construction of commercial or industrial buildings, job training, working capital and capital equipment and be in support of an identified business. Acquisition is not an allowable activity under this group.</p>	\$1,000,000

Applicants may apply in only one specific grant activity group.

ECONOMIC DEVELOPMENT PROGRAM FUNDS CANNOT BE USED TO REFINANCE EXISTING DEBT

PROJECT INFORMATION

Using the space provided please provide a clear, concise description of the proposed development project. Be sure to clearly explain how EDP funds will be utilized, the financing gap that exists in order to do the project and the timeline in which the CDBG-EDP funds will be expended and information relative to jobs being created and/or retained.

Artforms, Inc. launched in the Spring of 1988 with the idea that great art deserves to be worn. At the time, tee shirts were evolving into staple casual attire but it wasn't always easy to find a good one. Now, after 28 years of hard work and design inspiration, Artforms shirts can be found in quality resort shops from Lubec, Maine to Key West, Florida, San Diego California to Anchorage Alaska, Hawaii, the Caribbean, and just about every other place in between.

In 2012, following a complete renovation to the 128 Maine Street building, the site of the historic Brunswick Town Hall, Artforms relocated from Westbrook to Brunswick bringing cutting edge manufacturing to Maine Street along with 26 full time, year-round jobs. Through plate glass windows in Cool As A Moose (a retail affiliate), the bee-hive of Artforms production is fully on display each Monday through Friday while behind the scenes, the creative department conjures up great new designs to keep the presses rolling (see www.artformsinc.com).

In order to continue to grow, meet demand, increase efficiencies and enhance environmentally friendly production, Artforms is proposing to upgrade its production capacity through an integrated manufacturing investment. This investment includes the purchase of three production machines: Sportsman 10 station / 8 color automatic press; M&R Direct to Screen Printer; and, M&R Eco Tec automatic screen cleaner / reclaimer. The M&R Direct to Screen replaces existing slower halide exposure units with the newer LED lights cutting exposure time by 80% and allowing Artforms to run a fifth press at full capacity. The Sportsman 10 station / 8 color press updates the existing 12 year old 8 station / 6 color press and increases capacity from 35 dozen units per hour to 56 dozen units per hour. The M&R Eco Tec reclaimer allows for a more environmentally friendly and efficient way to clean & reclaim printing screens. It automates a process that has, in the past, caused chemical sensitivity issues with several employees. The purchase and installation costs are \$203,250.00 (approximately \$187,250 for equipment and \$16,000 for installation). This investment will update / replace equipment that is outdated and inefficient and allow Artforms to get more product out the door efficiently as it continues to grow.

Artforms is contributing \$23,250 equity (11%), a loan application for \$80,000 (40%) is being submitted to the Midcoast Economic Development District loan program and \$100,000 (49%) is being requested from the CDBG Economic Development Grant Program. The resulting production increase will result in the creation of an additional six (6) full time jobs, including one (1) Accounting Assistant, one (1) Customer Service Assistant, two (2) Auto Printers, and two (2) Quality Control Inspectors. [NOTE: Since CDBG funds are only likely to be available in late July 2016, the equipment is targeted to be ordered, manufactured, delivered and installed by late November 2016, and production testing and trial hiring will occur in early 2017, which means that the permanent hiring is targeted for spring 2017.]

EDP DOLLARS PER JOB CREATED: The maximum CDBG participation per job created with EDP funds is \$30,000.

JOB RETENTION INFORMATION (Fill in job information below)

Number of Full-Time Equivalent (FTE) Jobs to be Retained: N/A

The applicant must also attach documentation to this Letter of Intent such as public announcement of lay-offs, public announcement of imminent closure, financial records) of impending job loss without CDBG Program assistance. **Completion of Job Retention Assurances and Job Retention Summary Documentation must be completed and submitted to the Office of Community Development before applicant will be invited to submit an EDP application.** Forms require completion and must be signed by both the municipal and business CEO. Please pay close attention to the definition of permanent, full time and full time equivalent jobs.

JOB CREATION INFORMATION (Fill in job information below)

Number of Full-Time Equivalent (FTE) Jobs to be Created within 12 months: Six (6)

Occupation/Job Title	# of Jobs	Work Location	Hire Date	Hourly Salary	Hourly Salary with fringe benefits
Accounting Assistant (#5. Office/Clerical)	1	Brunswick, ME	April 2017	\$16.00	\$18.13
Customer Service Assistant (#5. Office/Clerical)	1	Brunswick, ME	March 2017	\$12.00	\$14.13
Auto Printers (#7. Operative)	2	Brunswick, ME	February 2017	\$12.00	\$14.13
Quality Control Inspectors (#7. Operative)	2	Brunswick, ME	March 2017	\$12.00	\$14.13

In determining CDBG National Objective compliance with job retention only **Permanent** jobs may be counted; temporary jobs may not. Full time jobs require a worker to work at least 1750 hours per year. Part time jobs require a worker to work at least 875 hours but less than 1750 hours per year. Part-time jobs **must** be converted to Full Time Equivalents (FTE). An FTE is defined as two part time jobs. **Seasonal** jobs may count only if the seasonal job lasts long enough and provides sufficient income to be considered the employee's principal occupation. (Contact OCD prior to counting seasonal jobs towards LMI benefit.) **All** permanent jobs created by the project must be counted, regardless of funding source(s). Jobs indirectly created by the project (i.e., remote location, “trickle down” jobs) do not count.

G. COST ESTIMATES & PROJECT FUNDING

Provide the estimated project cost, amount of CDBG funds to be requested and sources, amounts and dates secured for all anticipated cash matching funds.

Applicants for Economic Development Program funds must certify and provide documentation, at time of application, that there is a 100% cash match of the total EDP award. Matching funds must be directly related to the activities undertaken with EDP funding and must be firm commitments from non-CDBG funds and documented by binding commitment letters submitted with the final application. Matching funds cannot be committed or expended prior to the project receiving Environmental

Review Clearance from the Office of Community Development. Prior commitments and in-kind contributions are not considered as match. Project must demonstrate that there is a gap between sources and uses and that CDBG funds are needed to fill that gap.

Communities receiving an EDP award may not receive any other EDP award for the same project or business during the same program year **or** for the same or project or business from a prior program year that has not met **final** closeout status.

All construction estimates should be prepared by the Engineer/Architect. Take into account the inflation rate in relation to the anticipated starting date of the project and applicable DAVIS/BACON wage rates as they apply to construction costs. ***Please note projects with a total cost exceeding \$3,000,000 are not eligible for EDP assistance. The minimum request for EDP assistance is \$100,000*.***

Total Estimated Project Cost:	\$203,250	CDBG Request:	\$100,000
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Funding Source	Amount	Date Secured
MCEDD	\$ 80,000	In process
Owner Equity	\$ 23,250	Available when CDBG grant is awarded
CDBG	\$100,000	TBD
TOTAL:	\$203,250	

EDP PROJECTS IN SUPPORT OF RETAIL BUSINESSES

EDP applications in support of a retail business must attach written documentation to this Letter of Intent for each of the following limited conditions:

- 1.** The retail business represents the provisions of new products and services previously unavailable in the community or is a tourism-related business; and
- 2.** The development or expansion of the retail business represents a net economic gain for the community and the region. Applications supporting a retail business or businesses are required to certify that the development represents a new overall gain for the region economy and not a shift from existing established businesses to a new or expanded one; and
- 3.** The retail business is located in either a downtown district meeting the definition of PL 776 enacted by the 119th legislature; or a designated local growth area contained in an adopted and consistent comprehensive plan; and
- 4.** At least 50% of the jobs created by the retail business must be full time jobs.

***Projects seeking less than \$100,000 in CDBG EDP funds must request a waiver from the Office of Community Development (OCD) and have received approval of that wavier from OCD prior to the submission of the EDP Letter of Intent.**

Applicant & Business Certifications

As an authorized official of the applicant community and/or business, I certify under the penalties of perjury that:

1. To the best of my knowledge and belief, all information contained in this Letter of Intent and all attached documentation is true and correct and current as of the date signed below;
2. This Letter of Intent complies with all applicable State and federal laws and regulations;
3. All parties signing this Letter of Intent are cognizant of the requirements that should the intended Job Creation/Retention National Objective of the CDBG program not be met all CDBG funds must be repaid to the State of Maine CDBG program; that DECD may elect to secure such requirement/repayment with assets of the Applicant Business for a term of up to five years should this project be approved for funding; and that DECD may deduct from the amount of any Grant the cost of legal fees associated with the review, underwriting and securing of collateral should this project be approved for funding.
4. There are no actions, suits or proceedings pending or, to the knowledge of the borrower, threatened against or affecting the applicant and/or business at law or in equity before any court or administrative officer or agency which might result in any material adverse change in the business or financial condition of the borrower. The borrower is not in default (a) in the payment of any taxes levied or assessed against it or any of its assets or (b) under an applicable statute, rule, order, decree, writ, injunction or regulation of any governmental body (including any court).
5. With the exception of administrative or personnel costs, verify that no person who is an employee, agent, consultant, officer, or elected official or appointed official of state or local government or of any designated public agencies, or subrecipients which are receiving CDBG funding may obtain a financial interest or benefit, have an interest in or benefit from the activity, or have an interest in any contract, subcontract or agreement with respect to CDBG activities.
6. Approval of this Letter of Intent by OCD to submit a final application does not imply final project approval or funding.

Signature of Chief Executive Officer:	Printed or Typed Name: John Eldridge, Town Manager
Name of Applicant Community : Town of Brunswick, Maine	Date:
Signature of Chief Executive Officer:	Printed or Typed Name: Kip Stone, Owner
Name of Applicant Business : Artforms	Date:

**STATE OF MAINE
COMMUNITY DEVELOPMENT BLOCK GRANT
ECONOMIC DEVELOPMENT PROGRAM GRANT APPLICATION**

**GRANTEE/BUSINESS ASSURANCES
JOB RETENTION**

Not Applicable for this Application

The Business _____ (as identified below), having applied for funding from the Town/City of _____ (as identified below) through the Maine assures that it has discussed job retention project goals with the applicant business. The Municipality is assured that _____ jobs **will be retained for a period of no less than two years from the date of the CDBG contract between the municipality and the State of Maine.** The Business (as identified below) assures that these jobs will be retained and that timely and completed documentation will be provided to the Municipality necessary to verify job retention achievements. Both the Municipality and the Business assure that low and moderate-income persons hold at least 51% of the jobs retained.

In determining CDBG National Objective compliance with job retention only **Permanent** jobs may be counted; temporary jobs may not. Full time jobs require a worker to work at least 1750 hours per year. Part time jobs require a worker to work at least 875 hours but less than 1750 hours per year. Part-time jobs **must** be converted to Full Time Equivalents (FTE). An FTE is defined as two part time jobs. **Seasonal** jobs may count only if the seasonal job lasts long enough and provides sufficient income to be considered the employee's principal occupation. (Contact OCD prior to counting seasonal jobs towards LMI benefit.) **All** permanent jobs created by the project must be counted, regardless of funding source(s). Jobs indirectly created by the project (i.e., remote location, "trickle down" jobs) do not count.

All job retention information reported on this form will be reviewed by OCD.

Municipality

Signature of Municipal CEO

Date

Business

Signature of Business CEO

Date

The applicant must attach documentation to this form (such as public announcement of lay-offs, public announcement of imminent closure, financial records) of impending job loss without CDBG Program assistance.

**STATE OF MAINE
 COMMUNITY DEVELOPMENT BLOCK GRANT
 ECONOMIC DEVELOPMENT PROGRAM GRANT APPLICATION
 Not Applicable for this Application**

JOB RETENTION SUMMARY DOCUMENTATION

TO BE DETERMINED BY EMPLOYEE SURVEY AND VERIFIED THROUGH SUPPORTING DOCUMENTATION

JOB TITLE	Job Class*	# JOBS RETAINED Qualified		# LMI JOBS RETAINED		# NON LMI JOBS RETAINED	
		full time	part time	full time	part time	full time	part time

**All existing employees must be surveyed prior to making application to determine LMI status and establish an employment baseline for future reference.
 All job retention information reported on this form must be submitted for reviewed by OCD.**

*** Attach a job description for each job title for which a position will be retained and use the job category definition numbers outlined below to indicate job class.**

The above information has been compiled using the individual surveys of all affected employees of the Business (as identified above).

This survey was based on family income as defined by the HUD Low/Moderate Income Limits, which apply to the Community Development Block Grant (CDBG) Program. To the best of my knowledge, all information represented above is true and factual. Assurances are also given that "Clear and Objective" evidence exists documenting the above jobs would actually be lost without CDBG Program funding, and that this evidence exists in the form of a notice issued by the assisted party to affected employees, a public announcement, relevant financial records or other form acceptable to the Department of Economic and Community Development.

 Signature of Human Resources Officer

 Date

JOB CATEGORY DEFINITIONS AND CLASS NUMBERS

1. **Officials and Managers** – Occupants requiring administrative personnel who set broad policies, exercise overall responsibility of execution of these policies, and individual departments or special phases of a firm's operations. This includes: Officials, Executives, middle management, plant managers and superintendents, salaried supervisors who are members of management, purchasing agents and buyers, and kindred workers.
2. **Professional** – Occupants requiring either college graduation or experience of such kind and amount as to provide a comparable background includes: accountants and auditors, airplane pilots and navigators, architects, artists, chemists, designers, dietitians, editors, engineers, lawyers, librarians, mathematicians, natural scientists, registered professional nurses, professional and labor relations workers, physical scientists, physicians, social scientists, teachers, and kindred workers.
3. **Technicians** – Occupants requiring a combination of basic scientific knowledge and manual skill which can be obtained through about 2 years of post-high school education such as is offered in many technical institutions and junior colleges, or through equivalent on the job training. This includes: computer programmers and operators, drafters, engineering aides, junior engineers, mathematic aides, licensed practical or vocational nurses, photographers, radio operators, scientific assistants, surveyors, technical illustrators, technicians (medical, dental, electronic, physical science) and kindred workers.
4. **Sales** – Occupants engaging wholly or primarily in direct selling. This includes: advertising agenda and sales workers; insurance agents and brokers; real estate agents and brokers; sales workers, demonstrators and retail sales workers; and sales clerks, grocery clerks and cashiers; and kindred workers.
5. **Office and Clerical** – Includes all clerical-type work regardless of level of difficulty, where the activities are predominantly non-manual though some manual work not directly involved with altering or transporting the products is included. This includes: bookkeepers, cashiers, collectors (bills and accounts), messengers and office helpers, office machine operators, shipping and receiving clerks, stenographers, typists, and secretaries, telegraph and telephone operators, and kindred workers.
6. **Craft Worker (skilled)** – Manual workers of relatively high level having a thorough and comprehensive knowledge of the processes involved in their work. Exercise considerable independent judgment and usually receive an extensive period of training. This includes: the building trades, hourly paid supervisors and lead operators (who are not members of management), mechanic and repairers, skilled machining occupations, compositors and typesetters, electricians, engravers, job setters (metal), motion picture projectionists, pattern and model makers, stationary engineers, tailors, and kindred workers.

STATE OF MAINE
COMMUNITY DEVELOPMENT BLOCK GRANT
Economic Development Program Development Grant Application
JOB CATEGORY DEFINITIONS AND CLASS NUMBERS
(continued)

7. **Operatives (semi-skilled)** – Workers who operate machines or other equipment or perform other factory-type duties of intermediate skill level which can be mastered in a few weeks and require only limited training. This includes: apprentices (auto mechanics, plumbers, electricians, machinists, mechanics, building trades, metal working trades, printing trades, etc.), operatives, attendants (auto service and parking), blasters, chauffeurs, delivery workers, dress makers and sewers (except factory), dryer’s furnaces workers, heaters (metal), laundry and dry cleaning operatives, milliners, mine operatives and laborers, motor operators, oilers and greasers (except auto), painters (except construction and maintenance), photographic process workers, boiler tenders, truck and tractor drivers, weavers (textile), welders and flame metals workers, and kindred workers.

8. **Laborers (unskilled)** – Workers in manual occupations which generally require no special training perform elementary duties that may be learned in a few days and require the application of little or no independent judgment. This includes: garage laborers; car washers and greasers; gardeners (except farm) and ground keepers; stevedores; wood choppers; laborers performing lifting, digging, mixing loading, and pulling operations; and kindred workers.

9. **Service workers** – Workers in both protective and non-protective service occupations. This includes attendants (hospital and other institutions, professional and personal service, including nurses aides and orderlies), barbers, chair workers and cleaners, cooks (except household), counter and fountain workers, elevator operators, firefighters and fire protection guards, door keepers, stewards, janitors, police officers and detectives, porters, waiters and waitresses, and kindred workers.

ITEM 5

BACK UP MATERIALS



Town of Brunswick, Maine

INCORPORATED 1739

ECONOMIC AND COMMUNITY

DEVELOPMENT

85 UNION STREET

BRUNSWICK, MAINE 04011-1583

TELEPHONE 207-721-0292

FAX 207-725-6663

MEMORANDUM

TO: Town Council Members
FROM: Linda Smith, Business Development Manager
RE: MicroEnterprise – Pathways Rehabilitation Services Letter of Intent
DATE: January 11, 2016

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 a program year, which runs from January 1st to December 31st. The Town can apply on behalf of Brunswick microbusinesses for up to \$50,000 per business applicant. The Town currently has three active MicroEnterprise grants, described below.

- Meaghan Osborne, owner of Blue Dog Day Care, which provides dog day care to between forty and sixty dogs daily, started in November 2014. In November 2014, the Town applied and received \$50,000 in grant funds for the company to make leasehold improvements to the yard and facility at 41 Acadia Drive on Brunswick Landing. Blue Dog has expended \$44,921.00 to date and has until June 2016 to complete its project activities. The company has grown from five jobs, including the Low Moderate Income owner, to 8 jobs since opening in November 2014.
- Laine Laliberte, owner of Anew Studio, which provides personal beautification services to families, working professionals and retirees in the midcoast area, started in Brunswick in 2010. Anew Studio has demonstrated steady growth in its five years in Brunswick, increasing its subcontractors from one to six and diversifying its offerings and product lines. In June 2015, the Town applied for and received \$22,000 for the company to make leasehold improvements at its location at 14 Middle Street and to increase its local and technological visibility by improving its website and Internet marketing efforts. Anew Studio has expended \$19,182.00 to date and has until June 2016 to complete its project activities.
- Darcie Couture, owner of Fair Winds, Inc., started in 2012 and provides lab analyses include ongoing regulatory PSP (paralytic shellfish poisoning) testing of shellfish for assorted clients as well as marine environmental consulting and monitoring projects. Fair Winds, Inc. recently expanded its testing and field services to new clients, necessitating a move from a home-based operation to a new facility. In June 2015, the Town applied for and received \$50,000 in grant funds for the company to make building improvements at its newly purchased facility at 68 Thomas Point Road. Fair Winds has expended \$9,600 to date and has until June 2016 to complete its project activities. In the past five months, the company has expanded from three jobs, including the owner, to five jobs.

As a reminder, the Town has no outstanding obligation on any of these three projects as they met the MicroEnterprise Assistance program's threshold requirements at the time of application.

Currently, the Town staff has been working with the Department of Economic and Community Development's MicroEnterprise Assistance program staff, CEI small business counseling staff and a Brunswick-based microbusiness, Pathways Rehabilitation Services. Pathways Rehabilitation Services, LLC (PRS) owner, Heather Shields, holds a dual certification in occupational therapy and driver education. The company offers the following services:

- Driving ability evaluations and recommendations conveniently conducted on-site at people's homes and on the roads of their own communities;
- Behind-the-wheel driver training in familiar surroundings to build confidence and refresh driving skills;
- Adaptive equipment consultations and try outs, driver training, and recommendations.

The company, based at 77 Jordan Avenue, started in 2013 in the Town of Brunswick. While the owner has made a substantial investment in her business in the past 2 years, she needs additional financial resources. The grant funds will support the purchase of evaluation and adaptive equipment (\$7,500); promotional materials (\$3,000); technology systems upgrade (\$4,700); development of OT webinar modules (\$4,800); and, support to launch a special needs driving school (technical training and curriculum development @ \$8,300) . For more details, see the "Project Information" section on page 2 of the attached Letter of Intent. The MicroEnterprise Assistance Grant Program could provide that financial resource while allowing the young company to maintain a strong cash flow position as the business grows. Ms. Shields is a Low Moderate Income owner and therefore eligible for the grant based on this criteria.

This is a great opportunity to access state resources to support a growing Brunswick small business. I would ask that the Council support this Letter of Intent, which is due to DECD on February 5, 2016.

Thank you for your consideration of this project. I look forward to answering any questions you may have.

Attachment/

Cc: John Eldridge, Town Manager

State of Maine
Community Development Block Grant Program
2016 Micro-Enterprise Assistance Program

Letter of Intent to Apply

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

Letters of Intent may be submitted via email to: ocd.loi@maine.gov

Please enter "MEA LOI" in the subject line.

All communities wishing to apply for a 2016 Micro-Enterprise Assistance Grant must use this Letter of Intent to document compliance with requirements established by Title I of the Housing and Community Development Act of 1974, as amended and the State of Maine CDBG program. Applicants who submit a completed Letter of Intent and demonstrate meeting a CDBG National Objective will be notified by OCD that they are eligible to submit a final application. Eligibility to submit a final application does not imply final project approval or funding. **Funds will not be available until after July 1, 2016.**

A. APPLICANT ELIGIBILITY

1. Legal Applicant:

Applicant:	Town of Brunswick	Phone:	207-725-6659
Address:	85 Union Street	Fax:	207-725-6663
City, ZIP+Four:	Brunswick, ME 04011-2418	E-Mail:	jeldridge@brunswickme.org
Chief Official:	John Eldridge, Town Manager		
DPM name and date of Consultation (required):	Terry Ann Holden, DECD 12-4-2015		
Census Tracts #(s) Where Proposed Activities Will Occur:	Brunswick - 08430		
Year of Slum & Blight Declaration	N/A	Parameters of Slum & Blight area (such as High St. to Green St. to Main St. etc.)	N/A
National Objective (Low/Mod, or S/B)	Low/Mod	Percent of blighted buildings in area	N/A

2. Applying on Behalf of:

Sub-Grantee:	Pathways Rehabilitation Services	Phone:	207-530-0307
Address:	77 Jordan Avenue	Fax:	N/A
City, ZIP:	Brunswick, ME 04011	E-Mail:	h.shieldsot@gmail.com
Agency Rep:	Heather Shields	Title	Owner
For Micro-loans/grants SBDC Councilor name and date of Consultation (required):	Brad Swanson, CEI – November 24, 2015		
For Micro-loans/grants Please attach the executive summary of your business plan (Plan must not be older than 18 months)	See Attachment A.		

3. Engineer/Architect consulted for project & providing cost estimates (if applicable):

Name:	N/A	Phone:	
Firm:		Fax:	
Address:		E-Mail:	
City, ZIP:			

B. ELIGIBLE ACTIVITY CATEGORIES

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

X	1. Micro-Enterprise Assistance (accomplishment type: 08 Businesses)
	2. Business Façade Grants (accomplishment type: 08 Businesses)

C. PROJECT INFORMATION

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

Pathways Rehabilitation Services (PRS) is a unique driving school focused on assessing and helping people who may face barriers to driving – individuals with medical conditions; older drivers who need to be assessed to safely remain on the road or retire from driving; and, teenagers with special needs who need training to be independent with driving. PRS specializes in evaluating and training individuals on how to drive with adaptive equipment and in assessing vehicles for modifications. PRS works very closely with the client, his / her family members, doctors and the medical division of the Maine Bureau of Motor Vehicles. PRS offers the only driving rehabilitation service in the State of Maine that travels to the client. PRS follows people through the entire process of returning to driving or retiring from driving.

The company has doubled its service numbers in the last two years and is poised to expand in to new services arenas. To continue its expansion, the owner, Ms. Heather Shields, needs to: institutionalize the referral process from rehabilitation services agencies; develop on-line and hard copy marketing materials; develop a series of webinar training modules for occupational therapists on conducting driving assessments; develop curriculum and support resources for a teenage special needs population driving school; and, invest in additional equipment to expand the direct assessment portion of the business.

To support this effort, the owner is committing \$3,000 (10%) in equity; a private investor is contributing \$9,600 in equipment; and, \$30,300 is being requested from the MicroEnterprise Assistance grant program. The grant funds will support the purchase of evaluation and adaptive equipment (\$7,500); promotional materials (\$3,000); technology systems upgrade (\$4,700); development of OT webinar modules (\$4,800); support to launch a special needs driving school (technical training and curriculum development @ \$8,300); and, a contingency of \$2,000.

Place an "X" in the box to the left if the statement is correct

<input checked="" type="checkbox"/>	Business has a business plan not older than 18 months
<input checked="" type="checkbox"/>	Business has met with a Small Business Development Center (SBDC) business counselor in the three months prior to submitting this LOI

D. COST ESTIMATES & PROJECT FUNDING

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

Total Estimated Project Cost:	\$42,900	CDBG Request:	\$30,300
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Funding Source	Amount	Date Secured
CDBG	\$30,300	TBD
Owner Equity	\$ 3,000	Available when CDBG grant awarded
Private Investment	\$ 9,600	Available when CDBG grant awarded
TOTAL:	\$42,900	

E. COMPREHENSIVE PLAN

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

Adopted Date:	9-15-2008
Updated:	2008
SPO Approval Date:	10-29-2003
Community does not have an adopted and consistent comprehensive plan.	

Date Comprehensive Plan Expected to be Adopted and Consistent:	N/A
----------------------------------------------------------------	-----

DUNS #: **077466274**

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

Applicant DUNS (Dunn & Bradstreet) #:(visit <http://fedgov.dnb.com/webform>.to obtain a number)

F. NATIONAL OBJECTIVE

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

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

Applicant Certifications

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

	Town of Brunswick	
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John Eldridge, Town Manager
 Signature of Chief Executive Officer

Name of Community

Date: mm/dd/year

Attachment A. Business Executive Summary

Pathways Rehabilitation Services (PRS) is an occupational therapy practice owned and operated by Heather Shields, a licensed occupational therapist with nineteen (19) years of experience in occupational therapy and a driver education practitioner's license. PRS specializes in providing pre-driving assessments, on-the-road driving evaluations, and follow-up driver's education to those people whose ability to operate a motor vehicle may be impaired due to a medical event or as a result of the natural aging process. Unlike other organizations offering similar services, PRS will carry out assessments, evaluations, and driver's education in the client's home and community in order to provide a more accurate and better service.

The business was launched in 2013 and operates year-round with some seasonal fluctuations. Ms. Shields provides this service as well as serving in a per diem capacity to MidCoast – Parkview Health. Her combined professional - business goal for 2016 is to transition to providing all her services through PRS by 2017. She has increased her direct client base from 20 in 2013 to almost 60 in 2015. She anticipates increasing her client numbers to at least 100 in 2016. PRS clients can be private pay or have their costs covered through the Veterans Administration or Vocational Rehabilitation. In addition, she anticipates offering the OT webinars quarterly starting in September 2016 and launching the Special Needs Driving School by January 2017.

The four key factors that have made Pathways Rehabilitation Services successful are: (1) the growing market demand specifically in the State of Maine for driving assessments, (2) the limited number of businesses offering similar services, (3) the company's central location, and (4) its unique advantage of being able to provide services directly on-site to the clients. The company has doubled its service numbers in the last two years and is poised to expand in to services arenas. To continue its expansion, the owner needs to: institutionalize the referral process from rehabilitation services agencies; develop on-line and hard copy marketing materials; develop a series of webinar training modules for occupational therapists on conducting driving assessments; develop curriculum and support resources for a youth special needs population driving school; and, invest in additional equipment to expand the direct assessment portion of the business.

ITEM 6

BACK UP MATERIALS

Town of Brunswick, Maine

OFFICE OF THE TOWN MANAGER

MEMORANDUM

TO: Town Council

FROM: John Eldridge
Town Manager

DATE: January 12, 2016

SUBJECT: Ordinance Banning Polystyrene Foam

Background and Discussion

At the December 7, 2015 Town Council meeting, the Town Council directed the Town Manager to have staff review and revise the draft polystyrene foam ban ordinance, requested the Town Attorney review the revised draft, and asked staff to address the issues related to outreach to the business community and the community at large.

The attached proposed ordinance has been revised by staff and reviewed by the Town Attorney. Staff edits reflect a “best practices” review of other municipal ordinances in New England and nationally.

Staff also consulted with the Town Clerk’s Office, the Town Recycling and Sustainability Committee, the Southern Midcoast Maine Chamber, and the Brunswick Downtown Association about providing notice of the proposal to the business community. A plan is in place to reach out electronically and via USPS to alert businesses to the public hearing and to an information session on the proposed ordinance.

The timeline below reflects the steps necessary to implement the proposed ordinance.

Activity	Schedule
Town Council sets public hearing	January 19, 2016
Mailing & email communication to the business community with info on the public hearing and business information session	By February 5, 2019
Business Information Session, co-hosted by Town Recycling and Sustainability Committee, Brunswick Downtown Association, and Southern Midcoast Maine Chamber. (FAQs sheet available for the session)	Target: week of February 22, 2016
Public Hearing	March 7, 2016
Ordinance approved (assumes council support)	March 21, 2016
Businesses have opportunity to request temporary exemption based on undue hardship	Available until September 30, 2016
Ordinance enforcement begins	October 1, 2016

Recommendation

We recommend that the Town Council move forward to set a public hearing and direct Town staff to provide the business outreach as described in the timeline above.

We have been advised that some supporters of the proposed ban may not be available on March 7th. Staff believes it is important to give sufficient advance notice to Brunswick’s business community. If the Council were to consider another public hearing date, staff believes it should be held later than March 7th.

/Attachment

TOWN OF BRUNSWICK, MAINE

**AMENDMENT TO MUNICIPAL CODE OF ORDINANCES
CHAPTER 19 – CONSUMER PACKAGING**

Whereas, polystyrene foam is a petroleum-based, lightweight plastic material sometimes used as food service ware by retail food vendors operating in the Town of Brunswick; and

Whereas, the Town of Brunswick desires to protect the natural environment; and

Whereas, there is no economically feasible means of recycling polystyrene foam locally; and

Whereas, disposable food containers made from polystyrene foam constitute a portion of the litter in Brunswick’s streets, parks and public places that increases town maintenance costs; and

Whereas, polystyrene foam is a common pollutant that fragments into smaller, non-biodegradable pieces that are ingested by marine life and other wildlife, thus harming or killing them; and

Whereas, the State of Maine has banned the service of food and beverages in polystyrene foam containers at facilities or functions of the State or its political subdivisions (38 M.R.S.A. §§ 1651-1654); and

Whereas, the Town’s goal is to replace polystyrene foam food containers with reusable, recyclable or compostable alternatives; and

Whereas, such alternatives are readily available;

Now therefore, the Town Council of the Town of Brunswick adopts the following ordinance regulating the use of polystyrene foam in consumer packaging.

Chapter 19 – CONSUMER PACKAGING

Sec. 19-101. Definitions.

As used in this Chapter the following terms have the following meanings:

“Food Packager” means any person who places meat, eggs, bakery products, or other food in packaging materials for the purpose of retail sale of those products;

“Prepared food” means food or beverages that are served at the food vendor’s location having been previously prepared elsewhere or are prepared at the vendor’s location by cooking, chopping, slicing, mixing, brewing, freezing or squeezing. “Prepared food” does not mean raw uncooked meat or eggs. Prepared food may be eaten either on or off premises.

“Polystyrene foam” means and includes blown polystyrene and expanded and extruded foams (sometimes referred to as Styrofoam®, a Dow Chemical Company trademarked form of polystyrene foam insulation) which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion-blow molding (extruded foam polystyrene). Polystyrene foam is generally used to make cups, bowls, plates, trays, clamshell containers, meat trays

and egg cartons. For the purposes of this chapter, the term “polystyrene” shall not include clear polystyrene known as “oriented polystyrene.”

“Retail Vendor” means any person, restaurant, store, shop, sales outlet or other establishment, including without limitation, a grocery store, convenience store or a delicatessen.

Sec. 19-102. Prohibitions.

- (a) No retail vendor shall serve or sell prepared food in polystyrene foam containers and shall not package meat, eggs, bakery products or other food in polystyrene foam containers.
- (b) No food packager shall package meat, eggs, bakery products or other food in polystyrene foam containers.
- (c) No retail vendor that sells tangible personal property at retail shall sell polystyrene foam food or beverage containers.
- (d) Retail vendors that receive items, pre-packaged in polystyrene foam food or beverage containers, packaged outside the Town of Brunswick, may re-sell such items without repackaging those items.
- (e) The Town shall not use polystyrene foam food or beverage containers at any Town facility or Town-sponsored event.
- (f) No Town department or facility shall purchase or acquire polystyrene foam food or beverage containers.
- (g) All parties who contract with the Town shall be prohibited from using polystyrene foam food and beverage containers in Town facilities or on Town-funded projects within the Town.

Sec. 19-103. Exemptions.

- (a) The sale and packaging of raw and live seafood is exempt from the provisions of this Chapter.
- (b) Retail vendors and food packagers that are currently existing or are established in the town by the effective date of the ordinance will be exempted from the provision of this Chapter prohibiting the use of polystyrene foam for a period of time to be determined by the Town Manager or his/her designee in writing on a case-by-case basis for undue hardship. Undue hardship includes, but is not limited to, situations unique to the food vendor, and not generally applicable to other persons in similar circumstances.
- (c) Retail vendors, food packagers, town departments, town facilities and contractors shall be exempt from the provisions of this Chapter, in a situation deemed by the Town Manager to be an emergency for the preservation of the public peace, health or safety.

Sec. 19-104. Violations and enforcement.

The Code Enforcement Officer or his/her designee(s), or other official designated by the Town Manager, shall have the primary responsibility for enforcement of this Chapter. If the Code Enforcement Officer or his/her designee(s), or other official designated by the Town Manager, determine(s) that a violation of this Chapter has occurred, he/she shall issue a written warning notice to the food vendor that a violation has

occurred. Penalties for violation of this Chapter shall be as set forth in the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances.¹

Sec. 19-105. Effective Date.

Enforcement of the Chapter shall begin on October 1, 2016

Sec. 19-106. Severability.

If any part or provision of this Chapter, or the application thereof to any person or circumstances is held invalid, the remainder of the Chapter, including the application of such part or provision to other persons or circumstances, shall not be affected thereby, and shall continue in full force and effect. To this end, provisions of this Chapter are severable.

-
- (a) ¹ A warning for the first violation in a one-year period;
 - (b) A fine not exceeding \$250 for the second violation in a one-year period.
 - (c) A fine not exceeding \$500 for each subsequent violation in a one-year period.

**Appendix A
Town of Brunswick**

Master Schedule of Revenues, Charges, Fees and Fines

This schedule shall be adopted and amended as specified in Chapter 1 - General Provisions, Sec. 1.1 of this Code.

Reference	Date	Description	Amount
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Chapter 19- Consumer Packaging (PROPOSED 1/19/16)			
Sec. 19-104		First violation in a one year period	Warning
		Second violation in a one year period	\$250
		Each subsequent violation in a one year period	\$500

ITEM 7

BACK UP MATERIALS

Town of Brunswick, Maine

OFFICE OF THE TOWN MANAGER

MEMORANDUM

TO: Town Council

FROM: John Eldridge
Town Manager

DATE: January 12, 2016

SUBJECT: Weymouth Street Parking
Proposed No Parking Zone

Attached is a proposed ordinance amendment that would prohibit parking on a portion of the southerly side of Weymouth Street, beginning at the intersection with Union Street and extending 100 feet in a westerly direction.

Also attached is a survey map with the proposed no parking zone highlighted in blue.

This item is sponsored by Councilor Millett. Staff will be available at the public hearing to present the amendment and to answer questions. We recommend that the Town Council set a public hearing on this amendment.

Attachments

**** Proposed Amendments are Highlighted****

Chapter 15

TRAFFIC AND VEHICLES*

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

Art. I. In General, §§ 15-1--15-25

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

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

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

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

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

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

ARTICLE IV.

STOPPING, STANDING, PARKING*

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

...

Sec. 15-74. No-parking areas.

The following areas are designated as no-parking areas:

...

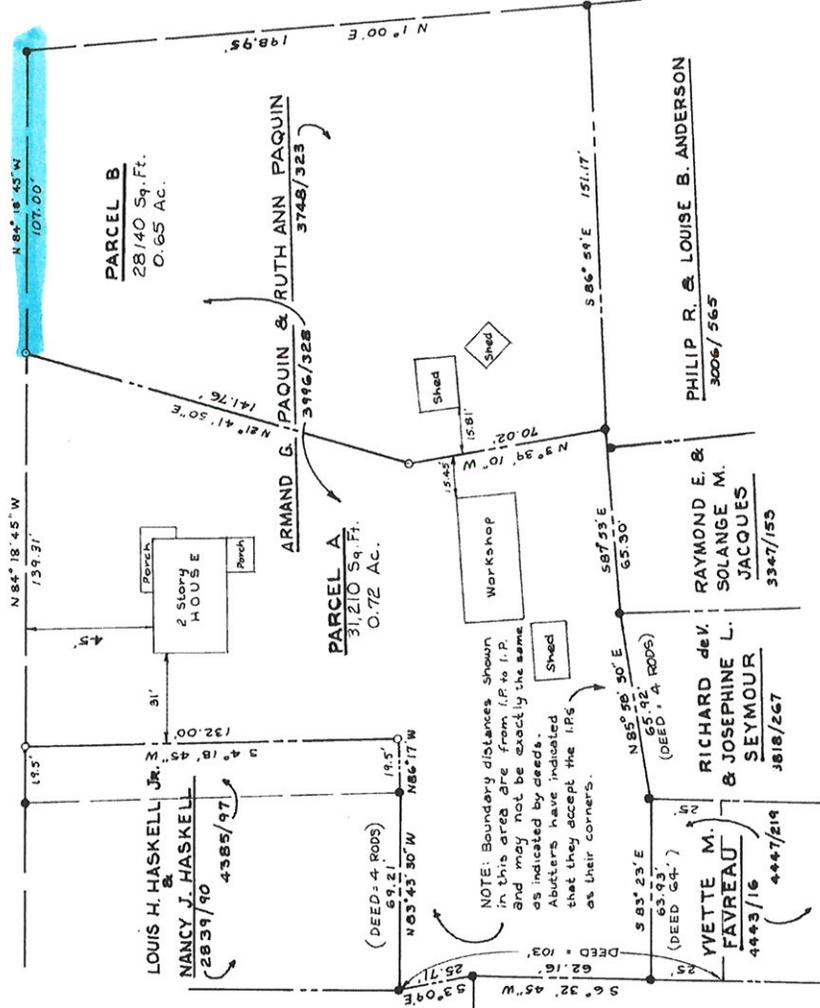
***Weymouth Street*, south side, commencing at its intersection with Union Street and extending west one hundred (100) feet.**

...



WEYMOUTH STREET

UNION STREET

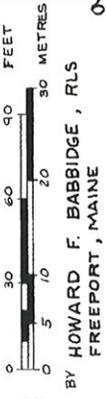


NOTE: Boundary distances shown in this area are from I.P. to I.P. and may not be exactly the same as indicated by deeds. Abutters have indicated that they accept the I.P.s as their corners.

State of Maine, Cumberland ss.
 Registry of Deeds
 Inscribed Deeds, 3, 3880
 c/L.L.M. A. and recorded in
 Main Book 139 Page 139
 Attest Howard F. Babbidge
 Registrar

LEGEND
 ○ IRON ROD SET
 ● IRON PIN or PIPE FOUND
 - - - - - PROPERTY LINE

LOT SURVEY
 FOR
 ARMAND G. PAQUIN
 WEYMOUTH & UNION STREETS
 BRUNSWICK, MAINE
 OCTOBER 6, 1980



BY HOWARD F. BABBIGE, RLS
 FREEPORT, MAINE

ITEM 8

BACK UP MATERIALS

Town of Brunswick, Maine

OFFICE OF THE TOWN MANAGER

MEMORANDUM

TO: Town Council

FROM: John Eldridge
Town Manager

DATE: January 12, 2016

SUBJECT: Proposed Amendments to Municipal Code
Chapter 7 Fire Prevention and Protection

Attached is a proposal from the Fire Department to make amendments to Chapter 7 of the Municipal Code. As described in the Deputy Fire Chief's memorandum, the proposed amendments would:

- Update Code Adoption - The updated code references align the Brunswick code with the State-adopted codes and standards.
- Update Permit Language - These proposed changes improve the Codes' clarity and ease of reference.
- Updated Revenues, Charges, Fees, and Fines - Permit fees and fines would be restructured to fit the Master Schedule of Revenues, Charges, Fees and Fines. Additionally, the Department recommends that the fees be updated.

We recommend that the Town Council establish a public hearing to consider these amendments. Of course we would be happy to respond to any comments or concerns.

Attachments

Town of Brunswick, Maine

Incorporated 1739

Brunswick Fire Department

"Working Today for a Safer Tomorrow"



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



21 TOWN HALL PLACE
BRUNSWICK, ME 04011
TELEPHONE 207-725-5541
FAX # 207-725-6638
WWW.BRUNSWICKME.ORG

January 11, 2016

Brunswick Town Council

Re: Town of Brunswick Code of Ordinances: Chapter 7, Fire Prevention and Protection

Attached please find proposed changes to Chapter 7 of the Brunswick Town Ordinance "Fire Prevention and Protection". Please note that a significant portion of the changes are format and housekeeping changes. The more substantial changes in the document are as follows:

- 1) **Updated Code Adoption**- The updated code references are submitted to bring us back in line with the state-adopted codes and standards. This proposal includes the adoption of parallel codes that are already permissible to enforce locally through state statute. This adoption allows the municipality to adopt the code locally as a standalone document. Additional updates are anticipated within a year, as the state prepares to move towards the adoption of more recent codes.
- 2) **Updated Permit Language**- This change moves some permit language from the code amendment section of chapter 7, and creates individual sections within chapter 7 allowing for improved clarity and ease of reference. This section also updates the ordinance by referencing fuel sources and system type individually, which reduces confusion and allows for individual future modifications to sections of the document if necessary.
- 3) **Updated Fees and Fines**- Permit fees and fines were updated and restructured. An increase in permit fees has been long overdue, and after some comparative research we feel that the increase is very reasonable. We anticipate the proposed changes will yield a revenue increase in excess of \$2000 annually. The fine changes were made to better reflect the current practices of the department. While the fines are difficult to project, an increase in excess of \$500 per year is likely.

Respectfully Submitted,

Jeff Emerson
Deputy Chief
Fire Prevention Division

Chapter 7 FIRE PREVENTION AND PROTECTION [11](#)

ARTICLE I. ~~IN GENERAL~~ ADOPTED CODES AND STANDARDS

ARTICLE II. - ~~STANDARDS~~ GENERAL

FOOTNOTE(S):

--- (1) ---

Cross reference— Police and fire alarms, Ch. 3; buildings and building regulations, Ch. 5; electric installation standards, § 5-76 et seq.; housing, Ch. 8; housing code, § 8-26 et seq.; minimum standards for safety under the housing code, § 8-92; licenses and business regulations, Ch. 10; marine activities, structures and ways, Ch. 11; fire department, § 12-171 et seq.; solid waste, Ch. 13; fires prohibited on any public way or public property without obtaining a permit from the fire chief, § 14-3; traffic and vehicles, Ch. 15; zoning and subdivision of land, App. A. [\(Back\)](#)

State Law reference— Fire prevention and protection, 25 M.R.S.A. § 2351 et seq.; municipal fire protection, 30-A M.R.S.A. § 3151 et seq.; fire aid to other municipalities, 30-A M.R.S.A. § 3156. [\(Back\)](#)

ARTICLE I. ~~IN GENERAL~~ ADOPTED CODES AND STANDARDS

[Secs. 7-1—7-25. Reserved.](#)

[Sec. 7-26. Codes adopted.](#)

[Sec. 7-27. Amendments to NFPA 1, Uniform Fire Code, 2006~~69~~ Edition.](#)

[Sec. 7-28. Amendments to NFPA 101 "Life Safety Code" 2006 Edition.](#)

[Sec. 7-29. ~~Outdoor wood boiler/hydronic heaters.~~ Reserved.](#)

ARTICLE II. ~~STANDARDS~~ GENERAL

[Sec. 7-30. Installation of fueled fired heating appliances.](#)

[Sec. 7-31. Installation of fire protection systems.](#)

[Sec. 7-32. Underground storage tanks](#)

[Sec. 7-33. Outdoor wood boiler / hydronic heaters.](#)

PART II - MUNICIPAL CODE OF ORDINANCES

Chapter 7 FIRE PREVENTION AND PROTECTION

Sec. 7-26. Codes adopted.

NFPA 1, Uniform Fire Code, 2006 Edition, as published by the National Fire Protection Association and NFPA 101, Life Safety Code, 2006 9 Edition, as published by the National Fire Protection Association, are enacted as the "Fire Prevention Code of the Town of Brunswick" subject to the provisions and amendments in Sections 7-27 and 7-28. A copy of each code is on file in the town clerk's office.

(Ord. of 12-5-88, § 1; Ord. of 12-16-91; Ord. of 10-6-08)

Sec. 7-27. Amendments to NFPA 1, Uniform Fire Code, 2006 Edition.

The following amendments to NFPA 1, Uniform Fire Code, 2006 Edition adopted in Section 7-26 are hereby adopted:

(1) The amendments set forth by the Maine Department of Public Safety, Office of the Maine State Fire Marshall by Chapter 3 of its Rules entitled "Fire Prevention Code" as amended on September 3, 2007, a copy of which is on file in the town clerk's office.

(2) *Section 1.1.2* shall read as follows:

"1.1.2 Title: These regulations as set forth herein shall be known as the Fire Prevention Code of the Town of Brunswick and are hereby referred to as 'this code.' "

(3) *Section 1.6* shall read as follows:

"1.6 Enforcement: The fire chief or the chief of the fire prevention bureau, or his duly authorized representative has the authority to enforce the provisions of the fire prevention code as herein set forth. The designated enforcement officer of this code is herein referred to as the 'code official.' "

~~(4) *Section 1.12.2.5* is added reading as follows:~~

~~*"1.12.2.5. Double fees:* Any person who shall commence any work for which a permit is required by this code without first having obtained a permit therefor, shall, if subsequently permitted to obtain a permit, pay double the designated permit fee for such work; provided, however, that this provision shall not apply to emergency work when it shall be proved to the satisfaction of the code official that such work was urgently necessary and that it was not practical to obtain a permit therefor before the commencement of the work. In all cases a permit must be obtained as soon as it is practical to do so, and if there is an unreasonable delay in obtaining such permit, the double fee as herein provided shall be charged."~~

~~(5)~~(4) *Section 1.10.9.4* is added reading as follows:

"1.10.9.4.1 Appeals: A person aggrieved by a decision of the code official may appeal to the codes appeal board and demand a hearing, as provided in this code. He must file a notice of appeal with the code enforcement officer. The notice must cite the decision

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appealed from, identify the property involved, list the names of abutting owners and of owners of property directly across a public way and state the specific grounds for the appeal. The appellant shall pay the codes enforcement officer a filing fee to cover the cost of advertising the appeal as required by section 1.10.9.4.3."

"1.10.9.4.2 Filing date recorded: The codes enforcement officer shall stamp the filing date on the notice of appeal, give a copy to the appellant and send a copy to the codes appeal board."

"1.10.9.4.3 Appeal advertised: On receipt of the notice of appeal, the codes appeal board shall determine a hearing date and have the notice of appeal and the time and the place of the hearing published in a newspaper having general circulation in the town at least seven (7) days before the day of the hearing."

"1.10.9.4.4 Abutters notified: The codes enforcement officer shall mail a copy of the notice of appeal and the time and place of hearing to property owners described in section 1.10.9.4.1 at least six (6) days prior to the day of hearing at their last known places of address as shown on the tax records. Failure of the codes enforcement officer to send, or a property owner to receive a copy of the notice does not invalidate the hearing."

"1.10.9.4.5 Hearing procedure: At the hearing, the appellant's side of the case must be heard first. When a witness has completed his direct testimony, he may be examined directly by members of the board, and through the chairman by other interested persons. Attorneys representing the parties may examine and cross-examine witnesses directly. The secretary of the board shall keep the minutes of the proceedings including the date of the hearing, the names and addresses of all witnesses and attorneys, a brief summary of the testimony and the reasons for it. The secretary shall file a copy of the decision with the code official as soon as it is handed down by the board. On receipt of the decision, the code official shall issue or withhold a permit according to its terms."

"1.10.9.4.6 Variances: The codes appeal board may grant a reasonable variance from the requirements of this code. The appellant must prove the following:

"(1) Financial hardship. That the application of this code is causing or would cause unusual difficulty or substantial financial hardship because of extraordinary conditions peculiar to his premises, or to a proposed building, which are not reasonably remediable.

"(2) No adverse affect. That the relief sought would not adversely affect other property or the health, safety or general welfare of the public.

"(3) Purpose upheld. That the relief sought would not tend to defeat the purpose of this code as set forth in article 1, section F-100.2.

"The codes appeal board may affirm, modify or deny determinations under or interpretations of this code made by the code official in the performance of his duties."

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"1.10.9.4.7 *Special conditions*: In granting a variance, the codes appeal board may require that certain special conditions be fulfilled. The failure to comply with those conditions invalidates the permit granted."

"1.10.9.4.8 *Limitation on subsequent appeals*: If the codes appeal board denies an appeal with respect to certain buildings or premises, a second appeal of a similar nature may not be brought before the board within one (1) year."

"1.10.9.4.9 *Appeal to superior court*: A person aggrieved by a decision of the codes appeal board may appeal to the superior court within thirty (30) days after the decision. The appeal is governed by rule 80-B of the Maine Rules of Civil Procedure."

~~(6)~~(5) Section 1.16.1.2 is added reading as follows:

"1.16.1.2 Penalties: A person who violates any provisions of this code shall be punished by a fine in accordance with Chapter 11.5 "Offenses and Miscellaneous Provisions" of the Town of Brunswick Code of Ordinance. If this code is violated by a partnership or corporation, the members of the partnership or the officers of the corporation who participated in or authorized the action resulting in the violation will also be subject to the punishment provided.

1.16.1.3 A re-inspection fee in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances will be charged for each subsequent inspection determined by the codes official to be necessary.

~~(7)~~(6) Section 18.2.2.1.1 is added reading as follows:

"18.2.2.1.1. *Key boxes*."

"18.2.2.1.1.1. *General*: The code official may require a key box to be installed in an accessible location where immediate access is necessary to verify the existence of a fire or other emergency in a building equipped with, or required to be equipped with, fire detection or fire suppression systems or equipment.

"18.2.2.1.1.2 *Type, contents, installation*: The key box shall be of a type approved by the code official; shall contain keys to gain access as required by the code official; and shall be installed in a manner approved by the code official.

"18.2.2.1.1.3. *Alarms*: At the request of the owner or lessee, the code official shall permit him to install a key box tamper switch connected to the building's fire alarm system."

~~(8)~~ Section 1.12.2.1.2 is added reading as follows:

~~"1.12.2.1.1 *Design criteria*: All fire protection systems shall be designed and installed in accordance with the requirements of this code, the building code and applicable NFPA Standards listed in Appendix A."~~

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~~(9) Section 1.12.2.5 is added reading as follows:~~

~~"1.12.2.5 Fees in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances shall be charged for each new installation of a fire protection system or the enlargement or extension of an existing system."~~

~~(10) Section 75 is added to read as follows:~~

~~"Section 75. Installation of oil burning equipment.~~

~~"75.1 General: The provisions of Installation of Oil Burning Equipment, 2006 Edition, NFPA 31, as published by the National Fire Protection Association, are hereby incorporated into this code as section 75."~~

~~"75.2 Permit required: A permit shall be required for the installation of oil burning equipment and oil storage tanks."~~

~~"75.3 Fees shall be charged in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances."~~

~~(11) Section 76 is added reading as follows:~~

~~"Section 76. Chimneys, fireplaces, vents and solid fuel burning appliances.~~

~~"76.1 General. The provisions of NFPA 211, Chimneys, Fireplaces, Vents and Solid Fuel Burning Equipment, 1988 Edition, as published by the National Fire Protection Association, are hereby incorporated into this code as article 36.~~

~~"76.2 Permit required: A permit shall be required for the installation of a solid fuel burning device.~~

~~"76.3 Fees shall be charged in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances."~~

~~(Ord. of 2-1-88; Ord. of 12-5-88, § 2; Ord. of 12-16-91; Ord. of 10-6-08)~~

Sec. 7-28. Amendments to NFPA 101 "Life Safety Code" 2006⁹ Edition.

The following amendments to NFPA 101 "Life Safety Code" 2006⁹ Edition adopted in Section 7-26 are hereby adopted:

- (1) The amendments set forth by the Maine Department of Public Safety, Office of the Maine State Fire Marshall by Chapter 20 of its Rules entitled "Code For Safety to Life From Fire in Buildings and Structures" as amended on ~~September 3, 2007~~ July 27, 2011, a copy of which is on file in the town clerk's office.
- (2) "9.6.2.9.6.1 The electrical circuits powering the smoke detector(s) installed in accordance with 9.6.2.9.6 shall also power a commonly used lighting circuit within the same living unit."

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(3) 1.6.1 Penalties: A person who violates any provisions of this code shall be punished by a fine in accordance with Chapter 11.5 “Offenses and Miscellaneous Provisions” of the Town of Brunswick Code of Ordinance. If this code is violated by a partnership or corporation, the members of the partnership or the officers of the corporation who participated in or authorized the action resulting in the violation will also be subject to the punishment provided.

(4) Section 1.6.1.2 is added reading as follows:

A re-inspection fee in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances will be charged for each subsequent inspection determined by the codes official to be necessary.

(Ord. of 12-5-88, § 3; Ord. of 12-16-91; Ord. of 10-6-08)

Sec. 7-29. Reserved.

Sec. 7-30. Installation of fueled fired heating appliances.

(A) Applicability.

(1) This regulation applies to the installation of fuel fired heating units in all structures, occupied or unoccupied, located within the Town of Brunswick, including but not limited to:

- (a) Solid fuel fired heating appliances
- (b) Oil fired heating appliances
- (c) LP gas fired heating appliances
- (d) Natural gas fired heating appliances

(2) This regulation does not apply to electric heating devices.

(B) Definitions

(1) Authority having jurisdiction (AHJ) – An organization, office, or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation, or a procedure.

(C) Permit Required

(1) All fuel fired heating appliances shall be permitted by the Brunswick Fire Department prior to installation.

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- (2) Applicant shall show applicable license(s) when applying for permit if required by the AHJ.
- (3) Applicant shall provide a copy of plans and/or supporting documentation if requested by the AHJ.
- (4) Fees in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances shall be charged for each new installation of a fueled fired heating appliance.
- (5) Application process may be delayed for a reasonable amount of time for further review of applicable standards.

(D) Installation

- (1) All installations shall be completed by licensed contractors as required.
- (2) All installations shall be completed in accordance with applicable federal, state, and local regulations.

(E) Penalties

- (1) In those cases where the authority having jurisdiction determines that an installation is incorrect, not according to plan, or presents an unacceptable degree of risk, a notice to stop work may be given until further review can be made by all parties of interest.
- (2) Double fee. Any person who shall commence any work for which a permit is required by this code without first having obtained a permit therefore, shall, if subsequently permitted to obtain a permit, pay double the permit fee fixed by this section for such work, provided, however, that this provision shall not apply to emergency work when it shall be proved to the satisfaction of the administrative authority that such work was urgently necessary and that it was not practical to obtain a permit before the commencement of the work. In all cases, a permit must be obtained as soon as practical to do so. If there is an unreasonable delay in obtaining such permit, a double fee as herein provided shall be charged.

Sec. 7-31. Installation of fire protection systems.

(A) Applicability.

- (1) This regulation applies to the installation of fire protection systems, where required, in all structures, occupied or unoccupied, located within the Town of Brunswick.
- (2) This regulation applies to the installation of all types of fire protection systems including but not limited to:
 - (a) Commercial or residential fire alarm system
 - (b) Commercial or residential sprinkler system
 - (c) Commercial or residential alternative suppression systems
 - (d) Commercial cooking hood and suppression systems
- (3) This regulation does not apply to:
 - (a) Independent or interconnected smoke detection devices not part of a fire alarm system.
 - (b) Residential cooking hood and suppression systems.

(B) Definitions

- (1) Authority having jurisdiction (AHJ) – An organization, office, or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation, or a procedure.

(C) Permit Required

- (1) All fire protection systems shall be permitted by the Brunswick Fire Department prior to installation.
- (2) Applicant shall show applicable license(s) when applying for permit if required by the AHJ.
- (3) Applicant shall provide a copy of plans and supporting documentation for review by the Office of Fire Prevention at the time of application as required or requested by the AHJ.

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- (4) Plans shall be in accordance with federal, state, and local regulations.
- (5) Plans shall be reviewed and approved prior to the issuance of fire protection system permits
- (6) Fees in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances shall be charged for each new installation of a fire protection system or the enlargement or extension of an existing system.

(D) Installation

- (1) All installations shall be completed by licensed contractors as required.
- (2) All installations shall be completed in accordance with applicable federal, state, and local regulations.

(E) Penalties

- (1) In those cases where the authority having jurisdiction determines that an installation is incorrect, not according to plan, or presents an unacceptable degree of risk, a notice to stop work may be given until further review can be made by all parties of interest.
- (2) Double fee. Any person who shall commence any work for which a permit is required by this code without first having obtained a permit therefore, shall, if subsequently permitted to obtain a permit, pay double the permit fee fixed by this section for such work, provided, however, that this provision shall not apply to emergency work when it shall be proved to the satisfaction of the administrative authority that such work was urgently necessary and that it was not practical to obtain a permit before the commencement of the work. In all cases, a permit must be obtained as soon as practical to do so. If there is an unreasonable delay in obtaining such permit, a double fee as herein provided shall be charged.

Sec. 7-32. Underground storage tanks

(A) Applicability.

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- (1) This regulation applies to the installation or removal of underground storage tank containing, or intended to contain, flammable or combustible liquids or gasses located within the Town of Brunswick.

(B) Definitions

- (1) Authority having jurisdiction (AHJ) – An organization, office, or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation, or a procedure.
- (2) Combustible liquid – Any liquid that has a closed cup flash point at or above 37.8 °C (100°F)
- (3) Flammable liquid – A fluid that has a closed cup flash point that is below 37.8 °C (100°F) and a maximum vapor pressure of 2068 mm Hg (40 psia) at 37.8 °C (100°F)

(C) Permit Required

- (1) Installation or removal of underground storage tank(s) shall be permitted by the Brunswick Fire Department prior to the start of work.
- (2) Applicant shall show applicable license(s) when applying for permit if required.
- (3) Any and all applicable state or federal permits shall be provided to the fire department prior to the issuance of a local permit.

(D) Penalties

- (1) A person who violates any provisions of this code shall be punished by a fine in accordance with Chapter 11.5 “Offenses and Miscellaneous Provisions” of the Town of Brunswick Code of Ordinance. If this code is violated by a partnership or corporation, the members of the partnership or the officers of the corporation who participated in or authorized the action resulting in the violation will also be subject to the punishment provided.

- (2) In those cases where the authority having jurisdiction determines that an installation or removal is incorrect, not according to plan, or presents an unacceptable degree of risk, a notice to stop work may be given until further review can be made by all parties of interest.

Sec. 7-~~2933~~Outdoor wood boiler/hydronic heaters. ^[2]

(A) *Applicability.*

- (1) This regulation applies to any manufacturer, supplier, distributor or person intending to sell, lease, distribute, or market, an outdoor wood boiler, including an outdoor pellet boiler, in the town that meets the definition of an outdoor wood boiler and to any person who installs, relocates, replaces, operates or owns an outdoor wood boiler, including an outdoor pellet boiler.
- (2) This regulation applies to outdoor wood boilers, including outdoor pellet boilers, with a rated thermal input of less than 3 MMBtu/hr. Boilers with a rated thermal heat input of 3 MMBtu/hr or greater are subject to Chapter 103 Fuel Burning Equipment Particulate Emission Standard of the Department of Environmental Protection Regulations.

(B) *Definitions.*

The following terms, as used in this section, have the following meanings:

Clean wood. Clean wood means wood that has no paint, stain, or other types of coatings, and wood that has not been treated with, including but not limited to, copper chromium arsenate, creosote, or pentachlorophenol.

Commercial outdoor wood boiler. Commercial outdoor wood boiler means any outdoor wood boiler, except for those outdoor wood boilers used solely for space heating or domestic hot water, used to service a commercial establishment.

Distribute or sell. Distribute or sell means to distribute, sell, advertise for sale, offer for sale, lease, ship, deliver for shipment, release for shipment, or receive and (having so received) deliver or offer to deliver. This term does not include the distribution or sale by a manufacturer of an outdoor wood boiler that is installed outside the town.

Manufacturer. Manufacturer means any person who constructs or imports for the distribution or sale into the United States an outdoor wood boiler.

New outdoor wood boiler. New outdoor wood boiler means an outdoor wood boiler that is not installed and/or operational at the intended location of use as of the effective date of this section.

Nuisance. Nuisance means emission of air contaminants to the outdoor atmosphere of such quantity, characteristic or duration that may be injurious to human, plant or

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animal life or to property, or that unreasonably interferes with the comfortable enjoyment of life or property.

Opacity. Opacity means the degree to which emissions other than water reduce the transmission of light and obscure the view of an object in the background.

Outdoor wood boiler. Outdoor wood boiler (also known as outdoor wood-fired hydronic heater, water stove or outdoor wood furnace) means a fuel burning device that:

- (1) Is designed to burn wood, biomass fuel products or other approved solid fuels;
- (2) The manufacturer specifies for outdoor installation or installation in structures not normally occupied by humans (e.g., sheds) or is an indoor-rated device housed in a modular or containerized structure; and
- (3) Heats building space or water, or both, through the distribution, typically through pipes for a fluid or ducts for air, of a fluid or air heated in the device.

Outdoor pellet boiler. Outdoor pellet boiler means an outdoor wood boiler designed and warranted by the manufacturer specifically to burn pellet fuel with metered fuel and air feed and controlled combustion engineering which is operated according to the manufacturer's specifications and burns only pellet fuel.

Particulate matter or PM. Particulate matter or PM means particulate matter PM₁₀ and PM_{2.5} including the condensable fraction.

Sale. Sale means the transfer of ownership or control.

(C) *Requirements for the sale, installation and operation of new outdoor wood boilers and outdoor pellet boilers.*

- (1) *Particulate matter emission standards for outdoor wood boilers.*
 - a. Phase II particulate emission standard for outdoor wood boilers and outdoor pellet boilers. No person shall distribute or sell, lease, import, supply, relocate, replace, or install an outdoor wood boiler or outdoor pellet boiler after the effective date of this section unless it has been certified under subsection (c)(5) to meet a particulate matter emission limit of 0.32 lbs/MMBtu heat output. Outdoor wood boilers and outdoor pellet boilers meeting the Phase II limit must be installed according to the applicable setback and stack height requirements as defined in subsection (c)(2) and (c)(3).
 - b. Voluntary technology-forcing particulate emission standard for outdoor wood boilers. An outdoor wood boiler meeting a particulate matter emission limit of 0.06 lbs/MMBtu heat output is

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not subject to a setback requirement under this section as long as it meets the stack height requirements described in subsection (c)(3)c. of this section.

- (2) *Setback requirements for new outdoor wood boilers and outdoor pellet boilers.*
- a. Outdoor wood boilers and outdoor pellet boilers certified to meet particulate emission limits of 0.32 lbs/MMBtu heat output. No person shall install or allow the installation of any outdoor wood boiler or outdoor pellet boiler that has been certified to meet a particulate matter emission limit of 0.32 lbs/MMBtu heat output, determined in accordance with subsection (c)(5), unless the outdoor wood boiler or outdoor pellet boiler is installed at least one hundred (100) feet from the nearest property line or at least one hundred and forty (140) feet from the nearest dwelling that is not on the same property as the outdoor wood boiler or outdoor pellet boiler.
 - b. Outdoor pellet boilers certified to meet particulate emission limits of 0.06 lbs/MMBtu heat output. No person shall install or allow the installation of any outdoor pellet boiler that has been certified to meet a particulate matter emission limit of 0.06 lbs/MMBtu heat output, determined in accordance with subsection (c)(5), unless the outdoor pellet boiler is installed at least forty (40) feet from the nearest property line or at least eighty (80) feet from the nearest dwelling that is not on the same property as the outdoor pellet boiler.
 - c. Outdoor wood boilers that have been modified to burn pellets. Outdoor wood boilers that have been modified to burn pellets must meet the applicable setback specified in subsection (c)(2) for the original particulate emission limit certification of the outdoor wood boiler, determined in accordance with subsection (c)(5).
- (3) *Stack height requirements for new outdoor wood boilers and outdoor pellet boilers.*
- a. Outdoor wood boilers and outdoor pellet boilers certified to meet particulate emission limits of 0.32 lbs/MMBtu heat output. ~~¶1.~~ No person shall install or allow the installation of any outdoor wood boiler or outdoor pellet boiler that has been certified to meet a particulate matter emission limit of 0.32 lbs/MMBtu heat output, determined in accordance with subsection (c)(5), unless the outdoor wood boiler or outdoor pellet boiler:
 - ~~A1.~~ Has an attached stack with a minimum stack height of ten (10) feet above ground level; or

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- ~~B2~~. Has an attached stack extending two (2) feet higher than the peak of the roof of the structure being served by the outdoor wood boiler or outdoor pellet boiler, if an abutting residence is located less than three hundred (300) feet from the outdoor wood boiler or outdoor pellet boiler.
- b. Outdoor pellet boilers certified to meet particulate emission limits of 0.06 lbs/MMBtu heat output. ~~¶1~~. No person shall install or allow the installation of any outdoor pellet boiler that has been certified to meet a particulate matter emission limit of 0.06 lbs/MMBtu heat output, determined in accordance with subsection (c)(5), unless the outdoor pellet boiler:
- ~~A1~~. Has an attached stack with a minimum stack height of ten (10) feet above ground level; or
- ~~B2~~. Has an attached stack extending two (2) feet higher than the peak of the roof of the structure being served by the outdoor pellet boiler, if an abutting residence is located less than one hundred (100) feet from the outdoor pellet boiler.
- c. Outdoor wood boilers that have been modified to burn pellets. Outdoor wood boilers that have been modified to burn pellets must meet the applicable stack height specified in subsection (c)(3) for the original particulate emission limit certification of the outdoor wood boiler, determined in accordance with subsection (c)(5).
- d. In the case that there is no structure, such as but not limited to swimming pools or hot tubs, being served by an outdoor wood boiler or outdoor pellet boiler subject to subsection (c)(3), the owner or operator of the outdoor wood boiler or outdoor pellet boiler shall extend the stack two (2) feet higher than the peak of the roof of the nearest building to the outdoor wood boiler or outdoor pellet boiler.
- (4) *Commercial outdoor wood boiler, commercial outdoor pellet boiler, outdoor wood boiler or outdoor pellet boiler with a rated thermal output greater than 350,000 Btu/hr analysis requirement.*
- a. Any person intending to install or operate a commercial outdoor wood boiler, commercial outdoor pellet boiler, an outdoor wood boiler, or outdoor pellet boiler with a rated thermal output greater than 350,000 Btu/hr shall obtain an evaluation, report and installation recommendations performed by a qualified professional, including a licensed professional engineer or a master solid fuel burner technician, that includes the following information:
1. What type of application will the outdoor wood boiler or outdoor pellet boiler be used for;

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2. A determination of the heat load requirements of the facility as compared to the available heat supply of the outdoor wood boiler or outdoor pellet boiler to ensure the unit is properly sized;
 3. The stack location relative to the property lines and building locations within four hundred (400) feet of the outdoor wood boiler or outdoor pellet boiler;
 4. The stack height; and
 5. Recommendations for the proper outdoor wood boiler or outdoor pellet boiler installation, including but not limited to, hook-up, auxiliary fuel, properly sized outdoor wood boiler or outdoor pellet boiler, stack height and stack location.
- b. No person shall install or operate a commercial outdoor wood boiler, commercial outdoor pellet boiler, outdoor wood boiler or outdoor pellet boiler with a rated thermal output greater than 350,000 Btu/hr unless it is installed according to the recommendations of the evaluation report in subsection (c)(4)a. of this section. In any case, no person shall install or operate a commercial outdoor wood boiler, commercial outdoor pellet boiler, an outdoor wood boiler or outdoor pellet boiler with a rated thermal output greater than 350,000 Btu/hr unless it meets the minimum setback and stack height requirements stated in subsection (c)(2) and (c)(3).
- (5) *Certification of outdoor wood boilers and outdoor pellet boilers.* No person shall supply, distribute, sell, lease, offer for sale, or allow the installation of an outdoor wood boiler or an outdoor pellet boiler in the town unless the outdoor wood boiler or outdoor pellet boiler has received certification pursuant to the EPA Outdoor Wood-Fired Hydronic Heater Program. The certification shall demonstrate that the outdoor wood boiler or outdoor pellet boiler meets the applicable particulate emission standard in subsection (c)(1). The manufacturer of any such outdoor wood boiler or outdoor pellet boiler shall conduct testing via the EPA Outdoor Wood-Fired Hydronic Heater Phase I Program until EPA replaces the EPA Outdoor Wood-Fired Hydronic Heater Phase I Program with the Environmental Technology Verification Program. The Department of Environmental Protection may approve an alternative certification program.
- (6) *Labeling requirements.* New outdoor wood boilers and outdoor pellet boilers shall be labeled in accordance with the labeling requirements of the U.S. Environmental Protection Agency Outdoor Wood-Fired Hydronic Heater Program. Requirements of this program are located at www.epa.gov/woodheaters/index.htm.

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- (7) *Rain cap prohibition.* No person shall operate a new outdoor wood boiler or outdoor pellet boiler using a rain cap unless this device is required by the manufacturer specifications.
- (D) *General provisions and requirements for all outdoor wood boilers and outdoor pellet boilers.*
- (1) *Prohibited fuels.* No person shall burn any of the following items in an outdoor wood boiler:
- a. Any wood that does not meet the definition of clean wood;
 - b. Garbage;
 - c. Tires;
 - d. Lawn clippings or yard waste;
 - e. Materials containing plastic;
 - f. Materials containing rubber;
 - g. Waste petroleum products;
 - h. Paints and paint thinners;
 - i. Chemicals;
 - j. Glossy or colored papers;
 - k. Construction and demolition debris;
 - l. Plywood;
 - m. Particleboard;
 - n. Salt water driftwood and other previously salt-water saturated materials;
 - o. Manure;
 - p. Animal carcasses;
 - q. Asphalt products;
 - r. Materials containing asbestos;
 - s. Materials containing lead, mercury, or other heavy or toxic metals;
and
 - t. Coal, unless the outdoor wood boiler is specifically designed to burn coal.
- (2) *Fuel requirements.*
- a. No person that operates an outdoor wood boiler shall use a fuel other than the following:
 1. Clean wood;

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2. Wood pellets made from clean wood;
 3. Home heating oil in compliance with the applicable sulfur content limit, propane or natural gas may be used as starter or supplemental fuels for dual-fired outdoor wood boilers; and
 4. Other fuels as approved by the department.
- b. No person that operates an outdoor pellet boiler shall use a fuel other than the following:
1. Wood pellets made from clean wood;
 2. Corn; and
 3. Other fuels as approved by the department.
- (E) *Nuisance conditions.*
- (1) *Standard.* No person shall operate an outdoor wood boiler or an outdoor pellet boiler, that produces visible emissions, measured as any opacity totaling twelve minutes in any hour, that cross onto any land or buildings immediately adjacent to a dwelling or commercial building not owned by the owner of the outdoor wood boiler. Opacity under this subsection shall be determined by the Department of Environmental Protection pursuant to EPA Method 22 Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares (40CFR60, Appendix A).
 - (2) *Prohibition.* No person shall operate an outdoor wood boiler or an outdoor pellet boiler, in such a manner as to create a nuisance.
- (F) *Effective date.* Unless otherwise noted, compliance with all applicable provisions of this section is the effective date of the regulation.
- (G) *Severability.* Each subsection of this section shall be deemed severable, and in the event that any subsection of this section is held invalid, the remainder shall continue in full force and effect.
- (H) *Existing outdoor wood boilers.* Any outdoor wood boiler in existence upon the effective date of this section shall be allowed to remain provided the owner adheres to the following regulations:
- (1) *Months of operation.* Outdoor wood boilers may be operated only between October 1 and April 30 of each year.
 - (2) *Permitted fuels.* These fuels are defined under subsection (d)(2).
- (I) *Regulatory references.* In addition to provisions in this section, rule Chapter 150 Control of Emissions from Outdoor Wood Boilers as adopted and amended by the Maine Department of Environmental Protection, along with any other state or federal regulations and rules regarding outdoor wood boilers apply.

PART II - MUNICIPAL CODE OF ORDINANCES

Chapter 7 FIRE PREVENTION AND PROTECTION

- (J) ~~Penalties. A person who violates any provisions of this code shall be punished by a fine of not more than one hundred dollars (\$100.00) each day that the violation continues after a service of notice as provided for in this code shall be deemed a separate offense.~~ A person who violates any provisions of this code shall be punished by a fine in accordance with Chapter 11.5 “Offenses and Miscellaneous Provisions” of the Town of Brunswick Code of Ordinance. If this code is violated by a partnership or corporation, the members of the partnership or the officers of the corporation who participated in or authorized the action resulting in the violation will also be subject to the punishment provided.

(Ord. of 3-19-12(2))

PART II - MUNICIPAL CODE OF ORDINANCES

Chapter 7 FIRE PREVENTION AND PROTECTION

Master Schedule of Revenues, Charges, Fees and Fines, Appendix A

Refer ence	Date	Description	Amount
Chapter 7 - Fire Prevention and Protection			
Sec. 7-27	10/6/2008	Violation of any provisions of the code	\$100 maximum fine
-	-	Permit fee for installation or enlargement/extension of existing system	\$10
-	-	Permit fee for installation of oil burning equipment and oil tanks	\$10 each
-	-	Permit for installation of solid fuel burning device	\$10
-	-	Penalty for violating provisions of the code	\$100 maximum fine
<u>7-27(5)</u>	<u>01/01/2016</u>	<u>Additional Compliance Inspection / Re-inspection (NFPA 1)</u>	<u>\$50.00</u>
<u>7-28(4)</u>	<u>01/01/2016</u>	<u>Additional Compliance Inspection / Re-inspection (NFPA 101)</u>	<u>\$50.00</u>
<u>7-30</u>	<u>01/01/2016</u>	<u>Heating Unit Installation – Solid Fuel</u>	<u>\$35.00</u>
<u>7-30</u>	<u>01/01/2016</u>	<u>Heating Unit Installation – Oil</u>	<u>\$35.00</u>
<u>7-30</u>	<u>01/01/2016</u>	<u>Heating Unit Installation – Natural Gas</u>	<u>\$35.00</u>
<u>7-30</u>	<u>01/01/2016</u>	<u>Heating Unit Installation – Propane Gas</u>	<u>\$35.00</u>
<u>7-30(E)</u>	<u>01/01/2016</u>	<u>Failure to Obtain Permit</u>	<u>Double Fee</u>
<u>7-31</u>	<u>01/01/2016</u>	<u>Alarm System Installation – Commercial</u>	<u>\$70.00</u>
<u>7-31</u>	<u>01/01/2016</u>	<u>Alarm System Installation – Residential</u>	<u>\$35.00</u>
<u>7-31</u>	<u>01/01/2016</u>	<u>Sprinkler System Installation – Commercial</u>	<u>\$70.00</u>
<u>7-31</u>	<u>01/01/2016</u>	<u>Sprinkler System Installation – Residential</u>	<u>\$35.00</u>
<u>7-31</u>	<u>01/01/2016</u>	<u>Fire Suppression System Installation - Other</u>	<u>\$50.00</u>
<u>7-31</u>	<u>01/01/2016</u>	<u>Commercial Hood with Suppression Installation</u>	<u>\$50.00</u>
<u>7-31(E)</u>	<u>01/01/2016</u>	<u>Failure to Obtain Permit</u>	<u>Double Fee</u>
<u>7-32</u>	<u>01/01/2016</u>	<u>Underground Tank Installation</u>	<u>\$10.00</u>
<u>7-32</u>	<u>01/01/2016</u>	<u>Underground Tank Removal</u>	<u>\$10.00</u>

ITEM 9

BACK UP MATERIALS

Town of Brunswick, Maine

OFFICE OF THE TOWN MANAGER

MEMORANDUM

TO: Town Council

FROM: John Eldridge
Town Manager

DATE: January 12, 2016

SUBJECT: Proposed Council Rules

Attached is the proposed Council rule that was discussed at the Council retreat, held January 9th. The proposal clarifies the Council's interactions with the town manager, staff, and the town attorney.

Your current rules require that rule changes be adopted at a subsequent meeting. We would recommend that you adopt the attached change at your next meeting.

The Council also discussed establishing a committee to update and amend all of the rules by which the Council operates. We are prepared to assist such a committee should the Council appoint one.

Attachment

Town Council Interactions with Manager, Staff, and Attorney
Proposed Rule Amendments
January 9, 2016
DRAFT

The Town of Brunswick, through its charter, has adopted the council-manager form of government. Policies are established by the town council and are implemented by the town manager and professional staff. It is important that the roles of each are clearly understood and appreciated. The town council works through the town manager who directs the professional staff

Council Interactions with the Town Manager

Section 302 of the town charter provides (in part), “The manager shall be the chief administrative officer of the town. The manager shall be responsible to the council for the administration of all town affairs placed in the manager's charge or under this Charter.” Although councilors are encouraged to regularly communicate with the town manager, the town manager is responsible to the town council as a body, rather than to individual council members.

The town council and the town manager are a participatory team. Consequently, the town council and town manager should continuously review goals and priorities. The town council and town manager should develop processes that facilitate these reviews.

It is also important that the town manager keep the town council informed. The town manager will communicate with the town council in various ways, including presentations, memorandums, reports, and e-mail. It is equally important that the town council provide ongoing feedback and information to the town manager, including responses to communication that request council input or feedback.

Council Interactions with Town Staff

Section 204 (c) of the town charter provides, “Except for the purpose of inquiry, the council and its members shall deal with the administrative officers solely through the manager. Neither the council nor any member thereof shall give orders to any subordinates of the manager, either publicly or privately.” Councilors should avoid situations that can result in staff being directed, intentionally or unintentionally, by one or more members of the town council.

Staff is obligated to take guidance and direction only from the town manager or their designated management supervisors. Staff is directed to reject attempts by individual members of the town council that direct or otherwise pressure them into making, changing, or influencing recommendations.

The town manager will strive to ensure that councilors receive timely responses to inquiries. Councilors and staff should inform the town manager when inquiries are made, so that the manager may assess the magnitude of the request. If the town manager determines that a request by an individual council member would more appropriately be directed to the full town council, the town manager shall advise the council member on the procedures for adding an item to the council meeting agenda.

Staff support to Boards, Committees, Commissions, and Task Forces

Staff support and assistance may be provided to boards, committees, commissions and task forces. However, those bodies do not have supervisory authority over town employees. Staff members remain responsible to their immediate supervisors and ultimately the town manager. Staff shall continuously advise their supervisors of the type and quantity of work being requested by these bodies to ensure that it remains clear that staff supervision remains with management. The town manager shall advise these bodies when requests and directives to staff are inappropriate.

Staff support includes preparation of agendas, appropriate backup materials and meeting minutes. Staff shall be responsible for ensuring that meetings are noticed and conducted in accordance with Maine's Freedom of Access Act (FOAA) and the Town's established policies and procedures. Staff members also assist chairs of these bodies to ensure compliance with state and local laws and regulations.

Council Interactions with Town Attorney

Section 215 of the town charter provides (in part), "The council shall appoint and determine the compensation of the town attorney." The town attorney is responsible to the town council as a body, rather than to individual council members. Individual councilors who wish to confer with the town attorney must obtain permission from the town council chair or vice chair, or from the town manager. Should that permission not be granted, the councilor should bring his or her request before the full town council. The town council and town manager shall be apprised any time an individual councilor confers with the town attorney.