

**BRUNSWICK TOWN COUNCIL**  
**Agenda**  
**February 16, 2016**  
**Executive Session – 6:30 P.M.**  
**7:00 P.M.**  
**Council Chambers**  
**Town Hall**  
**85 Union Street**

Roll Call of Members

Acknowledgement of Meeting Notice

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

Pledge of Allegiance

Adjustments to Agenda

**CONSENT AGENDA**

- a) Approval of the minutes of February 1, 2016
- b) Approval of modifications to the Finance Committee Charge
- c) Approval to apply for and to expend a 2015-16 Edward Byrne Memorial Justice Assistance Grant

Public Comments

Correspondence

**COMMITTEE REPORTS**

- MPIC
- Finance Committee
- Teen Center

**MANAGER'S REPORT**

- a) Financial update
- b) Reminder about upcoming meeting with businesses regarding proposed Styrofoam ban
- c) Announcement of selection of vendor for revaluation
- d) Report on Complete Streets Policy
- e) Overview of upcoming budget process
- f) Report on proposed Aquaculture Ordinance

**PUBLIC HEARING**

20. The Town Council will hear public comments on amendments to Chapter 15 “Traffic and Vehicles” of the Municipal Code of Ordinances regarding changes to parking restrictions and creating a one-way section on the Harriet Beecher Stowe Elementary School access road, and will take any appropriate action. (Manager)

**HEARING/ACTION**

**NEW BUSINESS**

21. The Town Council will consider approving the “Agreement for Town Attorney Services” between the Town of Brunswick and Preti Flaherty for legal services for 2016, and will take any appropriate action. (Councilor Brayman)

**ACTION**

**Executive Session: [1 M.R.S.A. §405(6)(E)] on Consultation with legal counsel**

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

**Brunswick Town Council  
Agenda  
February 16, 2016  
Council Notes and Suggested Motions**

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

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 February 1, 2016: A copy of the draft minutes is included in your packet.
- b) Approval of modifications to the Finance Committee Charge: This item is to approve minor modifications to the Committee's charge. A copy of a memo from Manager Eldridge and the draft changes are included in your packet.
- c) Approval to apply for and to expend a 2015-16 Edward Byrne Memorial Justice Assistance Grant: The Police Department is requesting permission to apply for and expend a 2015-16 Edward Byrne Memorial Justice Assistance Grant. They are seeking \$6,771.00 which Brunswick qualifies for under a formula which uses population and crime statistics. There is no Town match. Funds will be used for equipment, including six new rifles that will be purchased at a reduced cost of \$345, as the town is trading in the 10 year old ones. A copy of a memo from Commander Waltz is included in your packet.

*The Council always 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**

- MPIC
- Finance Committee
- Teen Center

Councilors representing the Council on the above committees will provide brief updates. If there are any Committee updates beyond those listed, Councilors can also share that information with the Council and public.

**MANAGER'S REPORT**

*Manager Eldridge has prepared a memo summarizing the items on the Manager's Report; there may be additional information for each item included under the item number in your packet.*

- a) Financial update: Manager Eldridge will update the Council on the Town's financial picture to date for the current fiscal year. Copies of financial reports will be included in your packet.
- b) Reminder about upcoming meeting with businesses regarding proposed Styrofoam ban: This item is to remind the public and Council of upcoming workshops on this proposed ban. The public hearing is scheduled for March 21, 2016. A copy of the letter provided to affected businesses with the schedule and draft ordinance is included in your packet.
- c) Announcement of selection of vendor for revaluation: The Town has awarded the revaluation contract to KRT Appraisals of Haverhill, Massachusetts. Assessor Cathy Jamison will be providing a brief update to the Council on the revaluation process.
- d) Report on Complete Streets Policy: This item is to discuss a proposal for a "Complete Streets" policy. The Bike and Pedestrian Committee has developed a draft that staff has reviewed. Many of the concepts in the policy are considerations the Town already undertakes informally when it considers work on existing Town roads. Staff intends to bring a "Complete Streets" policy to the Town Council for their consideration later this year. A copy of the policy adopted by the Maine DOT in 2014 is included in your packet
- e) Overview of upcoming budget process: A copy of the draft budget schedule is included in your packet.
- f) Report on proposed Aquaculture Ordinance: This item is to inform the Council that the Marine Resources Committee has approved a draft ordinance allowing for this program to move forward. It has been sent to the State for review and, if accepted, will come back to the Council at a future date. A copy of a memo from Officer Devereaux is included in your packet.

## **PUBLIC HEARING**

- 20. This item is for the Council to hear public comments on amendments to Chapter 15 "Traffic and Vehicles" regarding changes to parking restrictions on the Harriet Beecher Stowe Elementary School access road. This request from the School Department designates the road as one-way at all times instead of only at dismissal times, and prohibits parking along the access road at all times. Currently, parking is allowed during dismissal. The Police did a survey of vacant parking spots at HBS. Copies of a memo from Commander Waltz, a survey of vacant spots at HBS, and the proposed changes are included in your packet.

*Option for the Council if they choose to vote this evening - suggested motion, if there is not unanimous consent:*

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 15 "Traffic and Vehicles" of the Municipal Code of Ordinances regarding changes to parking restrictions and creating a one-way section on the Harriet Beecher Stowe Elementary School access road.

## **NEW BUSINESS**

21. This item is for the Council to approve the “Agreement for Town Attorney Services” between the Town of Brunswick and Preti Flaherty for legal services for 2016. As discussed in executive session, the Council will need to choose between the two versions of the contract. Copies of the draft agreements are included in your packet.

*Suggested Motion:*

Motion to approve the “Agreement for Town Attorney Services” version \_\_\_\_ between the Town of Brunswick and Preti Flaherty for legal services for 2016.

### **Executive Session: [1 M.R.S.A. §405(6)(E)] on Consultation with legal counsel**

*Suggested Motion:*

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

*Suggested Motion:*

Motion to adjourn the meeting.

# CONSENT AGENDA - A BACK UP MATERIALS

**Draft**  
**BRUNSWICK TOWN COUNCIL**  
**Minutes**  
**February 1, 2016**  
**Executive Session – 6:15 P.M.**  
**Regular Meeting - 7:00 P.M.**  
**Council Chambers**  
**Town Hall**  
**85 Union Street**

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

**Councilors Absent:** Councilor Daniel E. Harris

**Town Staff Present:** John S. Eldridge, III, Town Manager; Fran Smith, Town Clerk; Derek Scrapchansky, Assistant Town Manager; Jeff Emerson, Deputy Fire Chief; Heidi Nelson, Animal Control Officer; Mark Waltz, Police Commander; Bryan Cobb, IT Manager; and TV video crew

Chair Brayman called the meeting to order, asked for roll call, and acknowledged that the meeting was properly noticed.

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

**Chair Brayman moved, Councilor K. Wilson seconded, to go into executive session to discuss union negotiations per 1 M.R.S.A. §405(6)(D) and to discuss a personnel matter per 1 M.R.S.A. §405(6)(A). The motion carried with eight (8) yeas.**

Chair Brayman resumed the meeting and led the Pledge of Allegiance.

**Adjustments to Agenda** – None

**CONSENT AGENDA** *(This item was discussed at 7:00 p.m.)*

a) Approval of the minutes of January 19, 2016

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

**Public Comments** *(This item was discussed at 7:01 p.m.)*

None

**Correspondence** *(This item was discussed at 7:01 p.m.)*

Councilor K. Wilson provided a list of local gas stations that will pump gas for senior citizens.

Jane Millett asked that the information be placed on the Town website.

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Councilor Perreault spoke about Brunswick High School music program's success at the district music competition.

Councilor Walker talked about a new business, Rossignol's Hair Shoppe, and said the Codes Enforcement staff was very helpful to them.

Councilor Watson spoke about an upcoming commemoration of the five year anniversary of the Base closure. He will update the Council when more information is available.

### **COMMITTEE REPORTS** *(This item was discussed at 7:09 p.m.)*

- Bicycle and Pedestrian Advisory Committee
- Finance Committee
- Human Rights Task Force
- Mare Brook Watershed Committee
- Recycling and Sustainability Committee
- Rivers and Coastal Waters Commission

Reports were given on the above committees.

Chair Brayman made the following Council Committee appointments: Councilor Walker to fill her slot on the Finance Committee, Chair Brayman to fill Councilor Walker's slot on the Recycling and Sustainability Committee; and the following to union contract negotiations: Councilor Watson for AFSCME, Councilor Millett for Communications, Councilor Walker for Police and Councilor Alison Harris for Public Works.

### **MANAGER'S REPORT**

#### **a) Project Tracking Report** *(This item was discussed at 7:31 p.m.)*

Manager Eldridge provided this report, and responded to questions from Councilor Watson and Councilor Millett.

#### **b) Report on Longfellow and Page Street parking permit program** *(This item was discussed at 7:36 p.m.)*

Manager Eldridge provided this report.

*(A copy of the Report from Commander Waltz will be attached to the official minutes.)*

#### **c) Report on 2016 mooring licensing process** *(This item was discussed at 7:38 p.m.)*

Fran Smith, Town Clerk, provided this report.

#### **d) Report on the Brunswick Commercial Historic District status** *(This item was discussed at 7:39 p.m.)*

Manager Eldridge provided this report.

**Debora King**, Executive Director of BDA, spoke regarding this item.

*(A copy of the letter from the Maine Historic Preservation Commission will be attached to the official minutes.)*

### **PUBLIC HEARING**

- 11. The Town Council will hear public comments for amendments to Chapter 15 “Traffic and Vehicles” of the Municipal Code of Ordinances 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) *(This item was discussed at 7:45 p.m.)***

Chair Brayman spoke regarding this item.

Chair Brayman opened the public hearing.

Councilor Millett introduced the item.

Councilor K. Wilson spoke regarding this item.

Chair Brayman closed the public hearing.

Councilor S. Wilson asked questions, to which Councilor Millett and Councilor Perreault responded.

Councilor Watson asked a question, to which Ms. Smith responded.

By unanimous consent, the Council agreed to vote tonight.

**Councilor Millett moved, Councilor Watson seconded, to adopt amendments to Chapter 15 “Traffic and Vehicles” of the Municipal Code of Ordinances regarding banning parking on a section of Weymouth Street from Union Street and extending west 100 feet. The motion carried with eight (8) yeas.**

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

- 12. The Town Council will hear public comments for amendments to Chapter 7 “Fire Prevention and Protection” of the Municipal Code of Ordinances for the purpose of housekeeping changes and to set fee schedules (under Master Schedule of Revenues, Charges, Fees, and Fines Appendix A), and will take any appropriate action. (Manager) *(This item was discussed at 7:53 p.m.)***

Chair Brayman opened the public hearing.

Jeff Emerson, Deputy Fire Chief, introduced this item and responded to questions from Councilor Millett and Councilor Perreault.

Chair Brayman closed the public hearing.

**MOTION TO SUSPEND RULES:**

**Councilor Millett moved, Councilor K. Wilson seconded, to suspend the Council Rules to allow the Council to vote on this item at this meeting. The motion carried with six (6) yeas Councilor Perreault and Chair Brayman opposed (This requires a 2/3 vote of the Council to pass.)**

**MOTION:**

**Councilor Millett moved, Councilor Watson seconded, to adopt amendments to Chapter 7 “Fire Prevention and Protection” of the Municipal Code of Ordinances for the purpose of updating language and placing the fee schedule into the “Master Schedule of Revenues, Charges, Fees, and Fines Appendix A.”**

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

**VOTE ON MOTION:**

**Councilor Millett moved, Councilor Watson seconded, to adopt amendments to Chapter 7 “Fire Prevention and Protection” of the Municipal Code of Ordinances for the purpose of updating language and placing the fee schedule into the “Master Schedule of Revenues, Charges, Fees, and Fines Appendix A.” The motion carried with eight (8) yeas.**

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

**NEW BUSINESS**

13. The Town Council will consider adopting amendments to Chapter 4 “Animals” 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 7:59 p.m.)*

**MAIN MOTION**

**Councilor Walker moved, Councilor Millett seconded, to adopt amendments to Chapter 4 “Animals” 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.**

**AMENDMENT TO MOTION**

**Councilor K. Wilson moved, Chair Brayman seconded, to amend the fee from \$30 per license to \$25 per license.**

Councilor Millett and Councilor Perreault spoke regarding the amendment.

**VOTE ON AMENDMENT TO MOTION**

**Councilor K. Wilson moved, Chair Brayman seconded, to amend the fee from \$30 per license to \$25 per license. The motion carried with five (5) yeas. Councilor Walker, Councilor Millett, and Councilor S. Wilson were opposed.**

**VOTE MAIN MOTION AS AMENDED**

**Councilor Walker moved, Councilor Millett seconded, to adopt amendments to Chapter 4 “Animals” of the Municipal Code of Ordinance regarding changing the domestic chicken licensing period from one to two years at a fee of \$25 per license and requiring only an initial inspection of the coop. The motion carried with eight (8) yeas.**

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

14. **The Town Council will consider amending the Bicycle and Pedestrian Advisory Committee charge to provide for three-year staggered terms, and will take any appropriate action. (Councilor K. Wilson) *(This item was discussed at 8:08 p.m.)***

Councilor K. Wilson spoke regarding this item.

Councilor Watson spoke regarding this item.

**Councilor K. Wilson moved, Councilor Millett seconded, to amend the Bicycle and Pedestrian Advisory Committee Charge to provide for three-year staggered terms and a one-year term for the Council representative. The motion carried with eight (8) yeas.**

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

15. **The Town Council will consider setting a public hearing for February 16, 2016, on amendments to Chapter 15 “Traffic and Vehicles” of the Municipal Code of Ordinances regarding changes to parking restrictions and creating a one-way section on the Harriet Beecher Stowe Elementary School access road, and will take any appropriate action. (Manager) *(This item was discussed at 8:11 p.m.)***

Commander Waltz introduced this item and responded to questions from Councilor Millett, Chair Brayman, Councilor K. Wilson, and Councilor Perreault.

**Chair Brayman moved, Councilor K. Wilson seconded, to set a public hearing for February 16, 2016, on amendments to Chapter 15 “Traffic and Vehicles” of the Municipal Code of Ordinances regarding changes to parking restrictions and creating a one-way section on the Harriet Beecher Stowe Elementary School access road. The motion carried with eight (8) yeas.**

16. **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)**  
*(This item was discussed at 8:20 p.m.)*

Manager Eldridge introduced this item, and responded to questions from Councilor Millett and Councilor Perreault.

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

**Councilor Watson moved, Councilor Perreault seconded, to adopt changes to the Council Rules of Order and Procedure relative to Town Council interactions with the Town Manager, staff, and the Town Attorney. The motion carried with eight (8) yeas.**

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

17. **The Town Council will consider setting up a Council Subcommittee to review the Council Rules, and will take any appropriate action. (Chair Brayman)** *(This item was discussed at 8:30 p.m.)*

Chair Brayman introduced this item.

**Chair Brayman moved, Councilor Perreault seconded, to establish and adopt a charge for “Town of Brunswick, Maine - Council Committee on Rules” to review the Council Rules of Order and Procedure. The motion carried with eight (8) yeas.**

Chair Brayman appointed Councilor S. Wilson, Councilor Alison Harris, and Councilor Dan Harris to the Committee.

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

18. **The Town Council will consider appointments to the Town’s Boards, Commission, and Committees, and will take any appropriate action. (Appointments Committee)**  
*(This item was discussed at 8:36 p.m.)*

Councilor K. Wilson made the following nominations:

**Assessment Review Board**

- Ralph Palmer (new appointment) for a term to expire on 01/12/2019

**Personnel Board**

- William Locke (reappointment) for term to expire on 01/12/2019

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### Planning Board

- William Dana (reappointment) for a term to expire on 02/23/2019
- Richard Visser (reappointment) for a term to expire on 02/23/2019

### Recycling and Sustainability Committee

- Sarah Wolpow (reappointment) for a term to expire on 01/01/2019

### Sewer District Board of Trustees

- Jacqueline Sartoris (new appointment but has served in the past) for balance of term to expire on 04/01/2017

### Trust Fund Advisory Committee

- Matthew Orlando (new appointment) for balance of term to expire on 05/10/2016 and then to a full term to expire 05/10/2019 since the balance of term is for a short period.

Councilor Perreault requested to remove the Sewer District Board appointment from the slate.

### The Council voted eight (8) yeas on the above slate without the Sewer District Trustee.

There was a discussion about the reason the Council is required to appoint Sewer District Trustees.

### The Council voted on the appointment of Jacqueline Sartoris to the Sewer Board of Trustees. The vote was six (6) yeas with Councilor Walker abstaining, as Ms. Sartoris is his wife, and Councilor Perreault was opposed.

19. **The Town Council will consider ratifying the union contract between the Town of Brunswick and the Teamsters for the Parks and Recreation Maintenance Workers Union, and will take any appropriate action. (Manager) (This item was discussed at 8:48 p.m.)**

Manager Eldridge spoke regarding this item.

Councilor Watson spoke regarding this item.

### Chair Brayman moved, Councilor K. Wilson seconded, to ratify the union contract between the Town of Brunswick and the Teamsters for the Parks and Recreation Maintenance Workers Union. The motion carried with eight (8) yeas.

*(A copy of the union contract will be attached to the official minutes.)*

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

The meeting adjourned at 8:50 p.m.

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

**Town Council Minutes**  
**February 1, 2016**  
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*Frances M. Smith*  
*Town Clerk*  
*February 5, 2016*

February 16, 2016  
*Date of Approval*

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*Council Chair*

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# CONSENT AGENDA - B BACK UP MATERIALS

# Town of Brunswick, Maine

OFFICE OF THE TOWN MANAGER

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## MEMORANDUM

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**TO:** Town Council

**FROM:** John Eldridge  
Town Manager

**DATE:** February 11, 2016

**SUBJECT:** Finance Committee Policy

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At its February 8<sup>th</sup> meeting, the Finance Committee discussed minor modifications to its charge. The proposed changes are depicted on the attached. As the Council established the charge, the Committee is requesting that the Council approve the changes.

Attachment

**Town of Brunswick, Maine**  
**Finance Committee**

*Purpose.* The purpose of this policy is to establish the composition and responsibilities of the Town's Finance Committee.

*Members.* The Finance Committee shall be a standing committee of the Town Council. The Committee shall be comprised of three members of the Town Council appointed by the Council Chair. Members shall be appointed annually after the adoption of the annual budget and prior to July 1<sup>st</sup>. Members shall each serve terms of one year, concurrent with the July 1st to June 30th fiscal year. At its first meeting, the Committee shall select its chair and vice chair. Should, in the opinion of the Council Chair, circumstances require the extension of the Committee's term beyond the end of the fiscal year, the Chair shall announce his/her determination to the Town Council and the terms shall be temporarily extended. ~~However, the terms shall not be extended for more than ninety days without a concurring vote of the Town Council.~~—The succeeding Committee shall serve the remainder of the term until June 30, unless subsequently extended.

*Meetings.* The Committee shall meet at least once per month. The meeting dates shall be established at the Committee's first meeting. The Committee chair shall call additional meetings as the chair deems necessary, as voted by a majority of the Committee's members, or as directed by the Town Council. The Committee shall give public notice of its meetings in accordance with Maine's Freedom of Access Act (FOAA) and rules established by the Town Council. A majority of the members appointed to the Committee shall constitute a quorum. A majority of concurring votes shall be necessary to constitute an action on any matter.

*Responsibilities.* The Finance Committee shall perform the following tasks and functions:

1. Encourage and participate in long-range financial planning.
2. Review the annual budget as recommended by the Town Manager and provide commentary to the Town Council.
3. Review monthly budget to actual statements as prepared by the Finance Department.
4. Review ordinances, official statements and other documents connected with the issuance of debt.
5. Review the Town's risk management activities and insurance coverage.
6. Review, as requested by the Town Manager, bid specifications and requests for proposals for the purchase of goods or services.
7. In consultation the Town's administration, assist or prepare policies and/or procedures relating to the financial affairs of the Town.
8. The Finance Committee shall assume the duties of the Capital Improvement Plan Committee.
9. The Finance Committee shall assume the duties of the Audit Committee.

F:\Finance\Finance Committee\Finance Committee Policy.docx

10. Review and report on the Town's investments.
11. Receive and review the reports and recommendations of the Town's Trust Fund Advisory Committee.
12. Perform such other tasks and functions as may be delegated to it by the Town Council from time to time.

The Finance Committee may adopt rules of procedure, consistent with this policy, to enable it to perform its functions.

*Conflict of Interest.* Members of the Finance Committee shall adhere to the conflict of interest policy was established by the Town Council in its Rules and Procedures.

*Administration.* The Finance Director shall be responsible to provide for the administration of the affairs of the Finance Committee, including preparing agendas and minutes, posting public hearings, handling correspondence, and maintaining all official records.

Proposed to Town Council: July 21, 2014

Adopted by Town Council: August 4, 2014

Amended by Town Council:

# CONSENT AGENDA - C BACK UP MATERIALS

To: **TM Eldridge**

From: **Cmdr. Waltz**

Date: **February 8, 2016**

Re: **Application for and Acceptance of FY 2015-16 Edward Byrne Memorial Grant**

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Based upon our crime statistics, Brunswick is allocated a certain percentage of the federal Edward Byrne Memorial pass through grant. The amount Brunswick can apply for 2015/16 is \$6,771.00. No match is required, however the money cannot supplant local funds.

We propose to apply for and expend the money as follows:

**Patrol Rifles** (\$2,070.00). Our patrol rifles are ten years old and in need of replacement.

**Drug Scale** (\$ 385.00). The drug scale will allow us to easily and accurately measure seized drugs and replace a 30 year old balance scale.

**Wireless Game Camera** (\$ 410.00) and **Portable Radio Alarm System** (\$3,910.00). The wireless game camera and portable radio alarm system will enhance our capability to detect and solve burglaries. The radio alarm system can also be used in conjunction with a panic alarm in domestic violence cases.

While needed, none of these items described above are funded in our municipal budget so there is no risk of supplantation.

MANAGER'S REPORT  
MEMO PROVIDING  
OVERVIEW OF ITEMS

# Town of Brunswick, Maine

OFFICE OF THE TOWN MANAGER

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## MEMORANDUM

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**TO:** Town Council

**FROM:** John Eldridge  
Town Manager

**DATE:** February 11, 2016

**SUBJECT:** Town Manager's Report (a) - (f)  
February 16, 2016

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Below is a brief summary of items included in the February 16<sup>th</sup> Manager's Report.

### ***Financial Update (a)***

Finance Director Julie Henze will be providing the update at your February 16<sup>th</sup> meeting. Copies of the budget to actual reports for the General Fund revenues and expenditures are attached.

### ***Styrofoam Ban (b)***

Notification of the proposed ban has been mailed or e-mailed to Brunswick businesses. A copy of that letter is included in your packet. The letter indicates the dates and times for the Town-sponsored information sessions about the proposed ban and includes a copy of the proposed ordinance. We have received only a handful of calls to date.

### ***Complete Streets (c)***

A number of groups have expressed interest in the Town adopting a "Complete Streets" policy. Included in your packet is the policy adopted by the Maine DOT in 2014. The Bike and Pedestrian Committee has developed a draft that we have reviewed. Many of the concepts in the policy are considerations the Town already undertakes informally when it considers work on existing Town roads. We intend to bring a complete streets policy to the Town Council for its consideration, later this year. Again, that policy would mainly apply to work the Town is undertaking in its annual work program. New roads are generally constructed by developers and go through a development review process with the Planning Board, following standards already provided in the Town's ordinances.

### ***2016-17 Budget Process (d)***

As described at your January 9<sup>th</sup> retreat, the Town has already begun development of the 2016-17 municipal budget. A copy of the budget schedule is included in your packet. The schedule would deliver the budget to the Town Council earlier than in the past few years. This depends on both the Town and the School Department meeting the proposed schedule. For municipal operations, the proposed schedule specifies that department presentations be conducted before the Finance Committee. The department presentations are open to the public and will be recorded. Councilors

are encouraged to attend these presentations. However, I will be making a presentation of the overall budget to the full Town Council.

***Revaluation 2017 (e)***

We have awarded the revaluation contract to KRT Appraisals of Haverhill, Massachusetts. Assessor Cathy Jamison will be providing a brief update on the revaluation process to the Town Council. Recall that even though much of the revaluation work will take place this year, we will not be implementing the results of the project until 2017.

***Aquaculture Ordinance (f)***

The Marine Resources Committee has been working on a proposed aquaculture ordinance. A copy of a memo from Marine Resources Officer Dan Devereaux is included in your packet.

# MANAGER'S REPORT - A BACK UP MATERIALS

FOR 2016 07

	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
<u>00 Fill</u>							
19000 General Fund Transfers Out	1,368,236	1,554,717	1,554,717.00	.00	.00	.00	100.0%
TOTAL Fill	1,368,236	1,554,717	1,554,717.00	.00	.00	.00	100.0%
<u>10 General Government</u>							
11000 Administration	583,769	583,769	282,331.74	45,313.66	75.00	301,362.26	48.4%
11100 Finance Department	710,161	710,161	381,037.52	49,295.50	.00	329,123.48	53.7%
11150 Technology Services Dept	363,164	363,164	210,665.58	24,099.73	29,727.81	122,770.61	66.2%
11200 Municipal Officers	85,665	85,665	57,655.66	20,838.37	.00	28,009.34	67.3%
11210 Munic Bldg - 85 Union	214,863	215,063	113,708.23	20,057.67	10,814.56	90,540.12	57.9%
11230 Risk Management	479,057	479,057	377,895.08	203,654.88	.00	101,161.92	78.9%
11240 Employee benefits	0	0	-120,502.23	-454.83	.00	120,502.23	100.0%
11250 Cable TV	61,298	61,298	31,081.92	4,115.29	486.36	29,729.72	51.5%
11300 Assessing	295,863	295,863	152,754.69	21,633.64	2,718.00	140,390.31	52.5%
11600 Town Clerk & Elections	363,719	364,119	173,234.84	14,606.07	539.90	190,344.26	47.7%
11900 Planning Department	480,995	483,088	241,534.21	34,406.67	3,293.03	238,260.79	50.7%
11950 Economic Development Dept	115,106	116,726	59,494.77	7,947.95	.00	57,231.23	51.0%
TOTAL General Government	3,753,660	3,757,973	1,960,892.01	445,514.60	47,654.66	1,749,426.27	53.4%
<u>20 Public Safety</u>							
12100 Fire Department	3,154,491	3,167,016	1,695,329.59	227,161.76	51,212.18	1,420,474.23	55.1%
12150 Central Fire Station	59,158	59,158	19,506.08	5,000.83	639.60	39,012.32	34.1%
12160 Emerson Fire Station	49,328	49,328	33,344.86	4,813.01	1,797.40	14,185.74	71.2%
12200 Police Department	3,836,175	3,836,175	2,048,126.47	283,739.58	1,951.45	1,786,097.08	53.4%
12210 Police Special Detail	0	0	28,496.00	3,152.94	.00	-28,496.00	100.0%
12220 Emergency Services Dispatch	812,214	812,214	427,979.61	58,885.45	.00	384,234.39	52.7%
12250 Police Station Building	101,431	101,431	44,085.61	3,954.06	347.67	56,997.72	43.8%
12310 Streetlights	211,000	211,000	123,117.82	19,369.63	.00	87,882.18	58.3%
12320 Traffic Signals	31,600	31,600	12,757.66	1,853.85	.00	18,842.34	40.4%
12330 Hydrants	465,000	465,000	228,314.23	112,056.64	.00	236,685.77	49.1%
12340 Civil Emergency Preparedness	2,000	2,000	480.00	.00	.00	1,520.00	24.0%
TOTAL Public Safety	8,722,397	8,734,922	4,661,537.93	719,987.75	55,948.30	4,017,435.77	54.0%
<u>30 Public Works</u>							

FOR 2016 07

30	Public Works	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
13100	Public Works Administration	446,577	446,577	233,904.69	32,948.16	2,200.00	210,472.31	52.9%
13110	PW General Maintenance	1,713,865	1,802,351	739,911.17	112,127.33	215,236.32	847,203.43	53.0%
13130	Refuse Collection	611,556	611,556	305,891.35	16,431.60	213,869.85	91,794.80	85.0%
13140	Recycling	298,631	298,631	132,499.62	.00	167,771.35	-1,639.97	100.5%
13150	PW Central Garage	724,112	724,112	376,337.35	63,781.10	39,324.04	308,450.61	57.4%
	TOTAL Public Works	3,794,741	3,883,227	1,788,544.18	225,288.19	638,401.56	1,456,281.18	62.5%
40 Human Services								
14100	General Assistance	169,994	169,994	82,288.56	10,826.16	515.15	87,190.29	48.7%
14120	Health & Social Services	12,766	12,766	29,082.88	10,000.00	.00	-16,316.88	227.8%
	TOTAL Human Services	182,760	182,760	111,371.44	20,826.16	515.15	70,873.41	61.2%
45 Education								
14500	School Department	36,525,855	36,525,855	15,695,950.51	2,830,896.69	.00	20,829,904.49	43.0%
	TOTAL Education	36,525,855	36,525,855	15,695,950.51	2,830,896.69	.00	20,829,904.49	43.0%
50 Recreation and Culture								
15000	Recreation Administration	439,700	440,780	251,711.81	34,770.06	1,080.00	187,988.19	57.4%
15050	Rec Buildings and Grounds	699,391	707,371	375,607.38	41,829.47	14,661.71	317,101.91	55.2%
15250	Rec Building 211	173,982	173,982	37,906.60	13,694.25	10,369.00	125,706.40	27.7%
15300	Teen Center	15,000	15,000	15,000.00	.00	.00	.00	100.0%
15310	People Plus	118,300	124,300	119,300.00	.00	.00	5,000.00	96.0%
15400	Curtis Memorial Library	1,325,000	1,325,000	764,166.65	.00	.00	560,833.35	57.7%
	TOTAL Recreation and Culture	2,771,373	2,786,433	1,563,692.44	90,293.78	26,110.71	1,196,629.85	57.1%
60 Intergovernmental								
16000	County tax	1,360,042	1,360,042	1,360,042.00	.00	.00	.00	100.0%

FOR 2016 07

60	Intergovernmental	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
	TOTAL Intergovernmental	1,360,042	1,360,042	1,360,042.00	.00	.00	.00	100.0%
70 Unclassified								
17000	Promotion and Development	161,917	161,917	158,317.96	30,345.92	3,325.00	274.04	99.8%
17010	Additional School Assistance	10,000	10,000	.00	.00	.00	10,000.00	.0%
17020	Cemetery Care	3,000	3,000	4,250.00	.00	.00	-1,250.00	141.7%
17030	Wage Adjustment Account	43,000	43,000	.00	.00	.00	43,000.00	.0%
	TOTAL Unclassified	217,917	217,917	162,567.96	30,345.92	3,325.00	52,024.04	76.1%
80 Debt Service								
18020	2006 CIP G/O Bonds	244,000	244,000	224,000.00	.00	.00	20,000.00	91.8%
18030	2011 GO CIP Bonds	255,380	255,380	493,690.00	.00	.00	-238,310.00	193.3%
18040	Police Station Bond	400,125	400,125	338,937.51	.00	.00	61,187.49	84.7%
18050	2010 Elementary School Bond	0	0	1,309,886.38	.00	.00	-1,309,886.38	100.0%
	TOTAL Debt Service	899,505	899,505	2,366,513.89	.00	.00	-1,467,008.89	263.1%
	GRAND TOTAL	59,596,486	59,903,351	31,225,829.36	4,363,153.09	771,955.38	27,905,566.12	53.4%

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

FOR 2016 07

	ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
<b>10 Taxes</b>						
<a href="#">111190 41101 Property Taxes</a>	38,824,828	38,824,828	37,996,099.68	.00	828,728.32	97.9%*
<a href="#">111190 41103 Deferred Property Tax</a>	-200,000	-200,000	.00	.00	-200,000.00	.0%
<a href="#">111190 41104 Tax Abatements</a>	-75,000	-75,000	-46,189.43	-30,390.57	-28,810.57	61.6%
<a href="#">111190 41105 Interest on Taxes</a>	65,000	65,000	33,935.64	4,122.58	31,064.36	52.2%*
<a href="#">111190 41106 Tax Lien Costs Revenu</a>	13,000	13,000	17,179.92	930.12	-4,179.92	132.2%*
<a href="#">111190 41107 Tax Lien Interest Rev</a>	13,000	13,000	19,091.21	.00	-6,091.21	146.9%*
<a href="#">111190 41109 Payment in Lieu of Ta</a>	175,000	175,000	100,286.42	.00	74,713.58	57.3%*
<a href="#">111190 41197 BETE reimbursement</a>	0	0	565,776.00	.00	-565,776.00	100.0%*
<a href="#">111190 41198 Homestead exemption r</a>	0	0	332,248.00	.00	-332,248.00	100.0%*
<a href="#">111190 41199 Miscellaneous tax adj</a>	4	4	.00	.00	4.00	.0%*
<a href="#">111191 41110 Excise Tax - Auto</a>	2,865,000	2,865,000	1,737,236.84	170,494.50	1,127,763.16	60.6%*
<a href="#">111191 41111 Excise Tax Boat/ATV/S</a>	25,000	25,000	3,989.50	386.60	21,010.50	16.0%*
<a href="#">111191 41112 Excise Tax - Airplane</a>	3,500	3,500	.00	.00	3,500.00	.0%*
TOTAL Taxes	41,709,332	41,709,332	40,759,653.78	145,543.23	949,678.22	97.7%
TOTAL REVENUES	41,709,332	41,709,332	40,759,653.78	145,543.23	949,678.22	
<b>20 Licenses &amp; Fees</b>						
<a href="#">121111 42207 Passport Fees</a>	9,500	9,500	6,300.00	1,250.00	3,200.00	66.3%*
<a href="#">121111 42209 Passport Picture Reve</a>	3,000	3,000	2,565.00	570.00	435.00	85.5%*
<a href="#">121411 42100 Building Permits</a>	145,000	145,000	77,228.50	8,522.20	67,771.50	53.3%*
<a href="#">121411 42101 Electrical Permits</a>	34,000	34,000	20,267.54	2,172.18	13,732.46	59.6%*
<a href="#">121411 42102 Plumbing Permits</a>	22,000	22,000	19,070.00	3,125.00	2,930.00	86.7%*
<a href="#">121411 42103 Zoning Board Fees</a>	0	0	150.00	.00	-150.00	100.0%*
<a href="#">121611 42200 Hunting &amp; Fishing Lic</a>	1,100	1,100	537.50	87.25	562.50	48.9%*
<a href="#">121611 42201 Dog License Fee</a>	2,500	2,500	2,226.00	763.00	274.00	89.0%*
<a href="#">121611 42202 Vital Statistics</a>	50,000	50,000	29,280.80	3,743.20	20,719.20	58.6%*
<a href="#">121611 42203 General Licenses</a>	21,270	21,270	6,543.50	297.50	14,726.50	30.8%*
<a href="#">121611 42204 Victulars/Innkeepers</a>	18,250	18,250	525.00	.00	17,725.00	2.9%*
<a href="#">121611 42205 Shellfish Licenses</a>	17,400	17,400	450.00	.00	16,950.00	2.6%*
<a href="#">121611 42206 Neutered/Spayed Dog L</a>	4,730	4,730	4,084.00	1,414.00	646.00	86.3%*
<a href="#">121611 42208 Postage Fees</a>	0	0	99.95	.00	-99.95	100.0%*
<a href="#">121611 42210 Mooring fees</a>	0	0	200.00	200.00	-200.00	100.0%*
<a href="#">121911 42300 Planning Board Appl F</a>	22,500	22,500	12,193.40	320.00	10,306.60	54.2%*
<a href="#">122121 42400 Fire Permits</a>	500	500	100.00	.00	400.00	20.0%*
<a href="#">122221 42500 Conc Weapons Permits</a>	600	600	205.00	55.00	395.00	34.2%*
<a href="#">123131 42600 Public Works Opening</a>	8,000	8,000	8,950.00	.00	-950.00	111.9%*

FOR 2016 07

	ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
TOTAL Licenses & Fees	360,350	360,350	190,976.19	22,519.33	169,373.81	53.0%
TOTAL REVENUES	360,350	360,350	190,976.19	22,519.33	169,373.81	
<u>30 Intergovernmental</u>						
<a href="#">131122 43505 FD EMPG grant</a>	15,000	15,000	5,055.90	.00	9,944.10	33.7%*
<a href="#">131132 43103 Highway Grant Fund</a>	195,000	195,000	199,148.00	.00	-4,148.00	102.1%*
<a href="#">131142 43104 State General Assista</a>	24,000	24,000	16,724.20	2,286.40	7,275.80	69.7%*
<a href="#">131190 43102 State Tax Exemption R</a>	40,000	40,000	11,346.86	.00	28,653.14	28.4%*
<a href="#">131192 43101 State Revenue Sharing</a>	1,088,154	1,088,154	684,402.46	96,354.52	403,751.54	62.9%*
<a href="#">131192 43106 Snowmobile Receipts</a>	1,400	1,400	1,542.46	1,542.46	-142.46	110.2%*
<a href="#">134546 43120 State Education Subsi</a>	9,826,081	9,826,081	6,326,170.97	738,316.15	3,499,910.03	64.4%*
TOTAL Intergovernmental	11,189,635	11,189,635	7,244,390.85	838,499.53	3,945,244.15	64.7%
TOTAL REVENUES	11,189,635	11,189,635	7,244,390.85	838,499.53	3,945,244.15	
<u>40 Charges for services</u>						
<a href="#">141111 44110 Agent Fee Auto Reg</a>	47,000	47,000	29,340.50	4,598.50	17,659.50	62.4%*
<a href="#">141111 44111 Agent Fee Boat/ATV/Sn</a>	1,500	1,500	562.00	125.00	938.00	37.5%*
<a href="#">141211 44121 Rental of Property</a>	1,200	1,200	700.00	.00	500.00	58.3%*
<a href="#">141611 44131 Advertising Fees</a>	0	0	706.92	.00	-706.92	100.0%*
<a href="#">142121 44155 Ambulance Service Fee</a>	845,000	845,000	559,181.77	40,316.93	285,818.23	66.2%*
<a href="#">142121 44166 Special Detail - Fire</a>	1,000	1,000	2,565.20	.00	-1,565.20	256.5%*
<a href="#">142221 44161 Witness Fees</a>	3,000	3,000	550.00	.00	2,450.00	18.3%*
<a href="#">142221 44162 Police Reports</a>	4,500	4,500	2,441.50	348.00	2,058.50	54.3%*
<a href="#">142221 44163 School Resource Offic</a>	86,000	86,000	86,000.00	.00	.00	100.0%*
<a href="#">142221 44165 Special Detail - Poli</a>	3,000	3,000	18,636.50	3,388.00	-15,636.50	621.2%*
<a href="#">142221 44167 Dispatch Services fee</a>	143,760	143,760	87,909.31	11,170.18	55,850.69	61.2%*
<a href="#">143431 44175 Recycling Revenue</a>	25,000	25,000	10,105.50	926.80	14,894.50	40.4%*
<a href="#">144545 44100 School Tuition, etc</a>	102,000	102,000	66,642.01	47,432.29	35,357.99	65.3%*
<a href="#">145051 44121 Rental of Property</a>	0	0	300.00	.00	-300.00	100.0%*
TOTAL Charges for services	1,262,960	1,262,960	865,641.21	108,305.70	397,318.79	68.5%
TOTAL REVENUES	1,262,960	1,262,960	865,641.21	108,305.70	397,318.79	
<u>50 Fines &amp; Penalties</u>						
<a href="#">151621 45103 Unlicensed Dog Fines</a>	10,000	10,000	625.00	175.00	9,375.00	6.3%*

FOR 2016 07

	ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
<u>152121 45104 False Alarm Fire</u>	1,000	1,000	5.00	5.00	995.00	.5%*
<u>152121 45107 Fire Code Violation F</u>	0	0	400.00	.00	-400.00	100.0%*
<u>152221 45100 Ordinance Fines</u>	600	600	445.00	100.00	155.00	74.2%*
<u>152221 45101 Parking Tickets</u>	30,000	30,000	16,865.00	2,640.00	13,135.00	56.2%*
<u>152221 45102 Leash Law Fines</u>	100	100	200.00	.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	.00	-138.58	100.0%*
TOTAL Fines & Penalties	41,800	41,800	18,683.58	2,920.00	23,116.42	44.7%
TOTAL REVENUES	41,800	41,800	18,683.58	2,920.00	23,116.42	
<u>60 Interest earned</u>						
<u>161193 46100 Interest Earned</u>	20,000	20,000	3,937.40	736.78	16,062.60	19.7%*
TOTAL Interest earned	20,000	20,000	3,937.40	736.78	16,062.60	19.7%
TOTAL REVENUES	20,000	20,000	3,937.40	736.78	16,062.60	
<u>70 Donations</u>						
<u>171952 47000 BDC Contrib to Econ D</u>	94,000	94,000	94,000.00	.00	.00	100.0%*
<u>171952 47002 MRRRA - MCOG DUES</u>	15,000	15,000	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	
<u>80 Use of fund balance</u>						
<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	
<u>90 Other</u>						
<u>191011 49000 Administration Miscel</u>	0	0	790.42	.00	-790.42	100.0%*

FOR 2016 07

	ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
<a href="#">191111 49000 Finance Miscellaneous</a>	4,000	4,000	7,297.46	1,666.69	-3,297.46	182.4%*
<a href="#">191111 49104 Property &amp; Casualty D</a>	0	0	10,052.00	.00	-10,052.00	100.0%*
<a href="#">191111 49105 Postage &amp; Handling</a>	0	0	45.00	2.00	-45.00	100.0%*
<a href="#">191111 49106 W/C Proceeds</a>	0	0	5,563.01	.00	-5,563.01	100.0%*
<a href="#">191192 49100 Cable Television</a>	225,000	225,000	65,120.61	.00	159,879.39	28.9%*
<a href="#">191611 49000 Town Clerk Miscellane</a>	1,300	1,300	1,101.25	150.25	198.75	84.7%*
<a href="#">191911 49000 Planning Miscellaneou</a>	200	200	1,367.04	100.00	-1,167.04	683.5%*
<a href="#">192121 49000 Fire Miscellaneous</a>	5,800	5,800	10,924.00	-78.00	-5,124.00	188.3%*
<a href="#">192194 49151 Fire Vehicle Sales</a>	0	0	5,700.00	.00	-5,700.00	100.0%*
<a href="#">192221 49000 Police Miscellaneous</a>	10,000	10,000	14,344.57	.00	-4,344.57	143.4%*
<a href="#">193131 49000 Public Works Miscella</a>	2,000	2,000	12.28	.00	1,987.72	.6%*
<a href="#">194141 49103 General Assistance Re</a>	0	0	1,440.00	.00	-1,440.00	100.0%*
<a href="#">194545 49000 School Miscellaneous</a>	93,000	93,000	22,979.97	3,625.28	70,020.03	24.7%*
<a href="#">199980 48100 General Fund Transfer</a>	500,000	500,000	619,813.25	119,813.25	-119,813.25	124.0%*
TOTAL Other	841,300	841,300	766,550.86	125,279.47	74,749.14	91.1%
TOTAL REVENUES	841,300	841,300	766,550.86	125,279.47	74,749.14	
GRAND TOTAL	59,596,486	59,782,967	49,959,042.37	1,243,804.04	9,823,924.63	83.6%

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

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# MANAGER'S REPORT - B BACK UP MATERIALS

Town Clerk's Office Letterhead

Mail Merge Individualized Letter (+125 emails and +25 letters)

February 2, 2016

Dear [Business Owner]:

At the January 19, 2016 Brunswick Town Council meeting, the Town Council set a Public Hearing for Monday, March 21, 2016 to consider an ordinance banning polystyrene foam ("Styrofoam") food and beverage containers in the Town of Brunswick. The proposed ordinance is attached for your reference.

Recognizing that this ordinance may have a direct impact on your business, the Town Council asked staff to provide several opportunities for community input and especially for business input. Please consider attending an information session and/or the Public Hearing (see timeline below). We welcome your feedback and suggestions.

<b>Activity</b>	<b>Timing</b>
Business & Community Information Session, co-hosted by Town Recycling and Sustainability Committee, Brunswick Downtown Association and Southern Midcoast Maine Chamber	February 22, 2016 (Monday) 7:30 A.M. Morrell Meeting Room, Curtis Memorial Library (23 Pleasant Street)
Business & Community Information Session, co-hosted by Town Recycling and Sustainability Committee, Brunswick Downtown Association and Southern Midcoast Maine Chamber	February 24, 2016 (Wednesday) 6:30 P.M. Morrell Meeting Room, Curtis Memorial Library (23 Pleasant Street)
Business & Community Information Session, co-hosted by Town Recycling and Sustainability Committee, Brunswick Downtown Association and Southern Midcoast Maine Chamber,	March 3, 2016 (Thursday) Noon Conference Room #206, Town Hall (85 Union Street)
Public Hearing conducted (Council usually waits until the next Town Council meeting to hold the vote on the Public Hearing item)	March 21, 2016 (Monday) 7:00 P.M. Council Chambers, Town Hall (85 Union Street)
Ordinance approved if Council supports	April 4, 2016 (Monday) 7:00 P.M. Council Chambers, Town Hall (85 Union Street)
Businesses have opportunity to request temporary exemption, based on undue hardship, from the Town Manager	April 5, 2016 to September 30, 2016
Ban and enforcement provisions "activated"	October 1, 2016

If you have questions or would like additional information, please contact Linda Smith, Town of Brunswick, Business Development Manager at 207-721-0292 or [lsmith@brunswickme.org](mailto:lsmith@brunswickme.org). Thank you for your time and interest.

Sincerely,

Fran Smith  
Town Clerk

/ 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 which 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 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 such 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 such 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.

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

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# MANAGER'S REPORT - D BACK UP MATERIALS

## **MaineDOT Complete Streets Policy**

The Maine Department of Transportation (MaineDOT) has a long history of providing for the needs of all modes of travel in the planning, programming, design, rehabilitation, maintenance, and construction of the state's transportation system. In partnership with municipalities, Metropolitan Planning Organizations, Regional Planning Organizations, Federal Highway Administration and other federal agencies, MaineDOT develops and implements a safe, comprehensive transportation system that balances the needs of all users.

By a letter dated May 24<sup>th</sup>, 2013, the Joint Standing Committee on Transportation specifically requested that MaineDOT formalize its current practices and policies into a Complete Streets policy, and to post all relevant and related policies on one section of the MaineDOT website. To that end, MaineDOT and its partners reviewed applicable state laws and policies (consistent with the goals of the Maine Sensible Transportation Policy Act and associated Rules (23 M.R.S. § 73 et al), federal laws and policies related to bicycle transportation and pedestrian walkways (23 US Code § 217 (g)), as well as federal laws and policies related to civil rights and other non-discrimination requirements, that either recommend or require that transportation agencies consider bicycle and pedestrian access needs as part of all transportation improvement plans and projects. MaineDOT and its partners developed this policy which incorporates current policies, best practices, as well as applicable state and federal requirements.

### **Policy Statement**

The intent of this formalized policy (and related policies) is to help ensure that all users of Maine's transportation system—our customers—including bicyclists, pedestrians, people of all ages and abilities, transit users, and motor vehicle users, have safe and efficient access to the transportation system.

MaineDOT strongly supports a multimodal transportation system, and recognizes that pedestrian and bicycle infrastructure such as sidewalks, bicycle lanes, separated facilities, transit stops, ADA-accessible routes, and travel lanes are important elements of the transportation system. Such a multimodal system is crucial to the safety and economic vibrancy of businesses, villages, downtowns, neighborhoods, and rural areas.

Addressing the needs of bicyclists, motorists, pedestrians, and transit users early in the system planning process is cost-effective, efficient, and critical to the development of a balanced and safe transportation system.

MaineDOT and its project partners must consider the needs of all users when planning and developing projects. Implementation of this policy shall apply to relevant projects funded partially or in full through MaineDOT, including Metropolitan Planning Organization and Local Project Administration Program projects. This policy applies regardless of the reason the project was initiated.

This policy applies to relevant new construction, rehabilitation and reconstruction projects, including but not limited to bridge, highway, intersection, safety, multimodal, transit, rail, lane and shoulder widths/markings during repaving, developer-initiated projects, and new-capacity corridor projects.

Each relevant project undertaken or supported by MaineDOT will include an analysis and documentation of how consideration of all users (including motorists,, transit riders, bicyclists, and pedestrians of all abilities) of the transportation system will have safe access to the completed project where warranted and feasible. (see “Project Relevance and Feasibility” below)

A project meets the intent of this policy when the project includes proposed safe accommodations for all users, or project documentation outlines the reasoning for not providing specific accommodations. Statements pertaining to how pedestrians of all abilities and bicyclists will have safe access to the completed project will be included in all appropriate project related documentation, including the scoping and preliminary design reports. Safe and efficient mobility for motor vehicles is an important element of this policy; this policy is intended to help ensure that our streets are built to provide safe and efficient mobility for all users.

### **Project Relevance and Feasibility**

A project is relevant if the type of project includes an opportunity to include safe accommodation as part of the project, including additional shoulder width through restriping, additional pavement for paved shoulders, crossing improvements, and/or a sidewalk or separated facility.

System preservation projects, which include repaving, are projects intended to address maintenance of the existing system and do not typically provide an opportunity to increase roadway width, add sidewalks, or otherwise add additional assets to the transportation system. These projects may offer the opportunity to improve conditions with signage, restriping, reducing travel lane widths, or other non-widening options. System preservation projects should not decrease the safety for any road users.

Specific accommodations including sidewalks are not warranted or feasible in some locations. The reasoning for a decision to not include a specific accommodation(s) can include:

- Where the project exists in an area where scarcity of population indicate the absence of a need for specific facilities currently or in the future. For pedestrian improvements, these are typically outside of Qualifying Pedestrian Areas as determined by MaineDOT as described in the Local Cost Sharing Policy and the Definitions section below.
- Where there are engineering, financial, or environmental constraints as approved by a Program Manager, and if necessary approved by a Bureau Director.
- Where pedestrians or bicyclists are prohibited.

If specific accommodations have been determined to be not warranted or feasible, the reasoning for such decisions will be included in appropriate project related documentation, including scoping and preliminary design reports.

### Providing Safe Access Options

Safe access options are varied and determined on a case by case basis, and accommodation options may include but are not limited to:

- providing paved shoulders for bicyclists and pedestrians of all abilities outside of village and business areas;
- providing paved shoulders or bike lanes, separated facilities, sidewalks, and safe crossing and intersection improvements in village or business areas;
- providing traffic calming, signage, and proper maintenance of facilities.

MaineDOT's Local Cost Sharing Policy includes local match requirements for new sidewalks where warranted, and for community interest elements including lighting, park benches, landscaping, trees, etc. that MaineDOT determines is an eligible component of the project. As outlined in the Local Cost Sharing Policy, sidewalks requested outside of Qualifying Pedestrian Areas (determined on a project by project basis in coordination with the MaineDOT Bicycle and Pedestrian Coordinator), will be considered a local interest element.

### Example Project Type and Potential Solution Matrix

This is a sample list and is not meant to be exclusive

Type of Work (SCOPE)	Relevant to Complete Streets Policy	Potential Bicycle and Pedestrian Access Options where warranted
Highway or Bridge New Construction or Reconstruction	Yes	Paved Shoulders, Bike Lanes, Sidewalks, Separated Facilities, Crossing Improvements, Pavement Markings, Signage, ADA access improvements.
Bridge Preservation including painting, deck replacement, etc.	Limited	No opportunity exists to widen bridge for additional shoulders and/or sidewalk, however restriping is a possibility
Preservation Paving including Light Capital Paving	Limited ( <i>No opportunity for increased width for new sidewalks and/or shoulders</i> )	Potential ADA improvements (See ADA Compliance Policy). Potential restriping of travel widths, number of

		lanes, pavement markings, and shoulder widths if community requests or if MaineDOT initiates.
New Signal or Signal Modification	Yes	Potential ADA improvements (See ADA Compliance Policy). Pedestrian Crossing Improvements. Consider signal detection of bicycles and consider associated pavement markings.
Lighting	No	These projects typically improve the quality of the community environment by reducing light where not wanted, and reducing interference with the night sky.
Striping	Limited	Potential travel lane and shoulder width adjustments, or other pavement markings, if community requests or MaineDOT initiates.
Pavement Maintenance Activities	No	These projects typically improve the overall safety for all road users, but do not provide an opportunity to add additional width or restripe the roadway.

### Continued Implementation

Collaboration throughout MaineDOT and its transportation partners is essential for the implementation of this policy. Implementation of this policy includes developing and updating relevant design and policy manuals, guidance and training necessary to ensure that individuals involved in planning, scope development, design, project development, and building the improvements have the tools, knowledge, and direction necessary to successfully implement this policy.

The Maine Bicycle and Pedestrian Council (MBPC) will serve as the appointed group that will review and recommend relevant policy changes to MaineDOT. The MaineDOT Complete Streets Policy Committee will meet regularly to review relevant policies, and to consider MBPC policy recommendations and propose changes to relevant policies through the Engineering Council.

### **Related Policies, Laws, Rules, Guides and Training Programs:**

This policy statement and relevant internal guidelines and policies are available on the MaineDOT website for easy access and improved understanding by our customers and partners throughout the state.

The most updated policies, laws, rules, and training programs at MaineDOT that relate (including but not limited to those listed below) shall be maintained in the Complete Streets Policy section of the website. All policies will be continuously updated when necessary to further implement the goals of this policy.

- Department of Justice ADA Standards for Accessible Design
- Traffic Permit Approval Processes
- Entrance Permit Policies and Procedures
- MaineDOT ADA Compliance Policy
- MaineDOT Bridge Design Guide
- MaineDOT Design Exception Processes
- MaineDOT Guidelines on Crosswalks
- MaineDOT Guidelines for the Use of Traffic Calming Devices
- MaineDOT Highway Design Guide
- MaineDOT Local Cost-Sharing Policy
- MaineDOT Local Project Administration Manual/Trainings
- MaineDOT Practical Design Guidance
- MaineDOT Public Involvement Plan
- MaineDOT Shoulder Surface-Type Policy
- Maine's Strategic Highway Safety Plan
- Manual on Uniform Traffic Control Devices (MUTCD)
- Municipal Comprehensive Planning Requirements
- Sensible Transportation Policy Act and Rule
- Traffic Movement Policies and Procedures

### **Project Basic Implementation Checklist (not all-inclusive)**

All phases of project planning, scoping, public participation and design:

1. Determine options for how bicyclists, pedestrians, transit, and motor vehicles including trucks will have safe and efficient access to project area when project is finished.
2. Determine whether a paved shoulder is needed and how wide it will be.
3. Determine whether a sidewalk is needed and proposed beginning and end points to ensure connectivity. (consult Bicycle and Pedestrian Program Manager for assistance if needed)
4. Determine whether a separated bike and pedestrian facility is needed.
5. Determine whether a pedestrian crossing improvement is needed at intersections and mid-block locations.
6. Determine appropriate travel lane widths.
7. Determine number of lanes required for current and projected traffic movements.

8. Determine whether a corner radius can or should be reduced to reduce pedestrian crossing time and distance, which can also benefit motor vehicles by reducing the pedestrian phase requirements for the intersection.
9. In all project related documents, including Preliminary Design Reports (use Projex for non-PDR projects), outline suggested access options for all modes including motor vehicles, bicyclists, and pedestrians.
10. Outline reasoning and appropriate approvals as listed in Policy for not including a preferred solution if solution is infeasible.
11. At initial public meetings, be prepared to include a description of how bicyclists and pedestrians of all ages and abilities are intended to use the project when completed.
12. Contact the MaineDOT Bicycle and Pedestrian Program Manager for assistance on the appropriate solution for bicyclists and pedestrians, and for which local bike and pedestrian plans or groups may be available for project consultation and/or communication.

## Definitions

**ADA:** The American with Disabilities Act, 42 U.S.C § 12101, et. seq.

**Qualifying Pedestrian Area:** An area that MaineDOT determines will have substantive pedestrian activity or use during the expected life-cycle of the project. In making this determination, MaineDOT will be guided by the existing, planned, or forecasted sidewalks and/or pedestrian generators (including neighborhoods, businesses, government buildings, village areas, schools, recreational facilities, etc.), directly adjacent or within reasonable walking distance. Other factors include whether the existing or future pedestrian activity is consistent with the municipal transportation plan, comprehensive plans, capital plans, zoning, and/or other longer-term planning and investment (including actual documented funding implementation) documents that have been adopted by the legislative body of the municipality.



Date: 6/18/14

**David Bernhardt**  
**Commissioner**

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# MANAGER'S REPORT - E BACK UP MATERIALS

**Town of Brunswick  
Development of 2016-17 Budget**

<b>R</b>	<b>DATE</b>	<b>DAY</b>	<b>TIME</b>	<b>ACTION</b>	<b>COMMENTS</b>
<b>Manager</b>	1/11/2016	Mon			Munic Budget Information and Instructions to Departments
<b>Depts</b>	2/5/2016	Fri			Munic Depts Personnel Budgets Due
<b>Depts</b>	2/19/2016	Fri			Munic Department Budgets Due
<b>Manager</b>	2/22/2016	Mon			Munic Department Budget Reviews Begins
<b>School Dept</b>	3/2/2016	Wed	7:00 PM	School budget workshop	
<b>Fin Committee</b>	3/3/2016	Thu	7:00 PM	Finance Committee workshop Budget presentations	Workshop
<b>Assessor</b>	3/11/2016	Fri		Assessor Valuation	Valuation Estimates
<b>School Dept</b>	3/16/2016	Wed	7:00 PM	School budget workshop	
<b>Fin Committee</b>	3/17/2016	Thu	7:00 PM	Finance Committee workshop Budget presentations	Workshop
<b>Council</b>	3/21/2016	Mon	7:00 PM	Regular Council Meeting Budget Update	
<b>Fin Committee</b>	3/31/2016	Thu	7:00 PM	Finance Committee workshop Budget presentations	Workshop
<b>Manager</b>	3/31/2016	Thu			Munic Department Budget Reviews Ends
<b>School Dept</b>	4/1/2016	Fri			Prelim Budget Numbers from the School Department
<b>Council</b>	4/4/2016	Mon	7:00 PM	Regular Council Meeting Budget Update	
<b>School Dept</b>	4/6/2016	Wed	7:00 PM	School budget public forum	
<b>School Dept</b>	4/13/2016	Wed	7:00 PM	School Board Finalize School Budget	
<b>Manager</b>	4/19/2016	Tue		Present Manager's Budget to Council	
<b>Council</b>	4/19/2016	Tue	7:00 PM	Regular Council Meeting Mgr Budget / Set PH	Council Receives Budget Council Sets Public Hearing
<b>Public</b>	4/22/2016	Fri		Public Notice	Clerk Sends Public Hearing Notice
<b>Council</b>	4/25/2016	Mon	7:00 PM	Council Workshop	School Budget Presentation
<b>Council</b>	5/12/2016	Thu	7:00 PM	Public Hearing Budget and CIP	Charter Section 502
<b>Council</b>	5/19/2016	Thu	6:00 PM	Council Workshop Budget Deliberations	
<b>Council</b>	5/26/2016	Thu	7:00 PM	Special Council Meeting Budget Adoption	Adoption 10 or More Days after Public Hearing
<b>Public</b>	6/14/2016	Tue	8:00 AM	School Budget Referendum	20-A MRSA 1486

# MANAGER'S REPORT – F BACK UP MATERIALS



# Town of Brunswick, Maine

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



Daniel R. Devereaux  
Marine Resource Officer  
Harbormaster

## MEMO

TO: John Eldridge, Town Manager  
FROM: Daniel R. Devereaux  
CC: Brunswick Town Council  
DATE: 2/11/2016  
RE: Municipal Aquaculture

This is a brief update on the proposed municipal shellfish aquaculture ordinance. As you are aware, within the last month aquaculture was identified as one of the top 3 areas in growth potential in Maine. With this being said the Town of Brunswick has been working toward development of municipal aquaculture ordinance that will help foster aquaculture concepts along our coastline. It will give local shellfishermen and residents the opportunity to participate and learn about shellfish farming. Procedures for Municipal aquaculture ordinances are outlined in M.R.S.A Title 12 section 6673.

The Maine Department of Marine Resources needs to approve the proposed ordinance before the Town Council can consider it adoption. On February 3<sup>rd</sup> and after 18 months of discussion, comments, and edits the BMRC has elected to move the proposal to the Maine Department of Marine Resources for review and acceptance. Once the proposal is received and if accepted by the Department it will then be moved to the Brunswick Town Council for consideration to be adopted under our local code of ordinances Chapter 11 Marine Activities Structures and Ways.

The development municipal aquaculture is critical to overall shellfish sustainability along our coastline. It will provide the Town the regulatory structure to place shellfish farms in areas that are less productive, which will ultimately help in juvenile shellfish distribution throughout the public shellfish growing areas. As everyone is well aware the climate and conditions have changed drastically along our coast in the last 15 years. This leads to a multiple issues ranging from ocean acidification, predation, species changes, and the list goes on and on. Municipal aquaculture will be a valuable tool to help sustain Brunswick robust local shellfishing industry.

If you have any questions please feel free to contact me and I look forward to talking with you in detail in the near future.

ITEM 20

BACK UP MATERIALS

Memorandum

To: TM Eldridge

From: Cmdr. Waltz

Re: Request for Parking/One Way Changes to Harriet Beecher Stowe Access Road

Date: January 11, 2016

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As you are aware, a few years ago we passed some ordinances to ban parking on certain portions of the Harriet Beecher Stowe School access road/loop to increase safety. In an effort to accommodate parents picking up children we made the road one-way at dismissal time and allowed parking on the north side of the access road during dismissal. The changes were passed as ordinances so that the police department would have the ability to enforce the prohibitions.

The school has been open for a few years and we now have the benefit of observing the effect of the changes. Principal Jean Skorapa and I have made the following observations:

- The one-way traffic works well during dismissal because the school access road is very busy with a large number of parents picking up their children;
- There is also a large amount of traffic at arrival and this too would be safer and more orderly if the traffic was one-way at this time of day as well;
- The one-way signs are confusing since they only take effect at certain times of day (and would be more confusing if we added additional times). Compliance is expected to increase if the road was one-way at all times (with the exception of the small portion of the road between Spring Street and the exit of the access loop so that cars in the loop can exit on Spring Street);
- Parking at any time along the access road has been problematic because the children being let out there still have to cross the access road to get to the school. The safest place for all children to be picked up/discharged is from the sidewalk along the access loop.

Accordingly, we would like to request the ordinance changes attached.

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

## Chapter 15

### TRAFFIC AND VEHICLES\*

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\* **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.

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#### 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

### ARTICLE III. - SPECIFIC STREET REGULATIONS

#### Sec. 15-46. - One-way streets.

The following public ways are one-way streets, and vehicles may move only in the indicated directions:

...

*Harriet Beecher Stowe School Access Road*, westerly from one hundred and ten (110) feet west of Spring Street to Armory Street **from 2:45 p.m. to 4:00 p.m., Monday through Friday.**

....

### ARTICLE IV.

### STOPPING, STANDING, PARKING\*

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

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...

#### Sec. 15-74. No-parking areas.

The following areas are designated as no-parking areas:

...

*Harriet Beecher Stowe School Access Road*, north side, commencing at Spring Street extending westerly one hundred (100) feet west of the intersection with Armory Street, **except between 2:45 p.m. and 4:00 p.m. Monday through Friday, when parking is permitted from one hundred and ten (110) feet west of Spring Street, westerly to Armory Street.**

...

Memorandum

To: TM Eldridge

From: Cmdr. Waltz

Re: \*\*\* Additional Information\*\*\*

Request for Parking/One Way Changes to Harriet Beecher Stowe Access Road

Date: February 5, 2016

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At Monday night's council meeting I was asked whether there were open spaces in the HBS parking lot at dismissal time. I answered affirmatively and estimated that there were 15-20 spaces in the portion of the lot between Armory ST and Stanwood ST. PD staff and school staff have monitored the lot this week to get a more accurate count. The spaces were counted at the peak of dismissal time (3:15 to 3:30 PM). The results are as follows:

<u>Date</u>	<u>Number of Open Spaces</u>
Tuesday, 2/2	44
Wednesday 2/3	40
Thursday 2/4	31

The count does not include any spaces which has snow piled on them and are nor actually usable.



Portion of Rear HBS Lot 2/2 @ 3:30 PM

ITEM 21

BACK UP MATERIALS

## **AGREEMENT FOR TOWN ATTORNEY SERVICES**

WHEREAS, The Brunswick Town Council (the “Town Council” or “Town”) is reappointing Preti, Flaherty, Beliveau & Pachios, LLP (“Preti Flaherty”) as Town Attorney for 2016; and

WHEREAS, Town and Preti Flaherty wish to set forth an agreement for legal services provided to the Town;

The Town and Preti Flaherty hereby agree as follows (the “Agreement”):

1. **Scope of Services.** Preti Flaherty shall provide legal services to the Town. Preti Flaherty and the Town agree to full communication and cooperation during the term of this Agreement.
2. **Primary Attorney.** Stephen E. F. Langsdorf will be the primary attorney for Preti Flaherty, responsible for legal duties as set forth in the Charter and by Ordinance or Order of the Town Council, or as may otherwise be required.
3. **Retainer and Fees.** The Town shall pay to Preti Flaherty a monthly retainer of \$5,600. Services included within the monthly retainer (the “Retainer”) are:
  - a. Review and respond to, as necessary, telephone calls and e-mails from the Town Manager, Assistant Town Manager, Department Heads, Town Staff, and the Town Council.
  - b. Review and, as necessary, comment regarding weekly Council packets.
  - c. Review and drafting of Town Ordinances as required.
  - d. Review of documents as requested by Town.
  - e. Labor/employment issues, counselling and advice.
  - f. Real estate transactions.

The following areas will be considered outside of the scope of the Retainer:

- a. Attendance at Town Council meetings.
- b. Contested proceedings before the Planning Board, Zoning Board of Appeals, or any other quasi-judicial board.
- c. Litigation, including all appearances in Court or before administrative agencies.
- d. Labor arbitrations and negotiations.
- e. Bond counsel.
- f. Legislative.
- g. Anything related to ZORC.

Services outside the scope of the Retainer shall be billed as follows:

- \$215 per hour for Stephen Langsdorf;
- \$210 per hour for all other partners;
- \$175 for associates; and
- \$100 for paralegals.

The Town shall be responsible for out-of-pocket costs incurred by Preti Flaherty related to the Town's legal matters, including:

- a. Travel at IRS rates
- b. Photocopies
- c. Special delivery, courier, express delivery, and extraordinary mailing costs;
- d. Experts, consultants, and third-party vendors;
- e. Depositions and deposition transcripts;
- f. Court costs and docket fees; and
- g. UCC filing and registry recording fees.

The quality and cost of legal services is a mutual concern. The Town will provide Preti Flaherty with a list of personnel who are authorized to request legal services. Preti Flaherty agrees to provide the Town with an estimate of billable hours for services not covered by the retainer upon request of the Town Manager. Preti Flaherty also agrees to monitor the billable hours of its partners, associates, paralegals and other personnel. Preti Flaherty shall advise the Town Manager when billable hours in response to a request exceed ten (10) hours and further advise the Town Manager at each additional increment of ten (10) hours.

4. Invoices and Disputes. Invoices will be provided monthly to the Town. The invoices shall generally describe all work completed pursuant to the Retainer and itemize, in detail, all work not included within the Retainer. For services beyond those covered by the Retainer, invoices shall be in sufficient detail to provide a record of billable time by attorney, other professionals, and staff. Invoices shall also itemize billable costs and services described in, and contemplated by, this Agreement. Preti Flaherty agrees to make its best efforts to accommodate the Town's requests for additional billing formats or reports, should those be requested.

Preti Flaherty reserves the right to charge interest at the rate of 1% per month on any invoice that remains unpaid after ninety (90) days. Interest shall not apply to invoices that are in dispute.

If any dispute arises under this Agreement concerning the payment of fees, the matter shall be submitted for fee arbitration in accordance with Rule 9(e)-(k) of the Maine Bar Rules. This arbitration shall be binding upon both parties to this Agreement.

5. Conflicts of Interest. The Town understands that Preti Flaherty represents many clients and that it is possible that the past, present or future, interest of one of Preti Flaherty's

other clients may be adverse to the Town's. Preti Flaherty will notify the Town of such conflict or potential conflict as soon as it becomes aware of the same. Preti Flaherty and the Town agree to discuss the appropriate representation by Preti Flaherty should those circumstances arise. However, Preti Flaherty shall not represent a client identified with a potential or actual conflict of interest without written permission from the Town. Preti Flaherty reserves the right to withdraw from the representation of both clients in the particular matter in which such conflict of interest arises.

6. **Files and Property Retention and Disposition.** Any work product delivered to the Town shall be the property of the Town which the Town shall be entitled to use, copy, and distribute at its discretion. The file(s) which Preti Flaherty generates are the property of Preti Flaherty. The Town is entitled to the return of documents and property provided by the Town or others on the Town's behalf. As a political subdivision of the State of Maine, the Town is subject to certain laws and regulations governing the retention and disclosure of its records. Preti Flaherty shall retain all files and documents generated during the term of this Agreement. At the conclusion or earlier termination of this Agreement, Preti Flaherty and the Town agree to discuss the retention, disposition and transfer of files and documents as appropriate.
7. **Term and Termination.** Unless sooner terminated, this Agreement is for a term of approximately one year, ending with the inauguration of a new town council and its appointment of a town attorney in accordance with the Charter of the Town of Brunswick, Maine. The Town reserves the right to terminate this Agreement at any time during the term. In the event that Preti Flaherty determines that it can no longer serve the Town because of a legal, ethical, or professional consideration, it may terminate this Agreement by providing reasonable notice to the Town. In such circumstances, the Town and Preti Flaherty shall first attempt to remediate the identified issues.
8. **Fee Option Reevaluation.** Preti Flaherty and the Town agree to meet to reevaluate fee options upon the request of either party.

Executed and agreed to this \_\_\_\_ day of \_\_\_\_\_ 2016.

TOWN OF BRUNSWICK

PRETI FLAHERTY BELIVEAU &  
PACHIOS, LLP

\_\_\_\_\_  
By: Sarah Brayman, Chair  
Brunswick Town Council

\_\_\_\_\_  
By: Stephen E. F. Langsdorf, Partner

## **AGREEMENT FOR TOWN ATTORNEY SERVICES**

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WHEREAS, Town and Preti Flaherty wish to set forth an agreement for legal services provided to the Town;

The Town and Preti Flaherty hereby agree as follows (the “Agreement”):

1. **Scope of Services.** Preti Flaherty shall provide legal services to the Town. Preti Flaherty and the Town agree to full communication and cooperation during the term of this Agreement.
2. **Primary Attorney.** Stephen E. F. Langsdorf will be the primary attorney for Preti Flaherty, responsible for legal duties as set forth in the Charter and by Ordinance or Order of the Town Council, or as may otherwise be required.
3. **Fees.** The Town shall pay to Preti Flaherty for Services billed as follows:
  - \$215 per hour for Stephen Langsdorf;
  - \$210 per hour for all other partners;
  - \$175 for associates; and
  - \$100 for paralegals.

The Town shall be responsible for out-of-pocket costs incurred by Preti Flaherty related to the Town’s legal matters, including:

- a. Travel at IRS rates
- b. Photocopies
- c. Special delivery, courier, express delivery, and extraordinary mailing costs;
- d. Experts, consultants, and third-party vendors;
- e. Depositions and deposition transcripts;
- f. Court costs and docket fees; and
- g. UCC filing and registry recording fees.

The quality and cost of legal services is a mutual concern. The Town will provide Preti Flaherty with a list of personnel who are authorized to request legal services. Preti Flaherty agrees to provide the Town with an estimate of billable hours for services not covered by the retainer upon request of the Town Manager. Preti Flaherty also agrees to monitor the billable hours of its partners, associates, paralegals and other personnel. Preti Flaherty shall advise the Town Manager when billable hours in response to a request exceed ten (10) hours and further advise the Town Manager at each additional increment of ten (10) hours.

4. Invoices and Disputes. Invoices will be provided monthly to the Town. The invoices shall generally describe all work completed pursuant to the Retainer and itemize, in detail, all work not included within the Retainer. For services beyond those covered by the Retainer, invoices shall be in sufficient detail to provide a record of billable time by attorney, other professionals, and staff. Invoices shall also itemize billable costs and services described in, and contemplated by, this Agreement. Preti Flaherty agrees to make its best efforts to accommodate the Town's requests for additional billing formats or reports, should those be requested.

Preti Flaherty reserves the right to charge interest at the rate of 1% per month on any invoice that remains unpaid after ninety (90) days. Interest shall not apply to invoices that are in dispute.

If any dispute arises under this Agreement concerning the payment of fees, the matter shall be submitted for fee arbitration in accordance with Rule 9(e)-(k) of the Maine Bar Rules. This arbitration shall be binding upon both parties to this Agreement.

5. Conflicts of Interest. The Town understands that Preti Flaherty represents many clients and that it is possible that the past, present or future, interest of one of Preti Flaherty's other clients may be adverse to the Town's. Preti Flaherty will notify the Town of such conflict or potential conflict as soon as it becomes aware of the same. Preti Flaherty and the Town agree to discuss the appropriate representation by Preti Flaherty should those circumstances arise. However, Preti Flaherty shall not represent a client identified with a potential or actual conflict of interest without written permission from the Town. Preti Flaherty reserves the right to withdraw from the representation of both clients in the particular matter in which such conflict of interest arises.
6. Files and Property Retention and Disposition. Any work product delivered to the Town shall be the property of the Town which the Town shall be entitled to use, copy, and distribute at its discretion. The file(s) which Preti Flaherty generates are the property of Preti Flaherty. The Town is entitled to the return of documents and property provided by the Town or others on the Town's behalf. As a political subdivision of the State of Maine, the Town is subject to certain laws and regulations governing the retention and disclosure of its records. Preti Flaherty shall retain all files and documents generated during the term of this Agreement. At the conclusion or earlier termination of this Agreement, Preti Flaherty and the Town agree to discuss the retention, disposition and transfer of files and documents as appropriate.
7. Term and Termination. Unless sooner terminated, this Agreement is for a term of approximately one year, ending with the inauguration of a new town council and its appointment of a town attorney in accordance with the Charter of the Town of Brunswick, Maine. The Town reserves the right to terminate this Agreement at any time during the term. In the event that Preti Flaherty determines that it can no longer serve the Town because of a legal, ethical, or professional consideration, it may terminate this Agreement by providing reasonable notice to the Town. In such circumstances, the Town and Preti Flaherty shall first attempt to remediate the identified issues.

8. Fee Option Reevaluation. Preti Flaherty and the Town agree to meet to reevaluate fee options upon the request of either party.

Executed and agreed to this \_\_\_\_ day of \_\_\_\_\_ 2016.

TOWN OF BRUNSWICK

PRETI FLAHERTY BELIVEAU &  
PACHIOS, LLP

\_\_\_\_\_  
By: Sarah Brayman, Chair  
Brunswick Town Council

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By: Stephen E. F. Langsdorf, Partner