

BRUNSWICK TOWN COUNCIL
Agenda
March 7, 2016
6:00 P.M. – Executive Session
7:00 P.M.
Council Chamber
Town Hall
85 Union Street

Roll Call of Members

Acknowledgement of Meeting Notice

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

Pledge of Allegiance

Adjustments to Agenda

CONSENT AGENDA

- a) Approval of the minutes of February 16, 2016

Public Comments

Correspondence

COMMITTEE REPORTS

- Bicycle and Pedestrian Committee
- Brunswick Development Corporation
- Finance Committee
- Human Rights Task Force
- Recycling and Sustainability Committee
- Rivers and Coastal Waters Commission

MANAGER'S REPORT

- a) Council Activities Report
- b) Miller Point

NEW BUSINESS

- 22. The Town Council will consider setting a public hearing for March 21, 2016, on an “Ordinance Authorizing various Health, Safety and ADA Compliance Improvements at the Coffin Elementary School and the Brunswick Junior High School, with Total Project Costs Not to Exceed \$1,517,664, and Further Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$934,729 (following loan forgiveness of \$582,935),” and will take any appropriate action. (Manager)

ACTION

23. The Town Council will consider setting a public hearing for March 21, 2016, on a CDBG MicroEnterprise Assistance Program grant application for Pathways Rehabilitation Services, and will take any appropriate action. (Manager)

ACTION

24. The Town Council will consider confirming the Town Manager's action to provide a Letter of Intent for CDBG on behalf of MRRA to benefit Washburn & Doughty, and will take any appropriate action. (Manager)

ACTION

25. The Town Council will consider the following requests for Sellers of Prepared Food on Public Ways licenses on the Brunswick Mall, and will take any appropriate action. (Manager)

Farmer's Market	Danny's Dogs
Taco the Town	Wrappers
BB's Grill	Twist-N-Dip

ACTION

26. The Town Council will consider requests for Sellers of Prepared Food on Public Ways license for outdoor seating, and will take any appropriate action. (Manager)

Big Es, 111 Maine Street
Frosty's Donuts, 54 Maine Street
Gelato Fiasco, 74 Maine Street
Shere Punjab, 46 Maine Street
The Great Impasta, 42 Maine Street

ACTION

27. The Town Council will consider sending a letter of support for the reappointment of Lois Skillings and appointment of Sharon Eggleston to the Midcoast Regional Redevelopment Authority, and will take any appropriate action. (Chair Brayman)

ACTION

28. The Town Council will consider adopting a method to tally write-ins for local elections as required under 30-A M.R.S.A. §2501, and will take any appropriate action. (Manager/Town Clerk)

ACTION

29. The Town Council will consider appointments to the Town's Boards and Committees, and will take any appropriate action. (Appointments Committee)

ACTION

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

Brunswick Town Council
Agenda
March 7, 2016
Council Notes and Suggested Motions

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)

CONSENT AGENDA

- a) Approval of the Minutes of February 16, 2016: A copy of the minutes is included in your packet.

Suggested Motion:

Motion to approve the Consent Agenda.

COMMITTEE REPORTS

- Bicycle and Pedestrian Committee
- Brunswick Development Corporation
- Finance Committee
- Human Rights Task Force
- Recycling and Sustainability Committee
- Rivers and Coastal Waters Commission

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

MANAGER'S REPORT

- a) Project Tracking Report: The Council will receive a monthly report on projects being tracked. A copy of the project list is included in your packet.
- b) Miller Point: This item is to inform the Council and public of the Town Attorney's review and recommendation regarding the activities at Miller Point. The Town Attorney memorandum to the Town Manager dated March 2nd is included in your packet.

NEW BUSINESS

22. This item is for the Council to consider setting a public hearing for March 21, 2016, on an "Ordinance Authorizing various Health, Safety and ADA Compliance Improvements at the Coffin Elementary School and the Brunswick Junior High School, with Total Project Costs Not to Exceed \$1,517,664, and Further Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$934,729 (following loan forgiveness of \$582,935)." This request comes from the School Board. Superintendent Paul Perzanoski will make a presentation providing additional information on these projects. Copies of the draft ordinance, a memo from Mr. Perzanoski with additional supporting materials, and the presentation are included in your packet.

Suggested Motion:

Motion to set a public hearing for March 21, 2016, on an “Ordinance Authorizing various Health, Safety and ADA Compliance Improvements at the Coffin Elementary School and the Brunswick Junior High School, with Total Project Costs Not to Exceed \$1,517,664, and Further Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$934,729 (following loan forgiveness of \$582,935).”

23. This item is for the Council to consider setting a public hearing for March 21, 2016, on a CDBG MicroEnterprise Assistance Program grant application for Pathways Rehabilitation Services. On January 19, 2016, Town Council members approved the Town submitting a Letter of Intent to the Maine Department of Economic and Community Development (DECD) to apply for a MicroEnterprise Assistance grant on behalf of Pathways Rehabilitation Services, a Brunswick-based small business providing driving ability evaluations and recommendations, behind-the-wheel driver training, and adaptive equipment consultations and recommendations. On February 5, 2016, the Town submitted its Letter of Intent, and on February 9, DECD invited the Town to apply for funds on behalf of the company. The next step is to set the public hearing as part of the requirement so that the grant application can meet its March 25, 2016 deadline. Copies of a memo from Linda Smith, the letter of intent, and the DECD letter inviting the Town to apply are included in your packet.

Suggested Motion:

Motion to set a public hearing for March 21, 2016, on a CDBG MicroEnterprise Assistance Program grant application for Pathways Rehabilitation Services.

24. This item is to provide support for the Town Manager’s action of sending a Letter of Intent on behalf of Midcoast Regional Redevelopment Authority (MRRA) to benefit Washburn & Doughty. MRRA approached the Town to submit a Community Development Block Grant (CDBG) on behalf of a Maine company seeking to expand its production capabilities to Brunswick Landing. Unfortunately, the request came forward the day after the last Town Council meeting on February 16, 2016. The Department of Economic and Community Development has indicated that it anticipates being out of funds after the first round of competition this year. In order to be considered in the first round, a Letter of Intent would have to be submitted by March 4, 2016. The next Town Council meeting is not scheduled until March 7, 2016. Following further discussion with MRRA, they offered to indemnify the Town against any risk created by the company’s unlikely possibility of failing to achieve the Low to Moderate Income job creation and hiring targets. A copy of Manager Eldridge’s memo is included in your packet. (The Letter of Intent will be provided prior to the meeting, once it is completed.).

Suggested Motion:

Motion to confirm the Town Manager’s action of sending of a Letter of Intent for a CDBG grant on March 4, 2016, on behalf of MRRA to benefit Washburn & Doughty, since the deadline is prior to the Council meeting of March 7th.

25. This is the annual approval of the Sellers of Prepared Food on Public Ways licenses on the Brunswick Mall. The fee for the Farmer’s Market is \$3,000 and the other vendors pay \$1,500 each. There are five vendors, vying for four spots, seeking Council approval to do business on the Mall. Two are renewals, Danny’s Dogs and Wrappers, while the other three are new businesses. This is the first time in over 15 years that there have been more applicants than

spots available. The ordinance provides the Council with sole authority to make the decision of who to select. Council leadership asked to see what cost would be associated with accommodating an additional vendor. In addition to requiring an ordinance change, it was determined it could be up to \$7,000 to create a spot with pavers and electricity. The Town Clerk will be available to answer any questions. Copies of the current ordinance language and applications are included in your packet.

Suggested Motion:

Motion to approve licenses for Sellers of Prepared Food on Public Ways on the Brunswick Mall for the Farmer's Market and _____ (select four).

*Select 4 of those below:

Danny's Dogs, Taco the Town, Wrappers, BB's Grill, and Twist-N-Dip

26. This item is the annual approval of Sellers of Prepared Food on Public Ways licenses on Sidewalks. These are all renewal applications except for Big Es, which is located at the former site of Flipside. There is no license fee except for a \$25 application fee, but it does require Council approval. The plans have been reviewed by the Codes Officer and he will do an inspection once they are opened, along with periodic checks, to ensure compliance with the changes in the ordinance from last year and will make periodic visits to see that they remain compliant. The Clerk will be available to answer any questions. Copies of the applications and the ordinance changes are included in your packet.

Suggested Motion:

Motion to approve licenses for Sellers of Prepared Food on Public Ways on a Sidewalk for Big Es, 111 Maine Street; Frosty's Donuts, 54 Maine Street; Gelato Fiasco, 74 Maine Street; The Great Impasta, 42 Maine Street; and Shere Punjab, 46 Maine Street.

27. This item is for the Council to consider sending a letter of support for the reappointment of Lois Skillings and appointment of Sharon Eggleston to the Midcoast Regional Redevelopment Authority Board. This letter comes at the request of the Governor's Office, with the membership and appointments provided in state statute, 5 M.R.S.A. §13083-I. The Board's make-up is explained in Manager Eldridge's memo. In addition, the Town is free to submit as many names as it would like to be considered. Ultimately, the Governor will make the appointments and there are no guarantees that anyone on the Brunswick list will be appointed. Copies of Manager Eldridge's memo, along with resumes of Ms. Skillings and Ms. Eggleston, are included in your packet.

Suggested Motion:

Motion to send to the Governor's Office a letter of support for the reappointment of Lois Skillings and appointment of Sharon Eggleston to the Midcoast Regional Redevelopment Authority Board.

28. This item is for the Council to adopt a method to tally write-in votes for local elections as required under "An Act Regarding Write-in Candidates in Municipal and City Elections" (PL 2015, c. 160). Currently, all valid write-ins need to be tallied, but under this Act the Council may consider options to as to how to tally write-ins:

- (1) The Council can adopt according to certain procedures the two provisions in Title 21-A that require write-in candidates to declare their candidacy to the municipal clerk at least

- 45 days before any election in order to be considered a viable write-in candidate, and subsequently be governed by those provisions unless and until the Council chooses to opt-out of that process;
- (2) If the Council does not wish to follow the Title 21-A write-in provisions, and as a way of limiting the requirement to count the ballots cast for all valid write in candidates, the Act requires the formal counting of those ballots only when (a) the printed ballot does not include a properly nominated candidate for the office, (b) the properly nominated candidate withdraws from the race before or on election day, or (c) the number of write-in votes exceeds the number of votes for a candidate printed on the ballot;
 - (3) The municipality that has not chosen to adopt the Title 21-A provisions may formally count all ballots cast for write in candidates even if the counting is not mandated by law.

The Town Clerk is requesting that the Council take action, with a recommendation to follow number 2, with the additional requirement to count write-ins who declare to the Clerk. The Clerk believes the 21-A provision is too restrictive for Brunswick, but mandatory counting of write-ins can lead to additional work for election clerks at the end of the long day, with no change in election outcome. Copies of a memo from the Town Clerk, Public Law Chapter 160, and an explanation of the law from the “Maine Townsman” are included in your packet.

Suggested motion:

Motion, as required under PL 2015, c. 160, to have the Town of Brunswick, for the purpose of tallying write-in votes for municipal election, follow Title 30-A only under the following circumstances:

- (1) The printed ballot does not include a properly nominated candidate for the office; or
 - (2) A properly nominated candidate for the office listed on the ballot withdraws from the race before or on Election Day; or
 - (3) The number of write-in votes for an office as determined by a machine count or initial hand count exceeds the number of votes in that count for a candidate printed on the ballot; or
 - (4) A person has declared to the Town Clerk in writing no later than the Friday before the Election his/her intention to be a write-in candidate.
29. At this time the Appointments Committee will make nominations to fill vacancies on Town Boards, Commissions, and Committees. Other members of the Council are permitted to make additional nominations if they choose to in cases of multiple applications. Copies of the Committee’s memo and the applications are included in your packet.

Suggested Motion:

Nominations will be made, with no seconds required, and the Council will then vote on the nominations.

Suggested Motion:

Motion to adjourn the meeting.