

BRUNSWICK TOWN COUNCIL
Agenda
September 6, 2016
6:00 P.M. – Executive Session
7:00 P.M. – Regular Meeting
Council Chambers
Town Hall
85 Union Street

Roll Call of Members

Acknowledgement of Meeting Notice

Executive Session: [1 M.R.S.A. §405(6)(A)] Personnel Matter (review of Town Attorney) and [1 M.R.S.A. §405(6)(E)] Consultation with legal counsel on rights and duties

Pledge of Allegiance

Adjustments to Agenda

CONSENT AGENDA

- a) Approval of the minutes of August 15, 2016
- b) Approval of a Quitclaim Deed for the mobile home on land depicted as Map 022 Lot 054 Sub 000 Typ 090
- c) Abatement for personal property taxes assessed in error for Global Wellness LLC for 2013 and 2014

Public Comments

Correspondence

- Letter from the Recycling & Sustainability Committee regarding plastic bag ordinance

COMMITTEE REPORTS

- Bicycle & Pedestrian Advisory Committee
- Finance Committee
- Master Plan Implementation Committee
- Recycling & Sustainability Committee
- Rivers & Coastal Waters Commission

MANAGER'S REPORT

- a) Project Tracking Report
- b) Report on status of CDBG Grants for Washburn & Doughty and ArtForms
- c) Reminder of nomination papers upcoming deadline
- d) Notice of property tax bills being mailed
- e) River Road culvert replacement and road closure

NEW BUSINESS

98. The Town Council will hear recommendations from various town committee/boards regarding 946 Mere Point Road being retained by the town, and will take any appropriate action. (Manager) **ACTION**
99. The Town Council will consider approving alterations to the surface of conserved land in the town conservation easement known as the Bunganuc Landing easement, and will take any appropriate action. (Manager) **ACTION**
100. The Town Council will consider accepting an offer on tax acquired property for a parcel known as 038-004-00B, and will take any appropriate action. (Manager) **ACTION**
101. The Town Council will discuss regulation of firing ranges, and will take any appropriate action. (Councilor Perreault) **ACTION**
102. 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
September 6, 2016
Council Notes and Suggested Motions**

Executive Session: [1 M.R.S.A. §405(6)(A)] Personnel Matter (review of Town Attorney) and [1 M.R.S.A. §405(6)(E)] Consultation with legal counsel on rights and duties

Suggested Motion:

Motion to go into executive session for a personnel matter regarding a review of the Town Attorney per 1 M.R.S.A. §405(6)(A) and consultation with legal counsel on rights and duties [1 M.R.S.A. §405(6)(E)].

CONSENT AGENDA

- a) Approval of the minutes of August 15, 2016: A copy of the minutes is included in your packet.
- b) Approval of a Quitclaim Deed for the mobile home on land depicted as Map 022 Lot 054 Sub 000 Typ 090: This item deeds back this property to the owner, who has paid owed taxes. A copy of the deed is included in your packet.
- c) Abatement of personal property taxes: These were assessed in error to Global Wellness, LLC, for 2013 and 2014, when they were not in business.

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

Suggested Motion:

Motion to approve the Consent Agenda.

CORRESPONDENCE

This is the opportunity for Councilors to share any correspondence they may have. There is a letter from the Recycling & Sustainability Committee regarding their recommendation on a plastic bag ordinance and request for a workshop.

COMMITTEE REPORTS

- Bicycle & Pedestrian Advisory Committee
- Finance Committee
- Master Plan Implementation Committee
- Recycling & Sustainability Committee
- Rivers & Coastal Waters Commission

Councilors on the above committees will provide brief updates of recent meetings. Councilors may also report on any other committee updates.

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) **Report on status of CDBG Grants for Washburn & Doughty and ArtForms:** This item is to update the Council and public on these two CDBG grants. Washburn & Doughty have been invited into the project development phase and \$200,000 has been reserved for this project, but this does not guarantee final approval. Unfortunately, Artforms Inc, has not been selected by DECD to receive funding at this time. Copies of the letter from DECD are included in your packet.
- c) **Reminder of nomination papers upcoming deadline:** This is a reminder to the public that nomination papers are still available for Districts 1, 2, and 6 for Council and School Board. They are due back to the Town Clerk's office by Friday, September 9th at 4:30 p.m.
- d) **Notice of property tax bills being mailed:** This item is to inform the public that tax bills will be mailed out soon. Staff hopes to have the tax rate information soon for the Council, possibility by the time of the meeting.
- e) **River Road culvert replacement and road closure:** This item is to inform the public that River Road will be closed at the bottom of Rocky Hill Road for five days (road will stay closed day and night) starting on Monday, September 12th The road will be closed completely to all traffic for five days starting at 7 a.m. on Monday, September 12th to allow the replacement of a major culvert crossing the road at this location. The culvert was severely damaged in August 2014 and it will be replaced with a new wide bottom culvert meeting current fish passage requirements. Copies of the press release and map are included in your packet.

NEW BUSINESS

98. This item is for the Council to determine the next steps for 946 Mere Point Road after it has been reviewed by various boards. At the June 20th Council meeting, the Council voted to "retain 946 Mere Point Road temporarily for 60 days to allow for town committee and departmental review, and the previous owner may not redeem the property in that time period by paying the back taxes." Since then five committees have reviewed the property and additional work has been done by staff. Copies of a memo from Manager Eldridge, the reports from Committees/Boards, comparison of estimated cost implications of options, memo from Parks and Recreation, and tax lien foreclosure information are included in your packet.

Suggested Motion:

There is no suggested motion for this item. Any action will be determined at the meeting.

99. This item is for the Council to consider approving alterations to the surface of conserved land in the town conservation easement known as the Bunganuc Landing easement. Due to a collapse of the shoreline at 12 Bunganuc Landing Road, the residence there is in

need of coastal shoreline stabilization, which will be reviewed by the Planning Board at their next meeting. Since the Town has a conservation easement on this area, the Town Attorney has determined that the Council must allow for this stabilization to occur. How it is done is determined by the Planning Board and staff; the Council role is to determine if you want to allow for surface alterations under the conservation easement. Copies of memos from Manager Eldridge and the Planning Staff are included in your packet.

Suggested Motion:

Motion to allow alterations to the surface of conserved land in the town conservation easement known as the Bunganuc Landing easement.

100. This item is for the Council to consider accepting an offer on tax acquired property known as parcel 038-004-00B. The property has been determined to be an unbuildable lot, and when initially put out to bid, no bids were received. Since then, the Town has had discussion with the abutters, and one has put in an offer for \$500 for the property, which covers back taxes of \$365. Copies of a memo from the Finance Director, along with a map and offer, are included in your packet.

Suggested Motion:

Motion to accept an offer in the amount of \$500 for tax acquired property known as parcel 038-004-00B.

101. This item is sponsored by Councilor Perreault as he has requested information on the Town's ability to regulate firing ranges, since he had received some noise complaints. The Town Attorney reviewed the state law and it appears that the ability to regulate noise is limited. Copies of a memo from Manager Eldridge and the legal opinion are included in your packet.

Suggested Motion:

There is no suggested motion for this item. Any action will be determined at the meeting.

102. At this time the Appointments Committee will make nominations to fill vacancies on Town Boards and Committees. At this meeting, there will be one recommendation for ZBA. Copies of the Committee's report and corresponding application 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.

CONSENT AGENDA - A BACK UP MATERIALS

Draft
BRUNSWICK TOWN COUNCIL
Minutes
August 15, 2016
6:00 P.M. – Executive Session
7:00 P.M. – Regular Meeting
Council Chambers

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

Councilors Absent: Jane F. Millett

Town Staff Present: John S. Eldridge, III, Town Manager; Fran Smith, Town Clerk; Derek Scrapchansky, Assistant Town Manager; Anna Breinich, Director of Planning and Development; Julia Henze, Finance Director; John Foster, Public Works Director; Linda Smith, Business Development Manager; Jared Woolston, Town Planner; and TV video crew

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

Executive Session: [1 M.R.S.A. §405(6)(C)] Disposition of real property, [1 M.R.S.A. §405(6)(D)] Labor negotiations, and [1 M.R.S.A. §405(6)(E)] Consultation with legal counsel

Chair Brayman moved, Councilor Perreault seconded, to go into executive session to discuss disposition of real property per 1 M.R.S.A. §405(6)(C), labor negotiations per 1 M.R.S.A. §405(6)(D) and have a consultation with legal counsel per 1 M.R.S.A. §405(6)(E). The motion carried with seven (7) yeas. Councilor S. Wilson was opposed.

Meeting Resumes:

Chair Brayman led the Pledge of Allegiance.

Adjustments to Agenda

To move item 97 immediately after the Manager's Report.

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

a) **Approval of the minutes of August 1, 2016**

Councilor A. Harris moved, Councilor Walker seconded, to approve the minutes of August 1, 2016, with the correction to the Brunswick-Topsham Bridge Design Advisory Committee name and removing Chair Brayman's name from the beginning of meeting and adding Councilor Walker as opening the meeting. The motion carried with six (6) yeas. Councilor D. Harris and Chair Brayman abstained as they were not at the meeting.

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Public Comments *(This item was discussed at 7:03 p.m.)*

Joe Donahue, American Legion, invited the Town staff and Council to a fundraiser for Travis Mills. It will be a dinner on September 10th from 5:00 p.m. to 7:00 p.m. He also reminded the public of the 911 ceremony on the Mall.

Correspondence *(This item was discussed at 7:11 p.m.)*

Councilor K. Wilson was contacted by a person concerned about vacancies in the police department and hopes the openings can be filled quickly.

Councilor A. Harris reminded citizens of the Brunswick Outdoors Arts Festival. A citizen had indicated it would be nice to plan an event for May 3, 2017 which will be the three hundred year anniversary of a Massachusetts General Court vote making Brunswick a township.

Councilor Walker said a citizen has requested that recycling bins be placed in the downtown.

COMMITTEE REPORTS *(This item was discussed at 7:15 p.m.)*

- **Human Rights Task Force**
- **Teen Center Advisory Committee**

Reports were given on the above committees.

MANAGER'S REPORT

a) Financial update *(This item was discussed at 7:15 p.m.)*

Manager Eldridge provided this update.

b) Revaluation update *(This item was discussed at 7:16 p.m.)*

Manager Eldridge provided this update and responded to questions from Councilor Watson and Councilor S. Wilson.

c) Reminder on nomination papers for Council and School Board *(This item was discussed at 7:18 p.m.)*

Fran Smith, Town Clerk, provided this reminder.

d) Special Permit Approval for Crystal Spring Community Solar Farm *(This item was discussed at 7:21 p.m.)*

Jared Woolston, Town Planner, made a presentation and responded to questions from Chair Brayman, Councilor D. Harris, and Councilor Watson.

Steve Weems, 44 Thompson Street, manager of the project, spoke regarding this item and responded to questions from Councilor Perreault and Councilor Watson.

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

(Copies of the memo and the Special Permit will be attached to the official minutes.)

e) Brunswick-Topsham Design Advisory Committee for the Frank J. Wood Bridge

(This item was discussed at 7:32 p.m.)

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

Councilor S. Wilson spoke regarding this item.

(A copy of Topsham's letter of thanks will be attached to the official minutes.)

f) Report on the State law regarding shooting ranges *(This item was discussed at 7:38 p.m.)*

Manager Eldridge provided this report.

PUBLIC HEARING

- 92. The Town Council will hear public comments on a special amusement license application, and will take any appropriate action. (Manager)** *(This item was discussed at 8:05 p.m.)*

Special Amusement

**Byrnes Irish Pub LLC
D/B/A: Byrnes Irish Pub
16 Station Avenue**

Joseph Byrnes

Chair Brayman opened the public hearing.

Fran Smith, Town Clerk, spoke regarding this item.

Chair Brayman closed the public hearing.

Councilor Perreault moved, Councilor Walker seconded, to approve a special amusement license application for Byrnes Irish Pub, located at 16 Station Avenue. The motion carried with eight (8) yeas.

- 93. The Town Council will hear public comments on amendments to the Municipal Code of Ordinance Chapter 16 "Utilities" regarding increasing existing Mere Point Wastewater District fees, and to the Sewage Treatment rates within Appendix B, Master Schedule of Revenues, Charges, Fees and Fines, and will take any appropriate action. (Manager)** *(This item was discussed at 8:05 p.m.)*

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Chair Brayman opened the public hearing.

Manager Eldridge introduced this item and responded questions from Councilor Watson.

Chair Brayman closed the public hearing.

Councilor Walker 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 seven (7) yeas. Councilor Perreault was opposed.

Councilor Walker moved, Councilor S. Wilson seconded, to adopt amendments to the Municipal Code of Ordinance Chapter 16 “Utilities” regarding increasing existing Mere Point Wastewater District fees and to list the Sewage Treatment rates within Appendix B, Master Schedule of Revenues, Charges, Fees and Fines. The motion carried with eight (8) yeas.

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

NEW BUSINESS

94. **The Town Council will consider adopting amendments to the Municipal Code of Ordinance Chapter 9 “Human Services” regarding increasing Emergency Medical Service fees and to the Appendix B, Master Schedule of Revenues, Charges, Fees and Fines, and will take any appropriate action. (Manager) *(This item was discussed at 8:15 p.m.)***

Councilor Walker moved, Councilor S. Wilson seconded, to adopt amendments to the Municipal Code of Ordinance Chapter 9 “Human Services” regarding increasing Emergency Medical Service fees, and to the Appendix B, Master Schedule of Revenues, Charges, Fees and Fines. The motion carried with six (6) yeas. Councilor Watson and Chair Brayman were opposed.

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

95. **The Town Council will consider adoption of a “Complete Streets” policy for the Town of Brunswick and take any appropriate action. (Manager) *(This item was discussed at 8:16 p.m.)***

Manager Eldridge introduced this item.

Will Wilkoff, Chair of Bicycle and Pedestrian Advisory Committee, spoke regarding this item and responded to questions from Chair Brayman, Councilor Walker, and Councilor Perreault.

Manager Eldridge responded to questions from Councilor D. Harris and Councilor Watson.

Councilor K. Wilson moved, Councilor Walker seconded, to adopt the “Complete Streets” policy for the Town of Brunswick. The motion carried with eight (8) yeas.

(A copy of the adopted Complete Streets policy will be attached to the official minutes.)

96. The Town Council will consider accepting a report from the Human Rights Task Force, and will take any appropriate action. (Chair Brayman, Councilor K. Wilson and Councilor Millett) (This item was discussed at 8:29 p.m.)

Chair Brayman presented this report.

Councilor K. Wilson spoke regarding this item.

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

Councilor K. Wilson moved, Councilor Walker seconded, to accept the report from the Human Rights Task Force and to authorize them to continue to meet until the end of 2016.

Councilor Watson, Councilor Walker, and Councilor S. Wilson spoke regarding the motion.

Councilor K. Wilson moved, Councilor Walker seconded, to accept the report from the Human Rights Task Force and to authorize them to continue to meet until the end of 2016. The motion carried with seven (7) yeas. Councilor Watson was opposed.

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

97. The Town Council will consider accepting bids on tax acquired properties, and will take any appropriate action. (Manager) (This item was discussed at 7:39 p.m.)

This item was done after the Manager’s Report.

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

Bruce Libby, owner of 16 Jordan Avenue, spoke regarding this item. He responded to questions from Chair Brayman.

Councilor K. Wilson, Councilor D. Harris, Chair Brayman, Councilor A. Harris, Councilor S. Wilson, and Councilor Perreault spoke regarding this item.

Councilor Perreault moved, Councilor Walker seconded, to accept a bid for 16 Jordan Avenue in the amount of \$57,000 for the property known as Parcel 046-012. The motion carried with eight (8) yeas.

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Councilor S. Wilson moved, Councilor Perreault seconded, to accept a bid for 403 Bath Road in the amount of \$15,500 for the property known as Parcel U08-63. The motion carried with eight (8) yeas.

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

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

The meeting adjourned at 8:45 p.m.

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

*Frances M. Smith
Town Clerk
August 22, 2016*

September 6, 2016
Date of Approval

Council Chair

CONSENT AGENDA - B BACK UP MATERIALS

MUNICIPAL QUITCLAIM DEED

The Town of Brunswick, a body corporate, located at 85 Union Street, Brunswick, Maine, by and through its Town Manager duly authorized by its Town Council, on September 6, 2016 for consideration paid, release to **Penelope Weingart**, of Brunswick, ME any interest the Town of Brunswick may have acquired in real estate by virtue of Tax Lien Certificates filed in the Cumberland County Registry of Deeds as follows:

Book	Page	Date Recorded	For Tax Year
31725	149	August 22, 2014	2013
32536	224	August 24, 2015	2014

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

A certain Mobile Home on land depicted as Map 022 Lot 054 Sub 000 Typ 090 as shown on the Tax Maps and further described in the records of the Tax Assessor of the Town of Brunswick, Maine. Said maps and records dated, April 1, 2013 and April 1, 2014.

The Town of Brunswick has caused this instrument to be signed in its corporate name by its duly authorized Town Manager this 6th day of **September 2016**.

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

TOWN OF BRUNSWICK

Witness

John S. Eldridge, III
Town Manager

STATE OF MAINE
Cumberland, ss.

September 6, 2016

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

Before me,

Ashley L. Wright
Notary Public
Commission expires – October 12, 2021

CONSENT AGENDA - C BACK UP MATERIALS

85 Union Street
Brunswick, Maine 04011



Telephone 207 725-6650
FAX 207 725-6663

Town of Brunswick, Maine

Incorporated 1739

Assessing Department

www.brunswickme.org

MEMO

TO: John Eldridge, Town Manager
Town Council Members

FROM: Cathleen M. Jamison, Assessor

DATE: August 31, 2016

SUBJECT: Abatement

It has come to my attention that Global Wellness LLC was assessed for personal property for the 2013 & 2014 tax year in error. The business was not operating as of the April 1, 2013 & April 1, 2014 assessment dates and therefore should not have been assessed for personal property taxes. Therefore, I am requesting the Town Council to grant an abatement under Title 36 M.R.S.A § 841(1) for the following tax years:

<u>Year</u>	<u>Assessment</u>	<u>Tax</u>
2013	1,700	\$45.12
2014	1,800	\$49.32

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

Presented to Town Council (date): _____

Approved by Town Council (date): _____

Town Clerk attestation: _____

Correspondence

BACK UP MATERIALS

August 25, 2016

Dear Brunswick Councilors,

As members of the *Town's Recycling & Sustainability committee*, we were pleased to work with the Council this past spring to pass a ban of polystyrene foam food and beverage containers! As we move into autumn, we look forward to working with the Council on limiting plastic and paper bags. We believe a 90-minute workshop would be the best way to discuss the issues we have researched and to answer councilors' questions.

We have heard that some councilors favor a ban on plastic bags only. We would like to voice our concern that councilors not get locked into a position before we've had a chance to discuss the issues as a group. Our committee feels strongly about our mission to promote reusable bags and encourage a culture of reusing items; therefore, we are leery of such a ban for the following reasons:

1. Paper bags—while better than plastic environmentally—are also a problem environmentally because they take 4-6 times more energy to produce and ship than plastic because of their heavier weight.^[1]
2. Paper bags are lot more expensive to retailers, costing 7-23 cents as opposed to 2 cents for plastic bags. Forcing retailers into expensive paper bags should not be taken lightly.
3. Banning plastic bags altogether is pretty drastic since sometimes residents have legitimate needs for them, such as to carry groceries long distances; to carry items in the rain; for elderly people to carry without tripping; and for kitty litter.
4. The 5-cent bag fee has proven effective. The Portland Press Herald reported that Hannaford's saw an increase from 10% to 80% of customers bringing reusable bags after a few months.²

A final consideration is that our committee has learned that Topsham citizens were notified by the Town Clerk on August 24 that they have collected enough signatures to place the 5-cent bag fee ordinance on the ballot November 8.

While Brunswick should obviously consider its own needs first, there is no denying that passing a plastic bag ban on our retailers while nearby Topsham retailers get to keep the 5-cent fee would put our retailers at a distinct disadvantage relative to Topsham.

We thank you for your consideration and urge you to keep an open mind as we discuss the issues.

Regards,

The Brunswick Recycling and Sustainability Committee

^[1] Sources: Conservation Law Foundation; Hannaford; and CA Green Cities' Master Environmental Assessment on Single-Use and Reusable Bags

⁽²⁾ <http://www.pressherald.com/2015/10/11/as-portland-goes-so-goes-maine/>

TOWN OF BRUNSWICK
“BAG FEE TO REDUCE WASTE ACT”

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRUNSWICK,
MAINE IN TOWN COUNCIL ASSEMBLED AS FOLLOWS:**

The Brunswick Town Code is hereby enacted as follows:

12-230. Findings; purposes.

The town council hereby finds as follows:

(1) The Town Council has a duty to protect the natural environment and the health of its citizens and visitors; and

(2) The use of single-use carryout bags has severe environmental impacts on a local and global scale, including greenhouse gas emissions, litter, harm to wildlife, atmospheric acidification, water consumption and solid waste generation; and

(3) Despite recycling and voluntary solutions to control pollution from single-use carryout bags, very few single-use carryout bags are recycled; and

(4) Numerous studies have documented the prevalence of single-use carryout bags littering the environment, blocking storm drains, and endangering wildlife; and

(5) The Town of Brunswick’s taxpayers must bear costs associated with the effects of single-use carryout bags on the solid waste stream, drainage, litter, and wildlife; and

(6) The Town, through its policies, programs, and laws, supports efforts to reduce the amount of waste that must be disposed of by supporting the waste management hierarchy (reduce, reuse, recycle, compost, waste-to-energy landfill) and supports efforts to achieve State recycle goals; and

(7) From an environmental and economic perspective, the best alternative to single-use carryout bags is to shift to reusable bags for shopping; and

(8) Whereas the Town Council of the Town of Brunswick aims to conserve resources, reduce greenhouse gas emissions, waste, and litter and to protect the public health and welfare, including wildlife, all of which increase the quality of life for the Town’s residents and visitors; and

(9) Evidence indicates that the vast majority of single-use carryout bags are used for the bagging and carryout of products purchased from Stores, as those business are defined in this Ordinance; and

(10) Studies document and participating municipalities report that prohibiting the free distribution of single-use carryout bags will dramatically reduce the use of those types of bags; and

(11) The Town Council of the Town of Brunswick believes that residents and visitors should use reusable bags and that prohibiting the free distribution of single-use carryout bags by stores is appropriate and will incentivize the use of reusable bags; and

(12) It is in the best interests of the health, safety and welfare of citizens and visitors of Brunswick to reduce the cost to the Town of solid waste disposal, and to protect our environment and our natural resources by reducing the distribution of single-use carryout bags and incentivizing the use of reusable bags at Stores, as defined in this Ordinance.

12-231. **Definitions.**

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

Single-use carryout Bag. Single-use Carryout Bag means a bag other than a Reusable bag provided at the check stand, cash register, point of sale or other point of departure for the purpose of transporting food or merchandise out of the establishment. The term Single-Use Carryout Bag includes compostable and biodegradable bags but does not include

- (a) reusable bags;
- (b) produce bags or product bags;
- (c) bags provided by pharmacists to contain prescription drugs;
- (d) any newspaper bag or dry cleaning bag;
- (e) a bag that a restaurant gives a customer to take prepared, carryout, or leftover food or drink from the restaurant; or
- (f) a once-used or re-used bag, such as those given out at thrift and antique stores.

Produce bag or Product bag. The terms produce bag or product bag mean any bag without handles used exclusively to carry produce, meats, other food items or merchandise to the point of sale inside a store or to prevent such items from coming into direct contact with other purchased items.

Reusable Bag means a bag that is:

- (a) Designed and manufactured to withstand repeated uses over a period of time;
- (b) Is machine washable or, made from a material that can be cleaned and disinfected regularly;
- (c) That is at least 4.0 mil thick if made from plastic;
- (d) Has a minimum lifetime of 75 uses; and
- (e) Has the capability of carrying a minimum of 18 pounds.

Store. The term Store means any of the following retail establishments located within the Town of Brunswick:

- (a) a full-line, self-service market located in a permanent building, operating year-round, and which sells at retail a line of staple foodstuffs, meats, produce, household supplies, dairy products or other perishable items.
- (b) a drug store, pharmacy, supermarket, grocery store, convenience food store, food mart, or other entity engaged in the retail sale of a limited line of goods that includes milk, bread, soda, and snack foods.

“*Store*” does not mean:

Businesses at which foodstuffs are an incidental part of the business. Food sales will be considered to be “incidental” if such sales comprise no more than 2 percent of the business’s gross sales in the Town as measured by the dollar value of food sales as a percentage of the dollar value of total sales at any single location.

Restaurant. Restaurant means any lunchroom, café, or other establishment located in a permanent building for the accommodation of the public, equipped with a kitchen containing facilities and utensils for preparing and serving meals to the public, and outfitted with a public dining area. A restaurant does not include any area of a supermarket, department store, or other retail establishment beyond the kitchen and public dining area.

12-232. **Single-Use Carryout Bag.**

(a) No Store shall provide a Single-Use Carryout Bag to a Customer at the check stand, cash register, point of sale or other point of departure for the purpose of transporting food or merchandise out of the establishment except as provided in this Section.

(b) A Store may make available for sale to a Customer a Single-Use Carryout Bag for a minimum charge of five cents (\$0.05).

(c) All monies collected by a Store for Single-Use Carryout Bags under this Chapter may be used by the Store for any lawful purpose.

(d) All Stores must post signage clearly indicating the per bag charge for Single-Use Carryout Bags.

(e) Notwithstanding this Section, no Store may make available for sale a Single-Use Carryout Bag unless the amount of the sale of the Single-Use Carryout is separately itemized on the sale receipt.

(f) No Store shall rebate or otherwise reimburse a customer any portion of the minimum charge required in Subsection (b).

12-233. **Exemptions.**

During the first year of this ordinance, a Store may provide a Single-Use Carryout Bag or a Reusable Bag at no cost at point of sale to a customer who purchased the items with food instruments distributed by the Department of Health & Human Services pursuant to the Supplemental Nutrition Assistance Program of the federal Child Nutrition Act of 1966.

A Store shall be exempt from the provisions of this Article, in a situation deemed by the Town Manager to be an emergency for the immediate preservation of the public health or safety.

12-234. **Record Keeping and Inspection.**

Every Store shall keep complete and accurate records or documents of the purchase and sale of any Single-Use Carryout Bag, for a minimum period of three (3) years from the date of purchase and sale, which record shall be available for inspection at no cost to the Town during regular business hours by any Town employee authorized to enforce this Article. Unless an alternative location or method of review is mutually agreed upon, the records or documents shall be available at the Store's address. The provision of false information including incomplete records or documents to the Town shall be a violation of this Article.

12-235. **Violations and enforcement.**

The Town Manager or his/her designee(s) shall have the primary responsibility for enforcement of this Article. If the Town Manager or his/her designee(s) determines that a violation of this Article has occurred, he/she shall issue a written warning notice to the Store that a violation has occurred.

Subsequent violations of the Article shall be subject to the penalties set forth below.

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

12-236. **Effective Date.**

The provisions of this ordinance become effective 180 days after passage of this ordinance.

12-237. **Severability.**

If any part or provision of this Article or the application thereof to any person or circumstances is held invalid, the remainder of the Article, 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 Article are severable.

MANAGER'S REPORT - A BACK UP MATERIALS



Town of Brunswick - Open Projects (Council)

Task Title	Priority	Status	Description
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Administration

130 Mere Point Property 946	1 - Now!	In Progress	Review Public Uses for Property
Comments:	Due/Days/%:	9/6/2016	5 75% Current Update: 8/31/2016
Distribute to Committees for Review:		Committee Recommendations to Town Council for 9/6.	
Planning Board			
Conservation Commission			
Rivers and Coastal Waters			
Marine Resources			
Parks and Recreation			
Prepare economic analysis			
Site walks held on July 9th and July 13th. Committees continue to deliberate.			
Letter of July 12th from Richard Nudd requesting opportunity to reacquire property.			

140 Miller Point Shoreline Stabilization	1 - Now!	In Progress	Review of Shoreline Stabilization Project
Comments:	Due/Days/%:	9/15/2016	14 90% Current Update: 7/15/2016
Completed Staff/Public Review Meeting on 6/27			
Applicant filed updated plan with MDEP			
Need to complete vegetation agreement following MDEP approval.			

Task Title	Priority	Status	Description
145 Tax-Acquired Property	1 - Now!	In Progress	Disposition of tax-acquired property
Comments: Due/Days/%: 10/1/2016 30 90% Review and determination of disposition of properties acquired through nonpayment of taxes. TM presented list of 11 properties to Town Council 4/16/16.			Current Update: 8/31/2016 Sold two properties. Recommending sale of third (negotiated) to abutter. On 4/19/16, Council set final re-acquisition date for original owners as 6/30/16, sale date as 8/1/16. Three properties advertised for sale by sealed bid auction. Bids received on two properties.
127 Wood Pond Village Improvements	1 - Now!	In Progress	Improvements required by Consent Agreement
Comments: Due/Days/%: 10/1/2016 30 50% Need to complete the improvements specified in the 2010 Consent Agreement.			Current Update: 8/31/2016 Developer reports has contracts for earthwork and paving in place. Advised improvements must be completed this year. LOC renewed by Camden National Bank \$100,000 through June 1, 2017

Task Title	Priority	Status	Description
142 Cumberland Farms Demolition	2 - High	In Progress	Demolition of Cumberland Farms Building
Comments: Review hazardous materials abatement. Sell-off equipment. Prepare and Execute Demolition Plan.	Due/Days/%: 10/31/2016	60 80%	Current Update: 8/30/2016 Expect demolition by the end of October. John Foster to schedule with contractor. Central Maine Power (CMP) Disconnection. Meters have recently been removed and service drop overhead wires cut. CMP left a pole and transformer in place along with the overhead lines connected to Stanwood Street. CMP is leaving that infrastructure there for now. Brunswick Topsham Water District (BTWD). Public Work verified water is disconnected. Hazardous Materials Assessment and removal – Environmental Management submitted a report stating the floor tiles contain some asbestos. All other building materials tested came back negative. Removal and possible sale of cooler and roof top unit – no interest to date. PWD recently coordinated with CMP to remove utility pole and equipment. PWD obtaining a hazardous material inventory prior to demolition.

Task Title	Priority	Status	Description		
29 Cable TV Franchise Negotiations	2 - High	In Progress	Negotiate New Franchise Agreement		
<p>Comments:</p> <p>12/21/2015 - Councilor Watson suggested that incoming Councilor Alison Harris would be a logic choice to replace outgoing Councilor Richardson on the negotiating team.</p> <p>7/27/2015 - John Eldridge negotiated an extension for three years to March 31, 2017 and notified Council in an email.</p> <p>The Cable Franchise Negotiation Subcommittee consists of Ben Duffy (Citizen Rep), David Watson (Town Council Rep 1), John Richardson (Town Council Rep 2), Bryan Cobb (IT/Cable Manager), John Eldridge (Town Manager), Derek Scrapchansky (Assistant Town Manager).</p>	Due/Days/%: 10/31/2016	60	50%	<p>Current Update:</p> <p>Model franchise agreement to replace Brunswick agreement.</p> <p>6/1 Discussion with Jay Somers on dark fiber request.</p>	6/1/2016

15 Town Hall Trim Work	2 - High	In Progress	Develop Specifications and Bid Project Bond Ordinance for Funding		
<p>Comments:</p> <p>Est. \$200K; Presented to Town Council 5/5/16; Public Hearing 5/16/16; Bond Ordinance approval 6/6/16 The RFP has been drafted by CWS Architects due to the complexities with defining the scope of work and bid alternatives. Met with John Foster, TM, and rep for Warren Construction to discuss scope of work and suggestions for bid process. Estimate provided by Town Engineer for complete R&R of Trim. PowerPoint and bond ordinance developed for council approval. (5/5/16 packet)</p>	Due/Days/%: 12/31/2016	121	25%	<p>Current Update:</p> <p>RFP will be complete on Tues., 6 Sep 2016. Hired CWS Architects Guy Labrecque (VP) to draft RFP.</p>	8/30/2016

Task Title	Priority	Status	Description
70 Riverside Cemetery	2 - High	In Progress	Re-establish Riverside Cemetery Corporation
Comments: Due/Days/%: 12/31/2016 Town Attorney taking legal action to transfer ownership of cemetery and assets to a new association. Time consuming and challenging process.	121	25%	Current Update: 8/19/2016 Aug 24. Met with Stephen Langsdorf and Kristin Collins. Kristen is proceeding legally to have the court transfer assets to a new association. Discussions continue as to how the town will be involved. Currently looking for individuals who are interested in being an association board member. Mr. Craig Cunningham (New England and Maine Cemetery Association President, Bath Cemeteries and Parks director) is willing to assist and provide guidance. Will meet once association members are identified.
35 Committee Coordination	2 - High	On Hold	Meeting with Committee Chairs to Discuss Priorities, Coordination, and Resources
Comments: Due/Days/%: 12/31/2016 Need to coordinate committees on projects and use of resources and staffing.	121	10%	Current Update: 4/1/2016 Need to schedule meeting with committees to discuss collaboration.
26 Streetlight Policy and Reduction Plan	3 - Normal	On Hold	Develop Streetlight reduction plan
Comments: Due/Days/%: 10/1/2016 Develop street light policy based on traffic and pedestrian safety. Preliminary to street light reduction plan. Summary of cost/benefits Policy on placement of streetlights Trial sections of town.	30	50%	Current Update: 7/1/2016 Hold pending work on other priorities. Draft of street lighting policy in development. In June met with Larry Bartlett, Bartlett Design to review street lighting analysis and policy he developed for Freeport. Discussed policy options for Brunswick, Larry agreed to review draft policy and provide comments to the town.

Task Title	Priority	Status	Description
123 PILOT	3 - Normal	In Progress	Investigate PILOTs throughout Maine and other states
Comments: Review the use of PILOTs Due/Days/%: 12/30/2016 120 20%			Current Update: 8/11/2016 Researching models used elsewhere. July 30. Phone conversation with Matt Englander (PILOT director for City of Boston). Discussed strategies for developing cooperation with non-profits, specifically Universities and Hospitals. He is available for further discussions, meetings, and guidance.
3 Cook's Corner Road Improvements and TIF	3 - Normal	In Progress	Cook's Corner Road Improvements; connection of Gurnet Rd to Wal-Mart; Connections to Brunswick Landing; Traffic Signals
Comments: Prepare engineering analysis and cost estimates Coordinate extinguishment of cross easements Develop TIF funding model Develop bond ordinance Deferred due to pending sale of DDR properties Due/Days/%: 12/31/2016 121 50%			Current Update: 8/31/2016 On-going meeting with developers, property owners, and stakeholders. All seem on board with development concepts. Details to be worked out including TIF and other funding.
97 Council Rules Committee	3 - Normal	On Hold	Rules Committee to Review and Update Council Rules
Comments: Draft a committee charge Charge written; committee appointed. Guidance is to review rules to determine how to make the language more clear and understandable while reducing redundancy from within the document. Due/Days/%: 12/31/2016 121 25%			Current Update: 4/15/2016

Task Title	Priority	Status	Description
152 Human Rights Task Force II	3 - Normal	In Progress	Phase II of the Task Force
Comments: Due/Days/%: 12/31/2016 121 0%			Current Update: 8/25/2016
Continue efforts as outlined in Task Force charges and as specified in the Task Force Report delivered to the Town Council on 8/15/16			Council authorized task force to continue through 12/31/16. This would be Phase II.
128 Brown Tail Moth	3 - Normal	Requested	Investigate and Implement Mitigation Strategies
Comments: Due/Days/%: 12/31/2016 121 0%			Current Update: 6/17/2016
			Request consideration of spraying and other alternatives.
31 Downeaster Idling	5 - Defer	Deferred	Reduce Idle Time for Downeaster
Comments: Due/Days/%: 12/31/2016 121 90%			Current Update: 8/30/2016
Meet with NNEPRA and Amtrak. Explore Options.			Met with Patricia Quinn, NNEPRA Executive Director on 8/30. Expect the layover facility to be in operation in September.
Need to discuss cold weather options. Anti-idling bill in legislature. Meet with NNEPRA and Amtrak.			No recent activity. NNEPRA believes the layover facility will resolve this issue.
32 Solar Installation at Rec Center	5 - Defer	Deferred	Explore Solar Installation at Recreation Center
Comments: Due/Days/%: 12/31/2016 121 85%			Current Update: 4/28/2016
See attached memos and Gantt chart.			New pricing received on 3/2. Evaluating. Complications with roof mounting design have forced reevaluation. Scheduling will now be difficult for roofers.
See attached project details.			

Task Title	Priority	Status	Description
129 Plastic Bag Reduction Ordinance	5 - Defer	In Progress	Ordinance to Reduce Use of Plastic Bags in Retail
Comments: Due/Days/%: 12/31/2016	121	50%	Current Update: 8/25/2016
Proposed by Bring Your Own Bag (BYOB) Reviewed by Recycling and Sustainability Committee (RSC). RSC proposes workshop with Town Council. Proposed ordinance to Town Attorney for review.			Draft ordinance received from Recycling and Sustainability Committee (8/25). No longer considering a November referendum.
57 Coastal Access	5 - Defer	Requested	Explore Additional Opportunities for CoastalAccess
Comments: Due/Days/%: 12/31/2016	121	10%	Current Update: 8/31/2016
			Continue to explore opportunities.
144 Property Tax Circuit Breaker	5 - Defer	Requested	Review and Report on Potential Local Circuit Breaker Program
Comments: Due/Days/%: 12/31/2016	121	10%	Current Update: 6/30/2016
Municipalities are considering these to be administered at the local level. Most used to be tied to the State program but that no longer exists so programs would have local verification.			Requested information.
99 New Meadows Restoration	5 - Defer	Requested	Remove the "dam" on Bath road. Remove the lake and restore.
Comments: Due/Days/%: 12/31/2018	851	10%	Current Update: 5/9/2016
AOCE has Brunswick on the list for potential funding.			Recent call from ACOE asking if Brunswick wished to stay on list for potential funding.
			Set up meeting with West Bath Administrator

Finance Department

Task Title	Priority	Status	Description
117 State Revolving Loan Fund	2 - High	In Progress	Fund Improvements at Junior High and Coffin Schools
Comments: Due/Days/%: 9/9/2016 DOE has approved Brunswick for funding. Brunswick has notified MMBB and needs to file an application School Board approved projects and borrowing Borrowing Ordinance Must Be Adopted by Town Council - completed 3/21/16.	8	90%	Current Update: 8/29/2016 Ordinance adopted 3/21/16. MMBB application approved. Town working with Bernstein Shur and MMBB for loan closing. Closing set for September 9th
2 MRRA Tax Appeal / TIF amendments	2 - High	In Progress	MRRA Tax Appeal Case - see also task #1
Comments: Due/Days/%: 9/30/2016 Settlement Reached. Implement via amendments to the Development Programs TM authorized to sign the credit enhancement agreement 6/20/16. Need DECD approval of Development Program amendments.	29	90%	Current Update: 8/29/2016 TIF Development Program amendments and CEA approved by Town Council 6/20/16. Documents submitted to DECD for approval, anticipate response by 9/15/16. Expect to sign CEA after DECD approval, and MRRA to dismiss the lawsuit.
1 MRRA TIF Requests (CEA)	2 - High	In Progress	Amend development programs, establish credit enhancement agreement with MRRA
Comments: Due/Days/%: 9/30/2016 Amendment of development programs and credit enhancement agreement with MRRA based on MOA signed 10/7/15. Town Council approved development program amendments, authorized TM to sign CEA. DECD approval of development program amendments required.	29	75%	Current Update: 8/29/2016 Public Hearing 6/20/2016. Council approved amendments, authorized CEA. Documents submitted to DECD for approval. Anticipate new request for funds from MRRA in Sept. CIP Committee mtg scheduled for 9/12/16, expect to bring to Council on 9/19/16.

Task Title	Priority	Status	Description
156 2018-2022 CIP	2 - High	In Progress	Prepare and adopt Capital Improvement Program 2018-2022
Comments: Annual requirement to adopt 5 year Capital Improvement Program.	Due/Days/%: 5/25/2017	266	5% Current Update: 8/29/2016 8/1/16 Forms, guidelines & instructions to dept heads 9/30/16 project requests to be submitted 10/20/16 TM CIP to FC 3/6/17 FC presents CIP to Council 5/25/17 Council adoption
89 Revenues and Fees	2 - High	In Progress	Review of All Fees and Charges
Comments: Review and update all fees, fines and charges in Town Ordinance: 1. Fire Dept - updated fees approved by Council 2/1/16 2. Ambulance fees - July-Aug 2016 3. Mere Point Wastewater District fees - Aug 2016 4. Town Clerk fees - 11/17/16 FC; 12/5/16 TC to set PH, 12/19/16 PH; 1/17/17 adopt - effective 2/16/17 5. Public Works - reviewing possible storm drain connection fee 6. Planning/Codes Enforcement - schedule review 7. Police Dept - schedule review	Due/Days/%: 6/30/2017	302	45% Current Update: 8/29/2016 Fee schedule format approved by Town Council Nov 2015 Ambulance fees to Finance Committee 6/16/16, to Council 7/18/16, public hearing 8/1/16, adopted 8/15/16 TC mtg Mere Point Wastewater fees to Finance Committee 7/21/16, to Council 8/1/16, public hearing 8/15/16, adopted 8/15/16. Clerks' fees currently under review

Economic Development

60 Solarize Brunswick	2 - High	In Progress	Develop and implement Solarize Brunswick Program
Comments: Project exceeded target of Tier 5 200 kw discount; actual sign up to date = 450 kW. Program extended to end of May 2016.	Due/Days/%: 8/31/2016	-1	99% Current Update: 8/31/2016 Staff working with R&S Committee on project close-out report to Town Council - targeting September 2016.

Task Title	Priority	Status	Description
37 Frank Wood Bridge	2 - High	In Progress	MDOT Project Replacement or Rehabilitation
Comments: Due/Days/%: 12/31/2018 Possible connection to Riverwalk and Maine Street projects.	851	25%	Current Update: 8/31/2016 MDOT presented preliminary recommendation to Brunswick Town Council on 4/19, to Stakeholders on 4/25 and to general public on 4/27. Staff attended Section 106 meeting on 7/11/2016 and 8/18/16; next session TBD. On 8/1/2016, Town Council appointed members to Design Advisory Committee (DAC). First combined Brunswick-Topsham DAC held on 8/22. MDOT & Friend of the FJW Bridge have responded to Town Council questions. Item coming back to Council in September.
38 Riverwalk	5 - Defer	Deferred	Implementation of Riverwalk Plan.
Comments: Due/Days/%: 12/31/2018 Implementation of Riverwalk Plan. Check with MDOT on Funding.	851	10%	Current Update: 8/31/2016 Attempting to coordinate with replacement/rehab of Frank Wood Bridge. Project is a part of the Bridge Design Advisory Committee (DAC) discussions.

Public Works

47 Solid Waste Study	2 - High	In Progress	Study of Solid Waste Disposal Alternatives
Comments: Due/Days/%: 9/30/2016 Commissioned study by Woodard and Curran on options	29	50%	Current Update: 8/31/2016 Report on hold pending meeting with MDEP. Reviewed draft report with consultant on 2/4. Consultant now finalizing report but needs to verify with DEP the action town needs to take to be eligible for DEP closure reimbursement funding.

Task Title	Priority	Status	Description
134 River Rd Culvert Replacement	2 - High	In Progress	Remove and Replace culvert
Comments: Ransom is the design company.	Due/Days/%: 10/1/2016	30 66%	Current Update: 7/26/2016 Work to commence and complete the week of September 12th. Public and stakeholders notified. Pipe arch (aluminum) order due within 2 weeks. RFP out prior to 29Jul. Has to been finished by 30Sep. Expect work to be 3-5 days. Traffic will detour to Hacker Rd. Up against buses when school starts.
4 Graham Road Landfill	2 - High	In Progress	Solid Waste Committee Review of Landfill Options Solid Waste Plan start date
Comments: Solid Waste Committee Plan to Remain Open or Close Legislation passed extending reimbursement window	Due/Days/%: 10/31/2016	60 50%	Current Update: 8/30/2016 Meeting with MDEP Commissioner on September 13th. Conversations on-going with MDEP. Completion of solid waste alternatives report from Woodard and Curran pending conversation with MDEP.
9 Extended RR Quiet Zones	5 - Defer	Deferred	Study alternatives for Quite Zones
Comments: Consultants to make recommendations	Due/Days/%: 6/30/2017	302 50%	Current Update: 1/20/2016 Project on hold pending new train schedules.

IT/Cable

12 TV3 Website, VOD, & Programming	3 - Normal	In Progress	TV3 Website Improvements
Comments: TV3 Website Improvements Improve reliability of streaming Streaming reliability and VOD improved	Due/Days/%: 12/31/2016	121 50%	Current Update: 1/20/2016 Improvements made. Continue to evaluate.

Task Title	Priority	Status	Description
94 Website Upgrades	3 - Normal	Requested	Study and Make Recommended Improvements
Comments:	Due/Days/%: 12/31/2016	121	0% Current Update: 2/1/2016
Study Recommended Improvements. Social Media Texts			Requested not yet authorized. Requires funding.

Town Clerk

30 Meeting Minutes & Indexing	2 - High	In Progress	Review and Recommend Minutes Indexing
Comments:	Due/Days/%: 9/1/2016	0	50% Current Update: 7/12/2016
Fran Smith and Bryan Cobb to investigate different ways to improve the searchability of meetings and minutes; to make recommendation.			Have several proposals. Narrowed to 2. Setting up demos with Byran and Deb. Then fine tune info and call references

Planning and Development

Task Title	Priority	Status	Description
7 Zoning Ordinance Re-write	2 - High	In Progress	Re-write of Zoning Ordinance
Comments: See project timeline.	Due/Days/:%: 12/31/2016	121	85% Current Update: 8/25/2016
			ZORC Draft under review by Planning Board. 9/19: ZORC meeting (all remaining content to be discussed as well as Board-raised questions) 9/21 or 22 (tentative based on PB availability): PB workshop to wrap up ordinance discussion (Chapter 5 and remaining content/outstanding questions) 9/27 or 10/4 PB meeting: PB approves draft for forums 10/12-20: PB holds 3 forums (Downtown, New Meadows and College Area) Scheduling of PB hearing will be dependent on forum outcomes but should be more than 2 weeks after the last forum. Update on shoreland regulation.
111 Mare Brook Watershed Project	2 - High	In Progress	Investigate health of impaired stream
Comments: Stressor analysis/Gap analysis complete Sampling Inspection Plan (SIP) drafted. Stantec input required prior to finalizing SIP for TAC review. 6/1/2016 Public meeting to be scheduled after SIP finalized. DEP to perform field assessment in conjunction with FB/Stantec. DEP will construct bug enclosures and town staff may assist with Bowdoin fellow in constructing enclosures, and monitoring enclosures in-stream for 7-10 days.	Due/Days/:%: 12/31/2016	121	50% Current Update: 8/31/2016
			Consultant selected: FB Environmental w/ Stantec. Six month report to MPAP (Ruta Denis) 12/31/2015 (attached) Technical Advisory Committee meeting (1 of 3) 1/22/2016 Project webpage created: http://www.brunswickme.org/departments/planning-development/mbwsa/ Technical Advisory Committee meeting (2 of 3) 4/27/2016 DEP/FB Environmental/Town Planner conference call 5/13/2016 Six month report and budget update submitted to MPAP (Ruta Dzenis) 6/20/2016 Grant funds received 7/18/2016: \$26,772 Public stakeholder meeting 8/9/2016 DEP/Town Planner bug enclosure test 8/8-8/12 Stantec/FB Field work 8/15-8/19

Task Title	Priority	Status	Description
126 Shoreland Stabilization	2 - High	In Progress	Develop Shoreland Stabilization Regulations
Comments: Due/Days/%: 4/1/2017 212 10% Develop Regulations for Shoreland Stabilization Project. Kathleen Layden Maine Coastal Program. Grant possibility discussed.			Current Update: 8/20/2016 Established concept plan and group on for project. Expected start is late fall. Waiting on shoreland mapping from Peter Slovinsky (MGS). Developing scope of work and staffing.
41 Old Bath Rd Bridge Replacement	3 - Normal	In Progress	MDOT Project to Replace Bridge in 2016
Comments: Due/Days/%: 12/31/2016 121 50% MDOT Project 2016			Current Update: 1/20/2016 Work in progress.
61 Bus Transportation	3 - Normal	In Progress	Review options for bus transportation to Portland
Comments: Due/Days/%: 12/31/2016 121 25% Explore Metro expansion and funding.			Current Update: 8/30/2016 Met with METRO Exec Director 8/22. Discussed potential funding models. Continuing to review funding models. Seeking stakeholder and funding. Meeting with Brunswick Explorer on potential collaboration. Considering grant opportunities for next year. Will require expenditure to prepare application and supporting materials.
39 Master Plan Implementation Committee	3 - Normal	In Progress	Implement Downtown and Pleasant Street Master Plan
Comments: Due/Days/%: 12/31/2020 1582 25% See Master Plan Timeline Review Funding Opportunities Phase as appropriate			Current Update: 7/13/2016 Downtown parking audit scheduled for last week in July. See MPIC meeting minutes for additional details.

Task Title	Priority	Status	Description
40 VRB Guidelines	5 - Defer	Requested	VRB Guidelines
Comments: Due/Days/%: 6/30/2017 302 0%			Current Update: 8/30/2016
Review Ordinance and update design guidelines			Expected to be delayed until completion of ZORC process.
147 Cook's Corner Design Standards	5 - Defer	Requested	Review and update Cook's Corner design standards.
Comments: Due/Days/%: 7/1/2017 303 0%			Current Update: 7/13/2016
Project is funding dependent.			Project requested.
141 Climate Change and Sustainability	5 - Defer	Requested	
Comments: Due/Days/%: 7/15/2017 317 0%			Current Update: 6/24/2016
			Project requested.

Fire Department

95 Central Fire Station	2 - High	Requested	Review Options for New Station
Comments: Due/Days/%: 12/31/2018 851 15%			Current Update: 8/30/2016
Need to find a location for new station.			Need to review options to site new station per CIP
Parapet needs repair ; Floor needs repair (Lincoln Haney Report) Estimated cost of both projects in excess of \$100K.			
Developing funding request.			
Windows replaced. Building envelope leaking.			

Task Title	Priority	Status	Description
58 Multi-unit apartment inspections	5 - Defer	Deferred	Explore fee based apartment inspections. Draft ordinance.
Comments:	Due/Days/%: 7/1/2016	-62	75%
In the queue since 2011. Request by the Council to explore multi unit apartment building inspections.			Current Update: 6/1/2016 Contacted Biddeford Codes Department. They have a new position that is funded through the budget. Nothing new here in Town.

Assessing

18 Revaluation	2 - High	In Progress	Revaluation of all Real Estate
Comments:	Due/Days/%: 8/11/2017	344	20%
Notice of Revaluation Poster should go up around the first week of June. Data Collector's working in the River Road area 5/27/2016 Field works begins with Map 1 (River Road) area 4/24/2016 Video shot field work released 4/28/2016 Revaluation database created on 3/24/2016 Start Up Meeting Scheduled for 3/14/2016 Contract Signed (3/9/2016) Contract Awarded to KRT (3/1/2016) Responses to RFP being reviewed. RFP Issued Included in 2015-2016 CIP Prepare RFP Prepare Bond Ordinance			Current Update: 8/30/2016 Field work continues. Data Collectors doing waterfront properties 7/2016 Revaluation mailing went out to rural properties 6/2016 Revaluation mailing going out to urban properties this fall as it gets closer to listing those properties.

151 Inventory of Town Property	3 - Normal	In Progress	Listing of Town-owned property
Comments:	Due/Days/%: 12/31/2016	121	90%
Run a listing of all properties. Review the list prepared by Conservation Commission of Easements.			Current Update: 8/30/2016 Inventory of Town properties provided to Town Council. Council direction required on additional steps.

Task Title	Priority	Status	Description
Parks and Recreation			
63 BHS Track	3 - Normal	In Progress	Assist in development of specifications for BHS track
Comments:	Due/Days/%:	9/1/2016	0 90% Current Update: 8/31/2016
Plans , specifications and projected budget have been finalized (see attachments for details). Project is in the School Department's CIP. Total project scope may require outside funding from sources other than tax dollars.		Town Manager and Superintendent met to discuss funding options. Huntress Sports Landscape Architects and Planners has developed plans for the 400 meter track and field renovations at BHS. Project specifications were reviewed with School Department representatives and town representatives on 5/17/16.	
		School Board will discuss options for possible sources of funding of the full project scope.	
102 Furbish Preserve Trails Improvements	3 - Normal	In Progress	Make Trails Improvements Consistent with Master Plan
Comments:	Due/Days/%:	10/1/2016	30 25% Current Update: 8/31/2016
Awaiting transfer of title of property from the U.S. Department of the Interior of all parcels within the Rec-7 boundary prior to submittal of permit applications to MDEP.		Wetland declinations have been completed by Stantec and draft permit applications for trail construction prepared for later submittal to DEP. The town must provide evidence that it holds title to all property upon which the proposed trails are to be constructed at the time of permit submittal to DEP. The town is awaiting the U.S. Department of the Interior providing it with draft deeds for review of the remaining parcels.	
105 Aquatics Center	3 - Normal	In Progress	Report on Aquatics Options to Replace Coffin Pond
Comments:	Due/Days/%:	12/31/2016	121 75% Current Update: 8/31/2016
Complete study and make recommendations.		Report to be delivered by Sept 30, 2016. Report to Council expected in fall of 2016.	

Task Title	Priority	Status	Description
104 Recreation Center Improvements	3 - Normal	In Progress	Design Recreation Center Improvements
Comments: Due/Days/%: 12/31/2016	121	10%	Current Update: 6/1/2016
Requires architect to design code compliant corridors and other building uses.			Capital budget includes funding for planning.
154 Public Tree Committee	3 - Normal	Requested	Establish Tree Committee
Comments: Due/Days/%: 6/30/2017	302	0%	Current Update: 8/28/2016
Tree City USA Status. Tree friendly community.			Requested.
106 Community Ice	5 - Defer	Deferred	Coordinate with Community Ice
Comments: Due/Days/%: 12/31/2016	121	10%	Current Update: 7/13/2016
Assistance to Community Ice for locating ice facility near Recreation Center.			Community Ice believes best site is located next to Recreation Center. July meeting of Community Ice is scheduled.
21 Bike Path Extension	5 - Defer	Deferred	Extension to Bath (planning funds)
Comments: Due/Days/%: 12/31/2017	486	10%	Current Update: 8/31/2016
Planning Funds sought for extension of Bike Path.			Potential for grant funding to be explored.

Marine Resources

Task Title	Priority	Status	Description
43 Mooring Feasibility Study	2 - High	In Progress	Explore Options for Additional Mooring Fields
Comments: MCP Grant	Due/Days/%: 10/1/2016	30 67%	Current Update: 7/25/2016 Draft Report provided to RCWC.
Review tax acquired property.			
82 Municipal Aquaculture	2 - High	In Progress	Develop and Implement Municipal Aquaculture Ordinance.
Comments:	Due/Days/%: 12/31/2016	121 60%	Current Update: 3/1/2016 Ordinance sent to DMR for review.
96 Simpson's Point	2 - High	On Hold	Open Access to Propeller Driven Boats
Comments: Request made to IFW	Due/Days/%: 12/31/2016	121 50%	Current Update: 3/1/2016 Waiting on decision from IFW Need to follow up with IFW.
Cable TV			
110 Town Manager Television Show	3 - Normal	In Progress	Launch Town Manager TV3 show
Comments: Peter Compagna to lead	Due/Days/%: 10/15/2016	44 25%	Current Update: 7/25/2016 Brief meeting to discuss format. Salvaged furniture for set. Inside Town Hall
<hr/>			
Total	60		

MANAGER'S REPORT - B BACK UP MATERIALS



Paul R. LePage

GOVERNOR

July 20, 2016

George C. Gervais
OFFICE OF TOWN MANAGER

JUL 22 2016

John Eldridge, Town Manager
Town of Brunswick
85 Union Street
Brunswick, Maine 04011

Dear Mr. Eldridge:

Thank you for submitting an Economic Development Program application on behalf of Washburn & Doughty Associates, Inc. The review team has evaluated the final application and the Office of Community Development is pleased to inform you that you are invited into the project development phase and that \$200,000 has been reserved for this project. Please be aware that this invitation is not a guarantee of funding or permission to begin the project or expend funds for project activities.

Final approval of this project is subject to funding availability and successful completion of the project development phase, which includes the completion of the Environmental Review process.

The level of environmental review that must be completed on this project is referred to as a Categorical Excluded Converted to Exempt (CECE). We strongly suggest that the ERR process begin as soon as possible as it requires a review and sign off from the State Historic Preservation Office and you will want to keep your project on its indicated timeline.

As you know, costs cannot be incurred or reimbursed for funds expended prior to our issuing an environmental review clearance date on the project. Information on how to complete the CECE, the timetable in completing it and the checklist of the documentation necessary to submit to us to clear the project is all contained in our Environmental Review Handbook beginning on Page 34.

(<http://www.maine.gov/decd/meocd/forms/environmental.shtml>)

It is important to note that at this time OCD has yet to receive our annual budget allocation from HUD. Therefore, we are inviting you to begin planning and administrative tasks only at this time.

John Eldridge, Town Manager
Town of Brunswick
July 20, 2016
Page 2

Andrea Smith has been assigned as the Development Program Manager from our office to work with your community through the completion of this process. Andrea will be contacting you in the near future or you may contact her by e-mail at andrea.smith@maine.gov or by telephone at #624-9813.

Congratulations on your selection to proceed to the project development phase of the application process and best wishes for successful completion. If you have any questions, please do not hesitate to contact our office.

Sincerely,



Deborah Johnson, Director
Office of Community Development

cc: Matthew R. Maddox, Washburn & Doughty Associates, Inc.
Andrea Smith, DECD, Office of Community Development



UNITED STATES DEPARTMENT OF COMMERCE
Economic Development Administration
The Curtis Center
601 Walnut Street
Suite 140S
Philadelphia, PA 19106-3323

AUG 03 2016

In reply refer to:
EDA Control No. 110218

Steven Levesque, Executive Director
Midcoast Regional Redevelopment Authority
15 Terminal Road, Suite 200
Brunswick, ME 04011-5012

Dear Mr. Levesque:

The U.S. Economic Development Administration (EDA) is pleased to inform the Midcoast Regional Redevelopment Authority that your application for assistance with the construction of improvements to Building 86 to benefit Washburn & Doughty has been selected through EDA's competitive application review process for further consideration for funding. Please note that this notification of further consideration is intended to inform you of EDA's competitive preliminary selection of your project for this funding cycle, **but does not guarantee final approval or legally bind EDA to make an award.** Subject to availability of funds, the proposed project, estimated to cost \$1,034,000, will be considered for \$517,000 in EDA funding under the Economic Adjustment Assistance program, authorized under section 209 of the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. section 3121 *et seq.*).

If you would like EDA to further consider your application, you must provide:

1. **Acknowledgement.** Within 3 business days of the date of this letter, notify EDA via email or letter that you, the applicant, agree to provide EDA the information requested by the deadline stated in item 2 of this letter and acknowledge and accept the terms and conditions of EDA's further consideration as stated in item 2.
2. **Additional Information.** Provide EDA the following information by **August 19, 2016**:
 - a. Confirmation of the availability and commitment of \$517,000 in local share match; and
 - b. Contact information for the person who will be responsible for reporting of jobs and private investment impact at the 3-, 6-, and 9-year periods, and a mechanism to track private beneficiary jobs and investment data in order to comply with EDA reporting requirements under the Government Performance and Reporting Act (GPRA).
 - c. Documentation that the twelve construction/installation contracts proposed in your Preliminary Engineering Report are consolidated into a single contract, or as few contracts as practicable if a single contract is not possible due to the nature of the work involved.
 - d. Verification of the final scope of work that include all elements of the proposed project for which EDA funding is sought. Be advised that:
 - 1) All machinery and equipment purchased as part of this EDA project must be owned by the Midcoast Regional Redevelopment Authority, and leased to Washburn & Doughty at fair market rates.



- 2) Minor tools and portable equipment are generally not eligible for EDA funding.
- 3) Expenses related to the relocation and installation of equipment owned by Washburn & Doughty, a private business, are not eligible for federal funding and therefore may not be included in the project scope of work.

The information requested above will supplement your application and enable EDA to proceed with processing your application. Failure to meet this deadline, or the submission of incorrect or incomplete information, will jeopardize approval of your application. If you cannot meet this deadline, please advise Alan Brigham, Economic Development Representative for Maine, as soon as possible.

Upon receipt, EDA will assess the information provided. EDA's assessment of this information may result in a determination that:

1. No additional information is necessary;
2. Additional information is required, because the submission is incomplete, inaccurate, or otherwise unacceptable to EDA, and the applicant(s) must revise the submission before EDA will consider processing the application further; or
3. EDA will discontinue considering your application for funding, because the information submitted does not present a project that complies with applicable law or EDA's regulations or policies.

Your organization must comply with EDA's regulations (see 13 C.F.R. chapter III http://www.eda.gov/pdf/EDAs_regs-13_CFR_Chapter_III.pdf) as well as the Federal Funding Opportunity announcement Economic Development Assistance Programs—Application Submission and Program Requirements for EDA's Public Works and Economic Adjustment Assistance Programs, which was published October 26, 2015 (available at www.grants.gov).

Final approval of an award is conditioned upon EDA's assessment of the additional information requested, project feasibility, funding priorities, and the availability of funds for obligation.

EDA's mission is to lead the Federal economic development agenda by promoting innovation and competitiveness, preparing American regions for growth and success in the worldwide economy. Please do not hesitate to contact Alan Brigham at 215-316-2965 or ABrigham@eda.gov, if you have questions regarding the requested information or status of your application.

Sincerely,



Linda Cruz-Carnall, Regional Director
Philadelphia Regional Office

cc: Alan Brigham, EDA



Paul R. LePage
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ECONOMIC
AND COMMUNITY DEVELOPMENT



George C. Gervais
COMMISSIONER

July 20, 2016-CORRECTED

John Eldridge, Town Manager
Town of Brunswick
85 Union Street
Brunswick, Maine 04011-2418

Dear Mr. Eldridge:

I regret to inform you that the Town of Brunswick's application for a 2016 Community Development Block Grant (CDBG) Economic Development Program, on behalf of Artforms, Inc., has not been selected to receive funding at this time.

The Office of Community Development received 18 EDP applications totaling approximately \$3.5M with a program budget of \$2.7M. With our federal allocation decreasing each year the competition for funding continues to grow and the requests far exceed our allotment for the program.

If you have any questions regarding this letter please contact Andrea Smith, Development Program Manager by email at andrea.smith@maine.gov or by phone at #624-9813.

Thank you for your interest in the 2016 CDBG Economic Development Grant Program.

Sincerely,

Deborah Johnson, Director
Office of Community Development

cc: Linda Smith, Town of Brunswick ✓
Kip Stone, Artforms, Inc.

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

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

MANAGER'S REPORT - E BACK UP MATERIALS

For Immediate Release:

River Road will be closed at the bottom of Rocky Hill for five days (road will stay closed day and night for five days) starting on Monday, September 12th according to John Foster, Public Works Director/Town Engineer. Foster advises the road will be closed completely to all traffic for five days starting at 7 a.m. on Monday, 9/12 to allow the replacement of a major culvert crossing the road at this location. The culvert was severely damaged in August 2014 and it will be replaced with a new wide bottom culvert meeting current fish passage requirements. The work is being done by Ray Labbe & Sons, Inc. and Public Works crews will be on site next week assembling the multi-plate replacement culvert on the side of the road near where the culvert is to be installed. River Road is scheduled to reopen to all traffic on Friday, September 17th by 6 p.m.

Public Works advises all residents and users of River Road to seek the appropriate route to bypass this closure area for thru traffic or to get to their desired destination on River Road. The closure takes place just after (west of) house lot #436 River Road so anyone needing to access a River Road property beyond that number will need to use Durham Road and Hacker Road to get to River Road. Those wishing to access the Brunswick landfill will need to use Route 1 south to get to Durham Road and then Hacker Road. Foster notes that the culvert replacement will require a 60 foot wide by 15 foot deep trench be dug for the full width of the road and bicyclists and pedestrians are advised that they will not be able to get thru the work area.

A detour plan has been prepared and is attached and we invite all organizations and media outlets to make the plan readily available. Message board signs will be in place later this week and road closed and detour signs will be set up on Monday, 9/12. If anyone has any questions about the work please contact Public Works at 725-6654.

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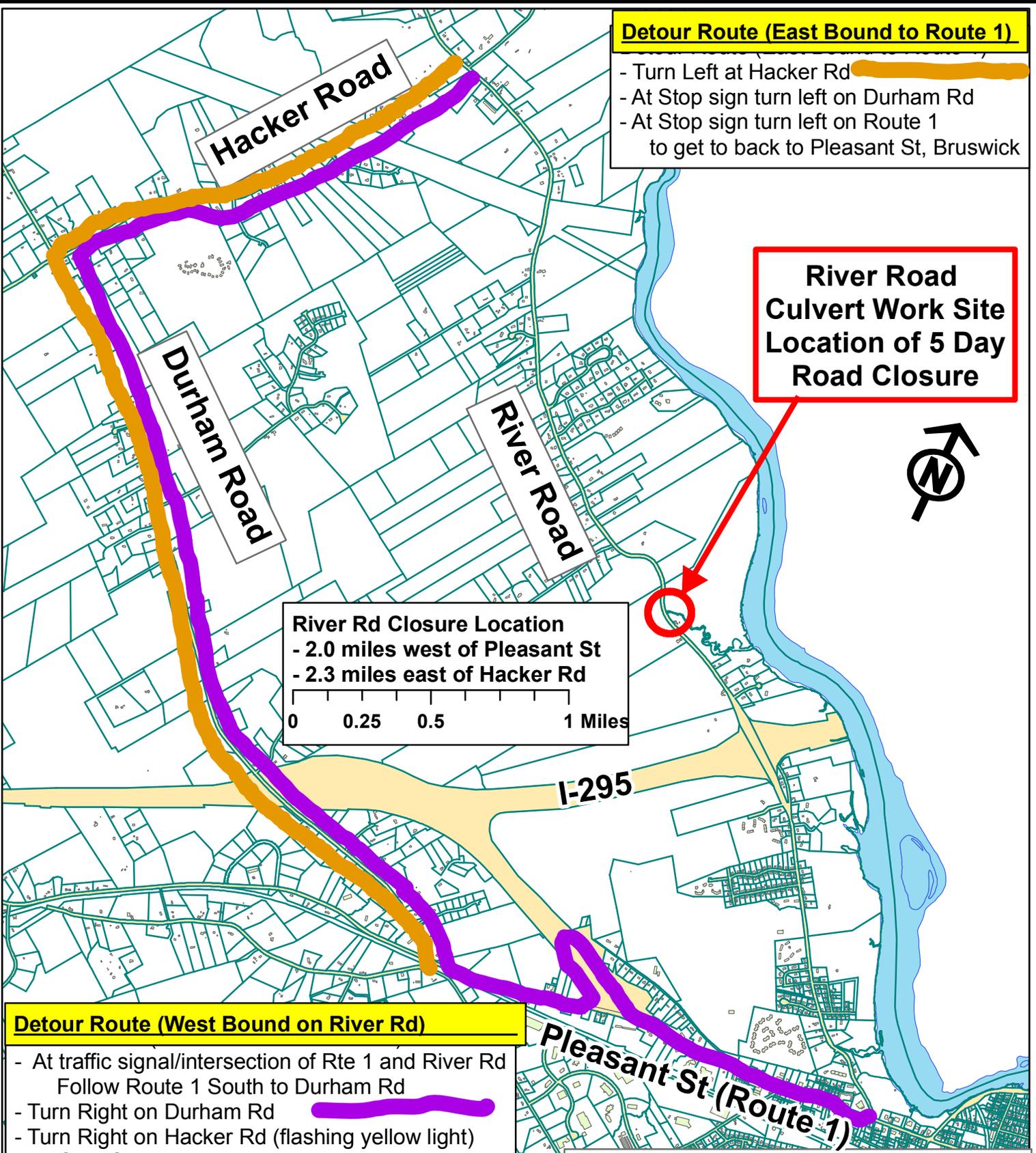
Detour Route (East Bound to Route 1)

- Turn Left at Hacker Rd
- At Stop sign turn left on Durham Rd
- At Stop sign turn left on Route 1 to get to back to Pleasant St, Brunswick

**River Road Culvert Work Site
Location of 5 Day
Road Closure**



River Rd Closure Location
 - 2.0 miles west of Pleasant St
 - 2.3 miles east of Hacker Rd



Detour Route (West Bound on River Rd)

- At traffic signal/intersection of Rte 1 and River Rd Follow Route 1 South to Durham Rd
- Turn Right on Durham Rd
- Turn Right on Hacker Rd (flashing yellow light)
- At Stop Sign you are back at River Rd

Closure Period (5 Days):
 9/12, Monday from 7 a.m. thru
 9/17, Friday until 6 p.m.

**FMI: Call Brunswick Public Works
 725-6654**

**Town of Brunswick
 River Road Culvert Replacement**

**Detour Route
 for River Road Closure
 at Bottom of Rocky Hill**

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ITEM 98

BACK UP MATERIALS

Town of Brunswick, Maine

OFFICE OF THE TOWN MANAGER

MEMORANDUM

TO: Town Council

FROM: John Eldridge
Town Manager

DATE: August 31, 2016

SUBJECT: 946 Mere Point Road

At your June 20, 2016 meeting, the Town Council voted, "to retain 946 Mere Point Road temporarily for 60 days to allow for town committee and departmental review, and the previous owner may not redeem the property in that time period by paying the back taxes."¹

A number of documents are attached in response to the request for committee and departmental review as well as documents requested throughout the review period. Committees and staff conducted site walks of the property on July 9th and July 13th. Subsequently, the committees met to consider their recommendations.

The following documents are attached:

1. The recommendations of the committees charged with reviewing of the property:
 - a. Rivers and Coastal Waters Commission
 - b. Marine Resources Committee
 - c. Conservation Commission
 - d. Recreation Commission
 - e. Planning Board
2. Comparison of Estimated Cost Implications of Options
3. Parks and Recreation Director memo, dated August 31, 2016 re: Maintenance responsibilities added since 2000
4. Selected items relating to the tax lien foreclosure:
 - a. Notice of Foreclosure, dated January 18, 2011 (including with CMRR indicating receipt on January 20)
 - b. Richard Nudd letter, postmarked February 16, 2011
 - c. Richard Nudd letter, dated July 12, 2016
 - d. Andre Duchette letter, dated August 8, 2016
5. Property Appraisal Transmittal Letter, dated August 30, 2016

¹ Town Council Minutes – June 20, 2016

6. Town Attorney Opinion on Littoral Rights, dated August 23, 2016
7. Selected items relating to options for tax acquired property:
 - a. Town of Brunswick – Tax Acquired Property Policy, dated March 18, 2013
 - b. Town Attorney Opinion on Tax Acquired Real Estate Policy , dated August 31, 2016

Previously we provided the Town Council with lists of Town-owned properties, as well as a catalogue of all properties maintained by the Parks and Recreation Department.

We have not included the many e-mails received by the Town Council, committees, or staff. We have them catalogued if there is a desire to see them. We also have many other documents, some fairly large (e.g. property appraisal) that are not included in this packet. We will bring those documents to the Council meeting.

The Town attorney will be present at the September 6th Town Council meeting.

Attachments

Cc: Town Attorney



Town of Brunswick, Maine

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



Daniel R. Devereaux
Marine Resource Officer
Harbormaster

MEMO

TO: Brunswick Town Council
CC: John Eldridge, Town Manager
FROM: Dr. Mark Worthing
DATE: 08/02/2016
RE: 946 Merepoint Rd.

Dear Councilors,

During a previous Brunswick Town Council Meeting you asked the Rivers and Coastal Waters Commission to evaluate a tax acquired property at 946 Merepoint Rd, in consideration of any public uses the property could offer that would be related to the Rivers and Coastal Waters Commissions Mission.

Guided by the Harbor Management Plan and with thoughtful consideration and deliberations of all the property characteristics, including its limitations and challenges, the RCWC voted 6-1 to send the following recommendation to the Town Council.

"In our judgment, the property at 946 Mere Point Rd. does not meet guidelines for recommended uses as listed in the Harbor Management Plan."

If you have any questions or concerns please feel free to contact me.

Town of Brunswick, Maine



INCORPORATED 1739
MARINE RESOURCES COMMITTEE
85 PLEASANT STREET
BRUNSWICK, MAINE 04011
TELEPHONE 207-725-5521 FAX 207-725-6627
Email – ddevereaux@brunswickpd.org

Chairman
Mark Latti

Vice Chairman
Tony Youdsnukis

August 14, 2016

To: Brunswick Town Council
From: Mark Latti, Marine Resources Chair
CC: Daniel R. Devereaux MRO/HM, John Eldridge Town Manager
RE: 946 Merepoint Rd Recommendations for Public Use.

Dear Town Councilors,

At our July meeting, Harbormaster Devereaux informed us of the Councils request to have the Marine Resources Committee, along with all the other pertinent town committees, review potential uses for a recently acquired town property at 946 Merepoint Rd. Harbormaster Devereaux arranged two separate site visits, showing the property at high & low tides. He explained many of the characteristics of the property and the surrounding Maquoit Bay environment.

Before we discuss the decision of the BMRC at the August 3rd meeting I feel compelled to mention the July meeting of the BMRC, which was well attended by many local shellfishermen. A full record of the July BMRC meeting can be found at: <http://tv3hd.brunswickme.org/Cablecast/Public/Show.aspx?ChannelID=1&ShowID=3505>. At this meeting several local shellfishermen spoke out in favor of keeping this property as access to the ocean. For nearly a century generational shellfishermen have been using the shores and waters of the Town of Brunswick to provide a means of income to support their families. It was at one point in history the Town of Brunswick relied heavily on their coastal and river resources just to survive. Using the intertidal to build ships, forage for food, and grow hay was a way of life for the residents Brunswick for many years.

As properties change hands, the local access that has been granted from private land owners has slowly dwindled. Just recently shellfishermen lost access to an area they have traversed for a decade, just few properties down from 946 Merepoint Rd. I feel compelled to tell you this because it's important to understand the role local shellfishing has played in this community, economically,

socially, and historically. Local shellfishermen, 50 residents, and 5 non-residents and their families rely directly on the access to Brunswick intertidal areas and the local shellfish resources to survive and make a way of life. Those same local shellfishermen and their families provide an estimated 4 million dollar economic benefit to the Town of Brunswick. Not to mention that Brunswick is one of the highest producing shellfish management towns in the Maine. 2015 State shellfish landing values exceeded 22 million dollars, making shellfish the second largest fishery next to lobsters. Access to the mudflats is incredibly important to Brunswick, local shellfishermen, and its rich shellfish and working waterfront heritage. That is why the shellfishermen attending the July meeting were adamant the town should retain the property and make it accessible to the public to access the ocean and all its shellfish resources.

On August 3rd the BMRC invited additional comments from the public and openly discussed potential uses of 946 Merepoint Rd. It should be clearly understood that the BMRC was also provided all the additional comments sent to town staff via email and all the news reports and editorials, the committee recognizes the neighborhood concerns and the challenges posed to providing common access infrastructure. After lengthy discussion, the committee voted unanimously to recommend to the Town Council to retain ownership of the property. A full viewing of that meeting can be found here:

<http://tv3hd.brunswickme.org/Cablecast/Public/Show.aspx?ChannelID=1&ShowID=3524>

Furthermore the BMRC made the following recommendations:

- **PUBLIC ACCESS:**

Access to the Atlantic Ocean and its public resources is incredibly important to the future generations of local shellfishermen and Brunswick residents and is the overriding issue facing not only Brunswick but the entire state. As indicated in committee discussion, ocean access in general is very valuable and very limited in Brunswick. It is difficult to put a price tag on it, in terms of its benefits to the shellfishermen & public. Retaining this property does not mean that it cannot be sold by the town at a future time to support other ocean access opportunities. Retaining this property does not mean that the Town has to build an expensive infrastructure. If this property should be sold to capture advantage on other coastal access sites the committee recommends that a shellfishing right of way be agreed to and

attached to the deed. These opportunities are rare and the town should take full advantage its position as the property owner of 946 Merepoint Rd., for the benefit of all current and future generations of shellfishermen.

- **PUBLIC SHELLFISH HARVESTING:**

As I indicated previously and at the meeting, Maquoit Bay is a prolific shellfish area. Hundreds of thousands of pounds of shellfish (Clams/Oysters/Razor Clams/Quahogs) are harvested from throughout Bay on an annual basis, including the rocky shoreline that lines the Merepoint Peninsula. Having continued ability to access these resources to propagate and harvest is vital part of our local shellfishing programs and the sustainability of the health Brunswick's sensitive and ecologically significant coastline.

- **SHELLFISH PROPOGATION & AQUACULTURE:**

In the recent years the Maine Coast has witnessed a drastic decline in shellfish production, albeit the monetary values have steadily increased, wild shellfish landings remain on a steady decline. These declines are linked to impacts that are beyond local shellfish management's control. Ocean acidification, predation, and nitrogen runoff come to the top of the list of uncontrollable factors that are drastically impacting Brunswick shellfish production. Increases in variability of the climatic conditions, warming ocean waters, nitrogen infiltration, and continued shoreline development undoubtedly are having impacts to Brunswick's near shore ecosystems and our local shellfish production. State leaders, regulators, industry members, and politicians recognized the critical role of aquaculture in 2015, naming it as one of top 3 economic growth areas in Maine. The Maine shellfish aquaculture industry values have exceeded 60 million dollars in value and continue to climb.

Knowing this and seeing the results of climate change over the years the BMRC and town staff have been exploring aquaculture methods & strategies to help local shellfishermen adapt and diversify their way of making a living, all the while provided eco system services to the Brunswick coastline. Areas like 946 Merepoint provide opportunities for these types of publicly sponsored shellfish restoration and propagation activities. These practices are commonly seen in other Coastal New England

Communities outside of Maine, who have recognized the public benefits of the eco systems services and the economic benefit to their local community and near shore ecosystems.

- **SHELLFISH RESTORATION:**

The BMRC believes that shellfish restoration can play a critical factor in helping mitigate the effects of climate change on our near shore intertidal areas. Shellfish clean our near shore waters, removing the nitrogen, accelerating denitrification, promoting growth of aquatic vegetation and helping to offset ocean acidification. These are all critical components that must be balanced to provide habitat for myriad of juvenile finfish, crustaceans. These components help to keep Brunswick's coastline vibrant. Looking toward what strategies other New England States have deployed the Committee suggests that the Town Council consider entering into a discussion with academia i.e Bowdoin College or the University of Maine, to consider whether or not this property would be a good location for a shellfish hatchery/applied research institute. There are currently no shellfish hatcheries/applied marine research institutes in Casco Bay. There are only a few hatcheries in Maine, all three of them east of Brunswick & Casco Bay. Having a shellfish hatchery which is based in Casco Bay could ultimately provide the biggest public benefit, which is clean ocean water.

The BMRC appreciates the opportunity to provide the Town Council with suggestions and recommendations for public use of 946 Merepoint Rd. The Committee respectfully asks that through Council deliberations you look beyond the public versus private monetary value of 946 Merepoint Rd. and recognize the real value of this property is within its ability to help preserve a local heritage while at the same time providing priceless ecological services to the entire Maquoit Bay area. If you have any questions please feel free to contact me.

Respectfully Submitted,

Handwritten signature of Mark Latti in cursive script, followed by the initials "ML" in a small, simple font.

Mark Latti, Marine Resources Chair



TOWN OF BRUNSWICK
CONSERVATION COMMISSION

85 UNION STREET
BRUNSWICK, ME 04011

August 19, 2016

Ms. Sarah Brayman, Chair
Brunswick Town Council
85 Union Street
Brunswick, ME 04011

RE: 946 Mere Point Road - Planning Board Input to Town Council

Dear Sarah:

As requested by Town Council, the Brunswick Conservation Commission (Commission) considered public use for 946 Mere Point Road. The Commission visited the subject parcel during the public site visit dates offered by the Town of Brunswick in July 2016. Some Commissioners visited the subject parcel at low tide, and others at high tide. The Commission voted unanimously to provide the following recommendation to the Town Council at their meeting on August 10, 2016:

"The Conservation Commission has noted that the property at 946 Mere Point Road has significant conservation values (see sheet attached), and that it is to the benefit of the public to keep this in public ownership. If the town retains this property, the Commission urges the protection of these conservation values as the future use(s) of this property are considered."

The parcel is approximately four (4) acres of uplands with coastal wetland frontage and is developed with a vacant residence and associated access drive. The coastal shoreline is buffered by upland vegetation with a notable stand of mature oak trees. The parcel is the site of an historic gravesite, and of a plant that is considered rare in Maine that was identified by Councilor Steve Walker as *Lanicera dioica* L., or Mountain Honeysuckle. Further, the Conservation Commission, Co-Chair, Kurt Stinson noted the parcel contains important coastal wildlife habitat.

The mission of the Brunswick Conservation Commission is to serve the Brunswick community by advocating for conservation values and stewarding our ecologically rich natural communities and open spaces. The objectives of the Conservation Commission are to serve the community of Brunswick by promoting land conservation to benefit Brunswick residents and visitors; fostering the conservation of open space, habitat and ecological values; advocating for the appropriate protection, development, or use of open spaces in town; providing educational outreach to residents on local and regional conservation and ecological issues; coordinating with town departments, committees, and local organizations in support of conservation efforts; and overseeing the management of town-owned conservation lands and interests.

The Conservation Commission appreciates the opportunity to provide comment. A representative of the Conservation Commission will be in attendance at your September 6th meeting to answer any questions.

Sincerely,


Amanda Bunker
Chair

Brunswick Conservation Commission: Conservation Assessment of Town-owned Property

Background Information

Property name	946 Mere Point Road
Map & Lot #	
Address/Location	
Acreage	
Year Acquired	
Assessment Value (& Year)	
Restrictions on property	
Relevant Regulations (NRPZ, vernal pools, RBSG, growth zone)	
Open-Space Subdivision	
Utilities, if applicable	

Site Description

Field Visit Date	7-9-16: Town organized public visit led by Dan Devereaux
Site Description	Abandoned house, overgrown lot, ocean frontage, steep in places but manageable, tidal
Current Use	None - abandoned
Condition of the Property, including structures, improvements, alterations	Structure seems unsafe, driveway in is overgrown
Surrounding land use	Residential
Notes/Comments/Additional Observations	A single gravestone

Brunswick Conservation Commission: Conservation Assessment of Town-owned Property

Values*(add comments about specific features, if appropriate)*

Contains rare species and/or natural communities	<input checked="" type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Unknown	<i>Mountain Honeysuckle per Steve Walker</i>	
Contains high value habitat	none	vernal pool	<input checked="" type="radio"/> shorebird habitat	deer wintering areas	
Contributes to diverse habitat types	none	forest blocks	watersheds	<input checked="" type="radio"/> coastline	wetlands riparian zones
Enlarges existing protected lands (esp. unfragmented blocks) or provides linkages between protected lands	Yes	<input checked="" type="radio"/> No	<input type="radio"/> Unknown		
Provides significant scenic value (vista, outstanding vegetation)	<input checked="" type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Unknown		
Provides current/potential outdoor recreational value (existing/future trails, link to existing trails, potential for new fields, parks)	<input checked="" type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Unknown		
Provides public access to water	<input checked="" type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Unknown		
Maintains resource production (working farm or forestland, clam flats, groundwater recharge)	Yes	<input checked="" type="radio"/> No	<input type="radio"/> Unknown	<i>Currently not productive per Mark Latti</i>	
Includes potential historic or archaeological value	<input checked="" type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Unknown	<i>Gravestone</i>	
Other values					

Conservation Recommendations

Overall assessment of conservation value	High value - primarily for water access/view
Potential future uses	Picnic, bird-watching, swimming, hand carry boats
Steps required to increase conservation value (additional connectivity, trails, accessibility, etc.)	Trail work
Recommended protection, if needed, and explanation	Town already owns
Other recommendations	

BRUNSWICK PARKS & RECREATION DEPARTMENT

220 NEPTUNE DRIVE

BRUNSWICK ME 04011-1584

TEL (207) 725-6656
FAX (207) 725-0148

THOMAS M. FARRELL
Director

TROY S. SMITH
Deputy Director

August 18, 2016

Ms. Sarah Brayman, Chair
Brunswick Town Council
85 Union Street
Brunswick, Maine 04011

RE: Brunswick Recreation Commission Review of 946 Mere Point Road Property

Dear Chair Brayman,

The Recreation Commission met on July 20, 2016 and again last evening to review possible public recreation uses of the four plus acre parcel located at 946 Mere Point Road as previously requested by Town Council.

Those present voted unanimously to make the following recommendation in answer to the Council's request that local boards and commissions evaluate the property for potential public use. We based our decision on public testimony and correspondence, our experiences at the site walks, our own deliberations with one another and the criteria set forth in the 2002 Parks, Recreation and Open Space Plan, specifically Action Item 68 to "acquire and develop more water access points".

While we have some concerns, on the whole, we believe that 946 Mere Point Road does indeed have recreational value to the town. We recommend that the town further explore the potential for swimming, the use of small non-motorized watercraft, recreational shell fishing, observing nature, picnicking, bird watching and the use of open space on the parcel. We believe further exploration of these uses should require a thorough, thoughtful and inclusive process involving all stake holders.

We also feel this recommendation would be incomplete without mentioning some concerns that all of us have raised. The parcel has some limitations, including a steep slope and the high likelihood of having to engage in the permitting process even for the low-impact development we envision.

Finally, we respectfully seek to bring to your attention our concern about the fiscal impact retention of the property could have on the Parks and Recreation Department, the municipal and school budgets and property taxpayers. The Parks and Recreation Department's budget is already strained, and Department personnel resources have already been stretched as far as they will go. We believe any development of 946 should not place a further strain on the Department's resources or displace other capital improvement projects in the current plan.

That means either providing the Department with additional resources or finding outside resources to provide for the preparation and long-term maintenance of the property. We also worry about the indirect impact forgone revenue from the property will have on both the Department and Brunswick residents. We hope that the Council will take these concerns into account should it choose to retain the property.

Thank you for requesting the Recreation Commission's feedback on this matter. We look forward to the Council's decision and are happy to provide any further assistance or information if needed.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Daniel Ankeles", with a long, sweeping underline.

Daniel Ankeles, Chair
Brunswick Recreation Commission

Pc:

Brunswick Recreation Commission



TOWN OF BRUNSWICK

PLANNING BOARD

85 UNION STREET
BRUNSWICK, ME 04011

August 15, 2016

Ms. Sarah Brayman, Chair
Brunswick Town Council
85 Union Street
Brunswick, ME 04011

RE: 946 Mere Point Road - Planning Board Input to Town Council

Dear Sarah:

As requested by Town Council, the Brunswick Planning Board discussed the possible reuse of 946 Mere Point Road at their meeting on August 2, 2016. The 4+ acre waterfront tax-acquired property currently has a vacant residential structure and is located in a residential neighborhood.

The Board review focused on guidance provided by the 2008 Comprehensive Plan and the current Zoning Ordinance requirements for the Coastal Protection 1 Zoning District. With regard to the Comprehensive Plan, Policy Area 6 contains a “key action” recommendation (those having priority) to preserve burial sites. It also contains “action” recommendations (those with no priority) to maintain existing public water access points and acquire new water access when feasible; and to plan for open space and parks in both the Growth and Rural areas.

The Board did not make a recommendation as to whether or not the Town Council should act to retain ownership since that is to be decided by Town Council but offers the following for Town Council consideration:

Should the Town retain ownership:

- Any use would be considered a municipal use. A municipal use is permitted within any district and must comply with dimensional and density standards for the applicable district.
- The parcel is located within the Coastal Protection 1 District, a rural area zoning district. It is not a Residential or Town Residential District, all located within the Town’s defined growth area. Consequently, a Special Permit is not required for a change of use from a residential to nonresidential use as has been implied during public comment at numerous meeting.
- Any nonresidential use will require a Change of Use Permit and may need to go through the development review process. In order to protect the existing neighborhood, consideration should be given to minimizing direct and indirect impacts and should include the relocation of the existing access to a more centralized location, provide for cut-off lighting and visible off-street parking, and limit hours of use to be compatible with residential uses.
- Any new land disturbance shall be in compliance with NRPZ standards.

Should the Town sell the parcel:

- In addition to residential uses, it should be noted that Coastal Protection 1 Zoning District allows for non-residential uses as permitted uses, uses by special exception and uses by special permit. Private ownership does not guarantee residential usage.
- Consider the establishment of protective covenants for the onsite grave site as part of the conveyance documents.
- Consider the establishment of covenants for the protection of wildlife habitat and/or rare or endangered species.
- Consider dedicating sale proceeds and future taxes from the parcel to improving the utilization of existing town-owned waterfront facilities or acquisition of new waterfront properties.

The Planning Board appreciates the opportunity to provide comment. I will be in attendance at your September 6th meeting to answer any questions.

Sincerely,

A handwritten signature in blue ink that reads "Charlie Frizzle". The signature is written in a cursive, flowing style.

Charlie Frizzle
Chair

Town of Brunswick
946 Mere Point Road Property

<u>Financial action</u>		<u>Option 1:</u>	<u>Option 2: Sell Property</u>		<u>Option 3:</u>
		<u>Retain for Public Use</u>	<u>2a: Sealed bid</u>	<u>2b: Market sale</u>	<u>Return to Orig Owner</u>
		<u>Benefit/(Cost)</u>	<u>Benefit/(Cost)</u>	<u>Benefit/(Cost)</u>	<u>Benefit/(Cost)</u>
Outstanding taxes	(a)	(64,500)	(64,500)	(64,500)	(64,500)
Clear title	(b)	(20,000)		(20,000)	
Demo house	(c)	(20,000)			
Parking lot	(d)	(30,000)			
Minimum pmt	(a)		64,500		64,500
Premium	(e)		32,250		32,250
Market price	(f)			257,000	
Appraisal	(g)	(1,100)	(1,100)	(1,100)	(1,100)
Litigation	(h)		(10,000)		
Total		\$ (135,600)	\$ 21,150	\$ 171,400	\$ 31,150

Ongoing annual (est)					
Taxes rec'd	(i)		10,000	10,000	10,000
Summer operations	(j)	(2,500)			
Winter operations	(k)	(1,000)			
Total annual (est)		\$ (3,500)	\$ 10,000	\$ 10,000	\$ 10,000

Estimates:

- (a) Outstanding taxes and amounts that would have been assessed though 2016-17
- (b) Cost of clear title action. Cost can vary significantly based on complexity, challenges, etc.
- (c) Based on previous demolition projects. Does not include extensive hazardous material abatement
- (d) Based on cost to construct gravel entrance and gravel parking lot at Bunganuc Landing property
- (e) Discretionary ... amount of premium that could be added to minimum bid or sale to former owner
- (f) Appraisal assumes the building is not habitable
- (g) Cost of appraisal to be recovered
- (h) Cost of potential litigation. Cost can vary significantly based on complexity, challenges, etc.

- (i) Assumes construction of house with total market value (land and bldg) of \$485,000
- (j) Minimal maintenance, trash pick-up, inspection, etc.
- (k) Minimal maintenance, for plowing.

Memo

To: John Eldridge, Town Manager
From: Thomas M. Farrell, Director
Date: 8/31/2016
Re: ***Recreation Facilities and Properties Assumed Since 2000***

Per your request, the following is a list of recreation facilities/properties the Parks and Recreation Department has assumed maintenance responsibilities for since 2000.

- 2001-2002 Cox Pinnacle
- 2001-2002 Greater Commons
- 2006-2007 Greater Commons Trail Connections (Hovey/Melden)
- 2007-2008 Mere Point Boat Launch
Swinging Bridge Park
- 2008-2009 Maquoit Bay Conservation Land
Coombs Property along Androscoggin River
Pinette Landing
- 2010-2011 Maine Street Station Park
Born Learning Trail
X Country Ski Trails at Mere Creek Golf Course
Crimmins Field
- 2011-2012 Harriet Beecher Stowe Field
Captain William Fitzgerald Recreation and Conservation Area
- 2012-2013 McKeen Landing - Columbia Field (4 playgrounds, 1 field)
Orion Field
Merrymeeting Dog Park
Current Indoor Recreation Center
- 2014-2015 Kate Furbish Preserve
- 2015-2016 Water Street Boat Launch – Float and Piling System Addition

STATE OF MAINE
NOTICE OF IMPENDING AUTOMATIC FORECLOSURE
Title 36 M.R.S.A. Section 943

January 18, 2011

NUDD, RICHARD W 80% INT ETAL
301 WEST ST
MANSFIELD, MA 02048

Lien No. 2008165
Location 946 MERE PT RD

Parcel MP4-008-000-000

IMPORTANT: DO NOT DISREGARD THIS NOTICE. YOU WILL LOSE YOUR PROPERTY UNLESS YOU PAY YOUR 2008-09 PROPERTY TAXES, INTEREST AND COSTS.

You are the party named on a tax lien certificate recorded on August 18, 2009 in the Cumberland County Registry of Deeds in Book/Page 27187/199. This recording has created a tax lien mortgage on the real estate described therein.

On February 18, 2011 the tax lien mortgage will automatically foreclose and your right to recover your property by paying the taxes, interest and costs that are owed will expire.

**IF THE TAX LIEN FORECLOSURES
THE TOWN OF BRUNSWICK WILL OWN YOUR PROPERTY**

<u>Taxes, Interest, and Cost at Lien Date</u>	<u>Payments Received</u>	<u>Additional Interest</u>	<u>Additional Lien Costs</u>	<u>TOTAL DUE</u>
\$5371.76	\$0.00	\$827.53	\$5.54	\$6204.83

Interest has been calculated through February 18, 2011. Since it is calculated on a daily basis, you may wish to call us for the exact amount due as of the date you will be making your payment. In order to ensure that a discharge of the tax lien mortgage is filed in the Registry of Deeds prior to the foreclosure date, payment of the total amount due must be made with cash, a cashier's check, a certified check or money order and received by February 16, 2011.

NOTICE: IF YOU CANNOT PAY THESE TAXES BECAUSE OF POVERTY OR INFIRMITY, YOU MAY APPLY TO THE MUNICIPAL OFFICERS FOR A TAX ABATEMENT.

If you are a debtor in bankruptcy, this notice does not apply to you. However, you should contact us immediately as we have no record of your bankruptcy filing.

If you cannot pay the property taxes you owe or feel this notice has been sent to you in error, please contact our office at (207) 725-6657 or (207) 725-6652 or write to us a 28 Federal Street, Brunswick, Maine 04011.


John S. Eldridge, III
Treasurer -Town of Brunswick, Maine

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MP4-008-000-000
NUDD, RICHARD W 80% INT ETAL
301 WEST ST
MANSFIELD, MA 02048

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Richard Nudd* Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

1-20

D. Is delivery address different from item 1? YesIf YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

 Yes

2. Article Number

(Transfer from service label)

7005 1160 0002 7552 5422

Richard W. Nudd
301 West St.
Mansfield MA 02048

BROCKTON MA 023

16 FEB 2011 PM 1 T



TOWN OF DANVERS
JOHN S. ELONORE TOWN
28 FEDERAL ST
DANVERS, ME. 04011

Talked to
Julie wants to
wait and see
next week

04011+1583



Richard W. Nudd
927A East Street
Walpole, MA 02081

OFFICE OF TOWN MANAGER

JUL 18 2016

July 12, 2016

John Eldridge, Town Manager
85 Union Street
Brunswick, ME 04011

Dear John:

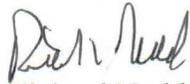
I believe you and I may have spoken back when you were working with the tax office in Brunswick, Maine. Based on the Town's website, I understand you are now the Town Manager and it has come to my attention that the Town is looking to take some sort of action on my property. I am hoping that it is not too late for me to keep my family home. Some explanation is warranted given my absence.

My father, Howard Nudd passed away some 15 years ago. My mother passed away not too long after in 2004. As a result, I inherited the family vacation property in Brunswick, Maine. My family has owned the property since 1971 and I helped my father build the home that is there now during periods of leave from the military. As you may know I am a veteran and served in the U.S. Navy from 1972-1976. My family was not rich, nor am I. We were hard workers and we enjoyed our summers in Maine when we could. After I inherited the property it was not long before I could no longer afford the taxes. Living and working in Massachusetts, it was difficult for me to carry the taxes on two properties; however, I did not want to lose a property that had been in my family for more than 30 years. Looking back, it was this love for the property that was likely my ultimate downfall.

Between 2008 and 2011 I was between jobs. In addition, upon a return to Maine in 2011 or 2012, I discovered squatters in my home. They had destroyed many of the things in the home that I had cherished. This, coupled with the tax burden I was facing left me completely distraught. In addition, it was a bad time in my life and I soon lost my house in Massachusetts. As a result, I stopped receiving any notices from the Town of Brunswick. My mind was also in such a state that I stopped caring.

This property is my only inheritance. I don't want to lose that. The advice I have received in the past was not good. The advice I'm receiving now is better. At the time I was unaware of the market value and never realized the options I had to protect my inheritance. In retrospect, I would have never walked away from my inheritance if I was in a better place and received better advice. You have mentioned on several occasions at recent meetings that I could still acquire the property. I would like to do that and I have the ability to pay whatever back taxes are owed. Please let me know what the next steps are to make this happen. It may be easier for you to reach out to Andre Duchette who I've spoken with and is assisting me in the process. He can be reached at (207)828-2005 or aduchette@tmfattorneys.com

Sincerely,


Richard Nudd

Copy to: Sarah Brayman, Chair Brunswick Town Council
Andre Duchette, Esq.



August 8, 2016

John Eldridge, Town
Manager, Via U.S. Mail and
E-Mail
85 Union Street
Brunswick, ME 04011

W. David Watson
wdwatson@brunswickme.org

Stephen S. Walker
swalker@brunswickme.org

Suzan Wilson
swilson@brunswickme.org

John M. Perreault
jmperreault@brunswickme.org

Daniel E. Harris
dharris@brunswickme.org

Jane F. Millett
jmillett@brunswickme.org

Sarah Brayman
sbrayman@brunswickme.org

Alison Harris
aharris@brunswickme.org

Kathy Wilson
kwilson@brunswickme.org

RE: 946 Mere Point Road

Dear Town Council Members:

As you are all aware, I've been assisting Mr. Nudd with the hopeful return of his property so that he can recognize some value of his inheritance from his parents' deaths. It would be a tragedy for Mr. Nudd to lose everything so that the Town can benefit from another "passive recreational spot" as referred to by the Recreation Committee. I believe you have all seen Mr. Nudd's letter of July 12, 2016. It is unfortunate that the circumstances are what they are, but as a citizen of Brunswick myself (81 Hennessey Avenue)¹, I would hate to see the Town and/or some other conservation land trust prosper on the misfortunes of one of its citizens. Mr. Nudd is not a bad man and he deserves better from his community.

Based on various matters that impacted Mr. Nudd and his life, he lost contact with the Town of Brunswick in 2011. His phone was no longer in service and he lost his home in Massachusetts. A review of the Town's records shows several notices getting bounced back to the Town after 2011, which Mr. Nudd never received. I did not become aware of this matter until after the Town Council's June 2016 meeting and it was not hard to locate Mr. Nudd. In reviewing the record and discussions of the Town Council, it appears that there was sentiment to return the property to Mr. Nudd if he paid back the taxes and penalties. It appears that this sentiment is now changing. I was

¹ Given my proximity to the newly constructed train depot, I have an acute awareness of how the decisions made by the Town impact its citizens.

August 8, 2016

Page 2

hoping to be on the August 1st Agenda so that we could simply resolve this matter before people started digging in on their own agenda, but as I understand it from Mr. Eldridge, Vice Chair Stephen Walker and Chair Sarah Brayman decided to not take up this matter on the August 1st Agenda and will not take it up until sometime in September. I respectfully request that the Council reconsider this decision and allow me to address the Council at its August 15th meeting. I am a little bit dismayed from my observations that the message to the various committees appears to be the viability of public use and what is getting lost is that there is another option; the return of the property to Mr. Nudd. It doesn't appear that this option is being shared.

So that there is no mistaking the seriousness of Mr. Nudd's request, I have the \$64,875.18 in my firm's trust account. I can make payment as soon as the Town agrees to return the property to Mr. Nudd. If the Town deems it necessary to assess an even greater penalty, I believe we can also accommodate that. It would be better than the alternative for Mr. Nudd.

This is a small 4 acre parcel with less than 400 feet of frontage. In viewing the property the low water mark extends into the Bay quite a distance. Maine law provides that property owners own title to the low water mark. This limits the public's access to the water even greater as any recreational use in front of the neighboring properties in the intertidal zone would be trespassing.² This doesn't factor in the expense of tearing down the home, addressing any environmental matters associated with that, making the property feasible for public access and navigating the steep embankment if water access is the goal and/or viable. This seems like a waste of taxpayers' dollars and the potential income that can generate from the tax revenue on this property for the benefit of a small few that would like to see the sunset from Mere Point.

I would ask that this matter be taken up at your next meeting, and I would ask that you find it within yourselves to allow Mr. Nudd to reacquire the property.

Sincerely,



André G. Duchette

Cc. Julie Henze, Finance Director, Via E-Mail
Richard Nudd

² The legal battle that is currently being fought between the Town of Kennebunkport and shorefront owners at Goose Rocks Beach is not something that the Town of Brunswick should be welcoming.

ASSOCIATED APPRAISERS OF MAINE, INC.

Real Estate Appraisers and Consultants

832 Washington Street
P.O. Box 687
Bath, ME 04530
Email: info@associatedappraisersofmaine.com

Office: (207) 443-3377
Fax: (207) 443-3393

August 30, 2016

File: 160821

John S. Eldridge
Town Manager
Town of Brunswick
85 Union Street
Brunswick, ME 04011

RE: 946 Mere Point Road (MP4-008)
Brunswick, ME 04011

Dear Mr. Eldridge,

The following Appraisal Report of the property identified as 946 Mere Point Road (MP4-008) in Brunswick, Maine, was completed for the Town of Brunswick, agents and assigns to aid in establishing market value for asset evaluation. The Appraisal Report is subject to and meets the requirements of the *Uniform Standards of Professional Appraisal Practice* ("USPAP").

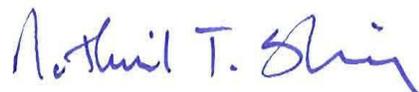
The Appraisal was completed in accordance with the Proposal for Appraisal Services dated August 23, 2016. Based on the analysis, it is my opinion that the Estimate of Market Value of the Subject Property, as of August 24, 2016 is:

TWO HUNDRED FIFTY-SEVEN THOUSAND DOLLARS

\$257,000

Please feel free to contact me with any questions at (207) 443-3377.

Thank you,



Nathaniel T. Shipley, President
Associated Appraisers of Maine, Inc.
State of Maine Certified General Appraiser, CG3574

Kristin M. Collins
kcollins@preti.com
Direct Dial: 207.791.3292

M E M O R A N D U M

TO: Town of Brunswick Council

FROM: Kristin Collins; Stephen Langsdorf

DATE: August 23, 2016

RE: **946 Mere Point Road - Littoral Rights**

A question was raised before the Recreation Committee regarding the extent of littoral rights enjoyed by the tax-acquired property at Mere Point Road. This memo details the probable physical boundaries of the property within the intertidal zone as well as issues regarding public use of the area.

To our knowledge, there has been no survey of this property. We have reviewed the tax map showing the property at Map MP4, Lot 8, as well as a plot map of the property recorded in the Cumberland County Registry of Deeds at Plan Book 87, Page 11. The deed to the property, recorded at Book 23422, Page 199, as well as the predecessor deeds, do not contain a metes-and-bounds description of the property and refer only to the recorded plan.

Since neither the deed nor the referenced plan describe the intertidal boundaries of the property, a surveyor would have to use one of several accepted methods for determining those lines. A neighbor referenced during the August 18, 2016 Recreation Committee meeting that this would be accomplished by simply extending the property lines out from the high water mark. This is known as the “colonial method” of determining intertidal boundaries. However, this is not the only method used since it can unfairly reduce shoreland rights, especially where there is an inwardly angled boundary line such as the southerly boundary of this property. Instead, a surveyor would more likely use the so-called “perpendicular method” which is considered to be a more equitable way of establishing intertidal rights along a cove such as Eider Cove. This method is described in Maine Riparian Boundaries & Rights, Richards & Hermansen, Vol. 103, 2007 as “the method that is easiest to apply; the least costly; and always effective to provide water frontage; yet provides equitable results.”

Assuming that a survey would establish the intertidal boundaries as extending more or less along the angle of the sidelines of the property, we can assume that the Town and the public would be entitled to use the 385’ of shoreline, extending out to the low water mark along those same approximate angles. The use of that intertidal area would be unrestricted except as limited by Town policy or ordinance. The area of water beyond the low water mark would of course be open to all uses.

The intertidal areas of the abutting properties are and would continue to be open to the public under the so-called “public trust doctrine” for “fishing, fowling, and navigation.” Note that these rights are only useful to the extent the user has lawful means of access to the shore, and developing 946 Mere Point into a public area would provide such means of access where it previously did not exist.

The court has considered the extent of rights covered within “fishing, fowling and navigation” on a case-by-case basis. Notably, shellfishing would be permissible within the intertidal areas of the abutting properties. *Moulton v. Libbey*, 37 Me. 472 (1854). Boats could be moored, anchored or beached within those areas. *Andrews v. King*, 124 Me. 361 (1925). People could hunt for birds, but could not simply birdwatch within those areas. Most importantly, the abutting properties would not be open to the public for broader recreational uses, such as strolling along the beach, sunbathing, picnicking, swimming/wading or Frisbee throwing. *Bell v. Town of Wells*, 557 A.2d 168, 175-176 (Me. 1989) (this is the case that was likely being alluded to during the Recreation Committee meeting; a pending case that was also referenced relates to harvesting of rockweed in the intertidal zone and is not likely to overturn *Bell*). Such uses would have to be confined to the approximate 385’ width of the property unless the abutters were to allow broader public use of their properties. Under no circumstances (other than permission) could the public use the upland or dry areas of the abutting properties. Appropriate signage would be important to prevent trespass.

Finally, there has been some discussion about limiting the types of public uses that could be made of the intertidal area of 946 Mere Point Road, should the Town choose to develop it as a recreational area. The Town should be aware that to the extent any policy or ordinance would prevent “fishing, fowling or navigation” in the intertidal zone, it may be overturned as violating the ancient “Colonial Ordinance” that created those rights. For example, it may be problematic to prevent line fishing, jetskis, or duck hunting in the intertidal zone. More research should be therefore be undertaken before adopting a policy that limits public use of the area.

/kmc

Stephen E.F. Langsdorf
slangsdorf@preti.com
Direct Dial: 207.791.3291

M E M O R A N D U M

TO: John Eldridge, Town Manager
FROM: Stephen E.F. Langsdorf, Town Attorney
DATE: August 31, 2016
RE: Tax Acquired Real Estate Policy



You have asked for an opinion as to whether the Town of Brunswick Tax Acquired Real Estate Policy adopted (amended) by the Town Council on March 18, 2013 requires that the property located at 946 Mere Point Road be sold back to the previous owner if he pays all outstanding taxes, estimated taxes for the current year, interest, lien costs and any other costs relating to the property, including but not limited to legal, insurance, notice and advertising costs. The answer is no. Pursuant to Article 6.2.b, since the Town Council voted to retain the property on a temporary basis, it may not resell it to the prior owner unless specifically authorized by the Town Council pursuant to Article 7.3. In any event, because this is a policy, the Town reserved the right to change the process at any time. Article 12.2 specifically provides that "the Town of Brunswick reserves the right to reject any or all bids, accept other than the highest bid and waive any of the requirements of this policy should the Town Council in its sole determination judge such actions to be in the best interest of the Town of Brunswick".

Please let me know if you have any other questions.

SEFL:ryp
cc: Kristin Collins, Esq.

TOWN OF BRUNSWICK
TAX ACQUIRED REAL ESTATE
POLICY

Proposed to town council – March 18, 2013

Adopted by town council – March 18, 2013

**TOWN OF BRUNSWICK
TAX ACQUIRED REAL ESTATE POLICY**

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Article 1. Purpose

- 1.1 Sections of Title 36 of the Maine Revised Statutes Annotated (MRSA) govern the collection of property taxes including the tax lien mortgage process. The tax lien mortgage process allows the Town to preserve its lien interest in real properties on which taxes remain unpaid. Should taxes remain unpaid, the lien process may result in the Town acquiring those properties. The purpose of this policy is to establish procedures for the review of properties on which a lien is about to foreclose and to establish procedures for the management, administration, and disposition of real property acquired by virtue of a tax lien mortgage foreclosure.

Article 2. Impending Foreclosure and Review of Properties

- 2.1 At the time of the mailing of the notice of impending foreclosure required under Title 36 MRSA section 943, the treasurer shall forward a copy of the list of properties subject to foreclosure to the town manager. The town manager, tax assessor, and codes enforcement officer are encouraged to review the list of properties subject to foreclosure to determine if it would be in the Town's best interest, as determined by the town manager, to waive foreclosure. Instances where the Town may not want to foreclose include but are not limited to:
- a. The property is known to have or is suspected of having environmental problems.
 - b. The property may be a hazard to the public health or welfare.
 - c. There is an easement on the property that makes the property an undesirable one to own.
 - d. The property has value only to the owner(s) and would have little or no market value.
- 2.2 Should the town manager determine it to be in the Town's best interest to waive foreclosure under Title 36 MRSA section 944 (1), the town manager shall make that recommendation to the town council at its next regularly scheduled meeting or at a special meeting if the next scheduled meeting would be after the foreclosure date. Should the town council vote to waive foreclosure, it shall notify the treasurer immediately so treasurer will have the opportunity to file the waiver of foreclosure prior to the date of foreclosure.

Article 3. Tax Acquired Property - Treasurer Notification to Prior Owner

- 3.1 Following the foreclosure of the tax lien mortgage, the treasurer, by certified mail return-receipt, shall notify the last known owner of record that his or her right to redeem the property has expired. The notification shall advise the last known owner of record that the property will be disposed of in accordance with this policy, a copy of which shall be included with the notification.

Article 4. Immediate Disposition of Tax Acquired Property

- 4.1 If the town manager determines it is in the Town's best interest to immediately dispose of the tax-acquired property, the town manager shall immediately make that recommendation to the town council. Reasons to immediately dispose of the property include but are not limited to:
- a. Potential liability in owning the property.
 - b. Rent or maintenance obligations resulting from the ownership of the property.
 - c. The property is a potential hazard to the public health or welfare.
- 4.2 The town council shall consider the town manager's recommendation and may dispose of the property on terms it deems advisable without regard to any other provisions of this policy.

Article 5. Management of Tax Acquired Property Pending Disposition

- 5.1 Until the disposition of tax acquired properties, responsibility for property management is delegated to the town manager who, at a minimum, shall:
- a. Determine whether the Town's best interest would be served by immediately disposing of the property in accordance with Article 4 of this policy.
 - b. Determine and obtain the level of insurance, if any, is necessary to protect the Town's interest in the property and to protect the Town from liability.
 - c. Determine if and when any occupants of tax acquired property should be required to vacate the property.

- d. Determine whether a rental fee should be charged to any occupants of the property. A rental fee shall not be imposed unless the Town has acquired sufficient liability insurance.

5.2 In the event the property is vacated for sixty (60) consecutive days, the town manager shall obtain liability coverage for the property.

Article 6. Review of Tax Acquired Properties

6.1 The treasurer shall prepare a list of properties acquired and forward a copy to the town manager.

6.2 The town manager shall review the properties, and may seek input from the appropriate Town boards and commissions. The tax-acquired properties shall be reviewed in accordance with the following categories and guidelines:

- a. Retain for public use.

By way of example, but not limitation, the Town may retain a property where:

- i. the property has or will have economic, recreational or conservation value to the Town.
- ii. the property has or will have potential for use as a public facility or an addition to public facilities.

- b. Retain on a temporary basis.

By way of example, but not limitation, the Town may retain a property on a temporary basis where:

- i. it's immediate sale would cause the occupants to be placed on public assistance.
- ii. it is determined that the property has significant potential for appreciation if held thereby increasing its value to the Town in a later sale.

- c. Sell the property with or without conditions.

The Town may sell properties with any conditions it deems to be in the best interest of the Town. The Town may also determine whether it wishes to consider proposed uses in the sale of properties.

- 6.3 The town manager shall classify the properties in one of the categories and make a recommendation to the town council for each property. On any property to be sold, the town manager shall recommend whether the proposed use for a property shall be a consideration in determining to whom a property shall be sold.
- 6.4 Prior to the delivery of the town manager's recommendations to the town council under article 6.3, any property acquired by the foreclosure of a tax lien may be re-acquired in accordance with article 7.1.
- 6.5 The town council shall review the town manager's recommendations and make the final determination regarding disposition. On properties to be sold, the town council shall determine whether a proposed use of the property shall be a consideration in any sale.

Article 7. Re-acquisition after Foreclosure

- 7.1 Pursuant to article 6.4, any property may be re-acquired prior to the town manager's recommendations to the town council. After the town council receives the town manager's recommendations, properties to be sold with or without conditions may be reacquired by the re-acquisition date established by the town council. In either case, the party from whom the property was acquired may re-acquire the property by paying all outstanding taxes, including estimated taxes for the current tax year if the conveyance is after April 1, interest, lien costs and any other costs relating to the property including, but not limited to legal, insurance, notice and advertising costs. The Town shall also require the payment of any other delinquent taxes or obligations due the Town. When a tax has been estimated to determine the re-acquisition price, the Town is not obligated to refund any amount later determined to be in excess of the estimate.
- 7.2 At the meeting when the town council makes its determination regarding the disposition of tax-acquired property pursuant to article 6, it shall also establish a final re-acquisition date for tax acquired property that it has determined will be sold. The final re-acquisition date shall be no more than ninety (90) days from the date the town council makes its determination regarding the disposition of a property.
- 7.3 Properties the town council has decided to retain for public use or to retain on a temporary basis may not be re-acquired, unless specifically authorized by the town council.

Article 8. Property to be Retained

- 8.1 If the property is retained for public use, the town council may direct the Town Attorney to pursue an action for equitable relief in accordance with the provisions of Title 36 MRSA section 946, as amended, as a means of securing clear title to the property.
- 8.2 The town council shall cause the tax-acquired property retained for public use to be managed and insured as it would any other municipal property.

Article 9. Property to be Sold - Sale Date, Notice of Sale, Bid Forms

- 9.1 At the meeting the town council makes its determination regarding the disposition of tax-acquired property and establishes a final redemption date for properties eligible to be redeemed, it shall also establish a sale date for properties it has determined will be sold. The sale date shall be at least thirty (30) days after the final re-acquisition date.
- 9.2 The town manager shall cause to be published a notice of the sale of the tax-acquired property in a local newspaper at least ten (10) days prior to the sale. The notice shall also be posted on the Town's website and in at least one other conspicuous place within the Municipal Building. The notice shall specify the time and date bids are due and the general terms of the bid. It shall also contain the following information for each piece of property:
 - a. Brief description of the property. i.e. land, building, mobile home etc.
 - b. Location of the property.
 - c. Brief description of the conditions of the sale including whether a proposal regarding use shall be required.
 - d. The minimum bid. (required as deposit)

The notice of sale shall also contain the following statement: "The Town of Brunswick reserves the right to reject any or all bids, accept other than the highest bid and waive any of the requirements of its policy on tax acquired property should the town council, in its sole determination, judge such actions to be in the best interest of the Town of Brunswick."

- 9.3 All bids shall be on, or in, the form prescribed by the Town. At a minimum, the bid form shall contain:
 - a. Name, address, and telephone number of the bidder.

- b. The amount of the bid in both written and numeric form.
- c. The Map, Lot, and Location of the property being bid.

When the town council has determined it wishes to consider a bidders' proposed use for a property in making the bid award, it shall also determine the form and content required for the submission of proposals.

- 9.4 The town manager shall, by certified mail return receipt, provide the party from whom the property was acquired a copy of the notice of the sale and bid forms. The town manager shall, by certified mail return receipt, provide a copy of the notice of the sale to the abutters of the acquired property.
- 9.5 All interested bidders shall be provided with a copy of the notice of sale and bid forms. All bids shall be submitted on forms prescribed by the town manager in an envelope clearly marked "Tax-Acquired Property Bid" and accompanied by a cashier's or certified check equal to the minimum bid. Each property being bid shall be bid in separate envelopes so that there is one property bid per envelope. Each envelope shall also indicate the Map and Lot of the property being bid. Bids shall be publicly opened and read on the date and at the time specified.

Article 10. Minimum Bid

- 10.1 Unless the town council stipulates otherwise, the minimum bid for any tax-acquired property shall be the total of all outstanding taxes, including estimated taxes for the current tax year if the conveyance is after April 1 and the exact amount of tax has not been determined, interest, lien costs and any other costs relating to the property including, but not limited to legal, insurance, notice, and advertising costs. The Town may refuse to award the bid to the party from whom the property was acquired unless all other obligations due from that party are also paid.

Article 11. Inspection of Property

- 11.1 The town manager shall provide all potential bidders with the opportunity to inspect the properties being offered for sale. This may be done in the manner the town manager deems to be in the Town's best interest. The Town and its employees shall refrain from making any representations regarding property condition or title.

Article 12. Review and Award of Bids

- 12.1 The town manager shall review all bids and make recommendations to the town council. The town council shall determine which bid, if any, will be accepted. All bids shall be held until the town council makes its determination. No interest will be paid on the held bids unless the bids are held for more than seven (7) calendar days from the bid opening. If bids are held beyond seven (7) calendar days, interest will be paid on all held bids at the rate of 5% per annum. No interest will be paid on the accepted bid.
- 12.2 The Town of Brunswick reserves the right to reject any or all bids, accept other than the highest bid and waive any of the requirements of this policy should the town council, in its sole determination, judge such actions to be in the best interest of the Town of Brunswick. Instances where this right may be invoked include, but are not limited to:
- a. The town council may wish to sell the property to an abutting property owner rather than the highest bidder.
 - b. The town council may determine it prefers a use proposed by a party other than the highest bidder.
 - c. The town council may wish, but is by no means obligated, to sell the property to the party from whom the property was acquired rather than the highest bidder.
- 12.3 Should the town council reject all bids, the property may again be offered for public sale without notification to the prior owner or abutters.

Article 13. Closing on Sale

- 13.1 The bid deposit of the successful bidder shall be retained as a credit towards the purchase price. All other deposits shall be returned to the bidders immediately upon notification of the successful bidder.
- 13.2 Full payment for the successful bidder is required within thirty (30) days from the date the bids are opened. Should the bidder fail to pay the full price within thirty (30) days, the Town shall retain the bid deposit and title to the property. The town council may review the bids submitted and offer the property to another bidder who shall have thirty (30) days to make payment in full or it may order that bids be solicited again.
- 13.3 Title to tax-acquired property shall be transferred only by means of a quit-claim deed. Unless otherwise advised by the Town Attorney, neither the Town and nor any of its employees shall make any representations regarding title to the property.

Article 14. Other Conditions

14.1 The successful bidder shall be responsible for the removal of all occupants and contents of purchased tax-acquired property.

Proposed to town council - March 18, 2013

Adopted by town council – March 18, 2013

ITEM 99

BACK UP MATERIALS

Town of Brunswick, Maine

OFFICE OF THE TOWN MANAGER

MEMORANDUM

TO: Town Council

FROM: John Eldridge
Town Manager

DATE: August 31, 2016

SUBJECT: Bunganuc Easement

Attached is a memo from Anna Breinich, Director of Planning and Development, explaining the request that the Town Council approve activities on the easement it holds at Bunganuc Landing Road. The Town acquired the easement in 1983. A copy of the easement is attached. A current landowner is proposing a shoreline stabilization project that will require filling and grading in areas covered by the Town's easement. The Town Attorney has determined that the proposed activities are acceptable so long as the Town Council approves. Essentially, the Town Council is being asked to approve the activities (filling and grading) with the details of those activities to be approved through review by the Planning Board. Planning Board approval and review is required due to the recently enacted amendments to the Town's Zoning Ordinance regulating earth moving activities in the Natural Resource Protection Zone. The property owner is proposing a shoreline stabilization project to protect an existing residential structure.

We recommend that the Town Council approve this request so that the Planning Board may consider the application.

Attachments



TOWN OF BRUNSWICK, MAINE

INCORPORATED 1739

DEPARTMENT OF PLANNING AND DEVELOPMENT
85 UNION STREET
BRUNSWICK, ME 04011

ANNA BREINICH, FAICP
DIRECTOR OF PLANNING & DEVELOPMENT

PHONE: 207-725-6660
FAX: 207-725-6663

MEMORANDUM

TO: Brunswick Town Council
FROM: Anna Breinich, Director of Planning and Development
DATE: August 25, 2016
RE: Bunganuc Easement – Request to Town Council

The Town of Brunswick holds an 18 acre conservation easement known as the Bunganuc easement (aka Kanwit easement). The easement is associated with the Bunganuc Landing residential subdivision on Bunganuc Landing Road, and is depicted on a site plan prepared by Brian B. Smith, entitled, “Bunganuc Landing” and dated December 30, 1982. A portion of the easement is proposed to be directly affected by construction activities associated with coastal shoreline stabilization at Benjamin Carey’s residence at 12 Bunganuc Landing Road.

The Town of Brunswick’s Attorney, Stephen Langsdorf reviewed the Bunganuc easement and advised that construction activities within the easement area would fall under the permitted use of tidal lands management as long as the Town agrees in advance to the work. The Conservation Commission is charged with monitoring the conservation easement and was presented the shoreline stabilization proposal on July 13, 2016, and subsequently with the legal opinion regarding construction activities on August 10, 2016.

In accordance with the recently approved amendment to Brunswick’s Zoning Ordinance, the proposed filling and earthmoving within the Natural Resource Protection Zone (NRPZ) requires development review and Planning Board approval prior to construction because of the disturbance to a mapped highly unstable bluff in excess of 100 cubic yards of material. The application was found to be complete by the Town Planner on August 25, 2016. The Planning Board is scheduled to review the application and take action on Tuesday, September 13, 2016.

The easement requires that the Grantee or its authorized representative must approve alterations to the surface of the conserved land in advance and in writing in order for the activity to proceed. The Town Council is considered the “Grantee” of the easement. Therefore, the staff respectfully requests that the Town Council approve surface alterations associated with coastal shoreline stabilization within the Bunganuc Easement subject to the review and approval of the Planning Board.

From: [Langsdorf, Stephen E. F.](#)
To: [Jared Woolston](#)
Cc: [Anna Breinich](#); [John Eldridge](#)
Subject: Re: Bunganuc (Kanwit) easement
Date: Sunday, August 07, 2016 7:42:05 AM

Jared, pursuant to this easement that activity which is within the easement area would fall under the permitted use of tidal lands management as long as the Town agrees in advance to the work. Please let me know if you have any other questions.

Stephen Langsdorf

On Aug 5, 2016, at 7:15 AM, Jared Woolston <jwoolston@brunswickme.org> wrote:

Steve: There is a pending construction project for a lot owner within the Bunganuc (Kanwit) conservation easement you recently reviewed for the town. The easement requires the Council (Grantee) to authorize construction. I have a meeting with the Conservation Commission next week about the proposed shoreline stabilization plans but first I want to know if construction activity for shoreline stabilization is allowed under the easement. The proposed construction would involve grading the slope landward, and filling within the easement (riprap stone). I attached the easement to this email in case you need it again. Thanks in advance for your review.

Jared Woolston
Planner
Town of Brunswick
85 Union Street
Brunswick, ME 04011

(207) 725-6660, ext. 4022 (v)
(207) 725-6663 (f)
jwoolston@brunswickme.org
www.brunswickme.org

<kanwit easement_20160804121726.pdf>

This E-Mail may contain information that is privileged, confidential and / or exempt from discovery or disclosure under applicable law. Unintended transmission shall not constitute waiver of the attorney-client or any other privilege. If you are not the intended recipient of this communication, and have received it in error, please do not distribute it and notify me immediately by E-mail at slangsdorf@preti.com or via telephone at 207.791.3000 and delete the original message. Unless expressly stated in this e-mail, nothing in this message or any attachment should be construed as a digital or electronic signature or as a legal opinion.

#2

CONSERVATION EASEMENT

THIS INDENTURE by and between JOHN H. KANWIT, M.D. and EVELYN H. KANWIT, both of Brunswick, Cumberland County and State of Maine, and KEITH C. REITER and GENEVIEVE R. REITER, both of Huntington, Suffolk County, State of New York, Grantors; and the TOWN OF BRUNSWICK, a municipal corporation organized and existing under the laws of the State of Maine and situated in said Brunswick, Grantee;

WITNESSETH:

WHEREAS, by Act of the State of Maine Legislature, 33 M.R.S.A. Sections 667 and 668, conservation restrictions in the form of conservation easements were recognized and defined; and

WHEREAS, an Act of the State of Maine Legislature, 30 M.R.S.A. Sections 3801 and 3851, provides for the establishment of Conservation Commissions and authorizes such Commissions to receive gifts, and to acquire land and conservation easements in the name of the municipality; and

WHEREAS, the Grantee established the Brunswick Conservation Commission by a vote of its Town Council on April 6, 1970; and

WHEREAS, the Grantee has determined that for the preservation of salt marsh, tidal lands, open space and scenic values of the Town of Brunswick, it is in the public interest to acquire a Conservation Easement over the land hereinafter described; and

WHEREAS, the Grantors and the Grantee recognize and acknowledge a common purpose to conserve, protect and prevent the use or development of the land hereinafter described in any manner which would conflict with the maintenance of the land in its predominantly natural, open and scenic condition; and

WHEREAS, the Grantee at a Town Council meeting held on _____, by vote of its Town Council, was authorized to accept a conservation easement as set forth herein for the purpose of preserving in its natural state certain real property, called the Property, of which the Grantors are the owner in fee, consisting of a parcel of land located in the Town of Brunswick, in Cumberland County and State of Maine, described in a deed from _____

to _____ dated _____ and recorded in Book _____ Page _____ of the Cumberland County Registry of Deeds. The portion of that parcel of land which is subject to this Easement is bounded and described as follows:

Being the land as shown on Final Subdivision Plan of Bunganuc Landing, Bunganuc Road, Brunswick, Maine, dated _____ and recorded in Cumberland County Registry of Deeds in Plan Book _____, Page _____, which lies within boundary designated "Conservation easement - 10-foot contour" on said Plan.

NOW, THEREFORE, the Grantors, for and in consideration of the facts above recited and of the covenants herein contained and as an absolute and unconditional gift, do hereby freely give, grant and convey unto the Grantee, its successors and assigns forever, a Conservation Easement or Restriction in perpetuity over the Property, consisting of the following:

(1) the right of public view of the Property from off the Property in its scenic, natural, open and wooded condition; (2) the right of the Grantee, in a reasonable manner and at reasonable times, to enter and inspect the Property; (3) the right of the Grantee to enforce by injunction or proceedings at law or in equity, the covenants hereinafter set forth; and in furtherance of the foregoing affirmative rights, the Grantors make the following covenants on behalf of themselves, their heirs and assigns, which shall run with and bind the Property in perpetuity:

1. The Property shall be used for conservation purposes only. No residential, commercial, industrial, or mining activities shall be permitted on the Property, with the exception of timber management and salt marsh and tidal lands management.

2. At present there are no structures on the Property.

No additional structures of any kind, temporary or permanent, shall be located on the Property, provided, however, there is retained in the Grantors, their heirs and assigns, the following rights:

a) The right to build and maintain temporary or permanent docking facilities, provided, however, that plans for such structures shall be approved in advance and in writing by the grantee or its authorized representative.

3. No alteration shall be made to the surface of the Property other than that caused by the forces of nature, unless such alteration is approved in advance and in writing by the Grantee or its authorized representative, provided, however, that there is retained in the Grantors, their heirs and assigns, the following rights:

a) The right to construct and maintain foot trails, and the the right to use and enjoy the Property, including hiking, sightseeing, picnicing and the like, in a manner that preserves and enhances its natural state.

4. Without limiting the generality of the foregoing, billboards, trailers, mobile homes, or utilization of the Property as an aircraft landing site, are specifically prohibited on the Property, provided, however, there is retained in the Grantors, their heirs and assigns, the following rights:

a) The right to temporarily post the Property to control unauthorized use.

b) The right to erect temporary signs to advertise the property for sale or for rent.

5. The cutting of standing timber of the Property shall not be permitted, provided, however, there is retained in the Grantors, their heirs and assigns, the following rights:

(a) The right to clear and restore forest cover that is damaged or disturbed by the forces of nature.

(b) The right to gather, use, or remove dead wood.

(c) The right to prune or selectively cut trees to provide firewood for personal use or to maintain a healthy stand of trees.

(d) The right to clear forest cover for the purpose of constructing, maintaining and repairing the structures permitted hereunder and of constructing the roads and foot trails permitted hereunder.

6. Any modification, alteration, construction or reconstruction of any waste disposal system shall be done in conformance with the requirements of the Department of Health and Welfare and the Department of Environmental Protection or successor agencies and in a manner that will prevent any discharge of untreated waste into salt or fresh waters located on or about the Property.

TO HAVE AND TO HOLD the said Conservation Easement or Restriction unto the said Grantee and its assigns forever.

It is the intention of the parties hereto that the grant of easements and covenants herein shall be construed as conservation restrictions as said term is defined in 33 M.R.S.A. Section 667, and that all of the provisions of Section 668 of said Title shall be binding upon the Grantors, their heirs and assigns, and upon the Property, and shall inure to the benefit of the Grantee, its successors and assigns. Should it be necessary or convenient at any time in the future in connection with any action of the Grantee to obtain the agreement or approval of the Grantors, their heirs or assigns, in connection with any matter relating to this Conservation Easement, the agreement or approval of the owner or owners of a majority interest in the Property, at any time, shall be deemed to be the agreement or approval of all the owners of the Property.

In consideration for the rights herein granted, the Grantee, by its acceptance hereof, hereby agrees to undertake the protection of the Property, in accordance with the conditions set forth above.

In consideration for the rights herein granted, the Grantee, by its acceptance hereof, hereby agrees to undertake the protection of the Property in accordance with the conditions set forth above.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals on the 19th day of February 1983.

Witness:

[Signature]

[Signature]
Evelyn H. Kanwit
[Signature]

State of Maine
Cumberland, ss.

February 22, 1983

Personally appeared the above-named Evelyn H. Kanwit and acknowledged the above instrument to be *her* free act and deed.

Before me,

[Signature]
Notary Public

State of Maine
Cumberland, ss.

Feb. 23, 1983

MY COMMISSION EXPIRES
SEPTEMBER 1, 1989

Personally appeared the above-named John H. Kanwit and acknowledged the above instrument to be *his* free act and deed.

Before me,

[Signature]
MY COMMISSION EXPIRES
SEPTEMBER 1, 1985

On behalf of the Town of Brunswick, the Town Council hereby accepts this Conservation Easement.

Dated: April 11, 1983

WITNESS

[Signature]
to all seven

[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]

ITEM 100

BACK UP MATERIALS

M E M O R A N D U M

TO: John Eldridge
Town Manager

FROM: Julie Henze
Finance Director

DATE: August 25, 2016

SUBJECT: Offer on tax-acquired property

In accordance with the tax-acquired property policy, and the procedures established by the Town Council, the Town recently offered three properties for sale in a sealed bid auction. Bids were received by and opened on August 1, 2016.

The Town received no bids on one of these properties, a vacant parcel of land on Coombs Road. Attached is an aerial view. The property is currently assessed for \$2,100 and the outstanding taxes, interest & fees total approximately \$365. This parcel is listed as 038-004-00B on the tax maps, and is approximately 0.21 acres in size. Jeff Hutchinson, Codes Enforcement Officer, has confirmed that the lot is an illegal lot, being under the minimum size allowed, and therefore is not buildable in its current configuration.

Since the bid-opening date, the Town has received correspondence from an abutting property owner who is interested in purchasing the property. Attached is a copy of an email from Maureen Babicki, in which she is offering the sum of \$500 for the parcel.

Given that this parcel has no value other than to an abutting landowner, and the Town has not received any other interest in this parcel I recommend that the Town accept Ms. Babicki's offer of \$500 for parcel 038-004-00B.

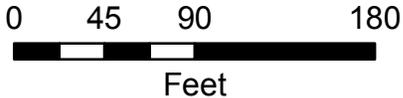
Please let me know if you have additional questions.

Brunswick Maine

038-004-00B



Legend
Selected Parcels
Parcels
Town Boundary



This map was generated by the Town of Brunswick's online GIS. This information has been compiled from various public and private sources. While every attempt has been made to provide accurate information, neither the municipality nor the service host guarantee the accuracy of information provided herein.

Map generated on: 8/25/2016

Julie Henze

From: Tricia Goud
Sent: Thursday, August 25, 2016 1:24 PM
To: Julie Henze
Subject: FW: Lot up for auction on Coombs Rd.

From: Mo Babicki [<mailto:babickimo@gmail.com>]
Sent: Monday, August 22, 2016 2:34 PM
To: John Eldridge; Tricia Goud
Subject: Fwd: Lot up for auction on Coombs Rd.

----- Forwarded message -----

From: **Mo Babicki** <babickimo@gmail.com>
Date: Wed, Aug 17, 2016 at 9:35 AM
Subject: Lot up for auction on Coombs Rd.
To: jaldridge@brunswickme.org

Good Morning, John,

As an abuttor for the lot South of my lot at 36 Coombs Rd., I would be prepared to pay \$500 for that South lot. I understand that the lot is not buildable, and that I would be responsible for removing the debris left at the site.

I thank you for giving me the opportunity to expand my flower growing space.

Sincerely,

Maureen Babicki

ITEM 101

BACK UP MATERIALS

Town of Brunswick, Maine

OFFICE OF THE TOWN MANAGER

MEMORANDUM

TO: Town Council

FROM: John Eldridge
Town Manager

DATE: August 31, 2016

SUBJECT: Firing Ranges

Councilor Perreault has asked questions about the Town's ability to regulate firing ranges. He was particularly concerned about complaints he had received regarding safety and noise. As I reported at previous meetings, it appeared to me that the ability to regulate noise was somewhat limited. I asked the Town Attorney to review our ordinances and State law and provide us with an opinion. The Town Attorney's opinion is attached.

attachment

Kristin M. Collins
kcollins@preti.com
Direct Dial: 207.791.3292

M E M O R A N D U M

TO: John Eldridge, Town of Brunswick

FROM: Kristin M. Collins; Stephen Langsdorf

DATE: August 30, 2016

RE: **Sport shooting ranges**

You have asked us to detail the extent to which the Town has authority to regulate and enforce noise generated from shooting activities.

Maine law has for at least two decades prohibited a municipal “noise control” ordinance from being applied to require a sport shooting range to limit or eliminate shooting activities that had occurred on a regular basis prior to enactment of the ordinance. This law, 30-A M.R.S. § 3011, was amended in the last legislative session to extend to “noise control or other ordinances.” Language was also added to protect only a range that “conforms to generally accepted gun safety and shooting range practices or is constructed in a manner not reasonably expected to allow a projectile to cross the boundary of the range.” Under the recent revision, municipal authority is granted to regulate the “location and construction” of (1) a new sport shooting range; or (2) a substantial change in use of an existing range on or after September 1, 2016. In addition, there would be authority to enforce ordinances against a shooting range that does not conform to generally accepted gun safety or shooting range practices or is not constructed in a manner to prevent a projectile from crossing the boundary.

What is a sport shooting range? This term is defined in 30-A M.R.S. § 3011 as “an area designed and used for archery, skeet and trap shooting or other similar shooting sports and the shooting of rifles, shotguns and pistols.” This would probably exclude an otherwise normal backyard area where a homeowner and guests might shoot from time-to-time (meaning that such an area is open to regulation and enforcement). However, there is nothing in the statute that limits its provisions to commercial or shooting club ranges; the limitations of the statute would probably apply to noncommercial “target practice” sites as defined by Brunswick’s ordinances.

What is a new shooting range? A new shooting range is one that is built or begins operations after September 1, 2016, or one that has had no shooting activity for a period of time and is seeking to resume operation.

What is a substantial change in use? We would interpret this in the same way that is generally applied in the zoning context. This will be considered on a case-by-case basis, and will come down to metrics such as number of shooting lanes, types of weapons (e.g. going from

archery to guns), number of guests per day, overall size of the facility, hours of operation, etc. The change must be enough that it tangibly affects the character of the facility or its impacts on others in the area.

How does this affect current Brunswick ordinances? Since Section 3011 is an express limitation on home rule authority, it does limit the Town's ability to enforce certain existing ordinances. Note that both a "shooting gallery" or "target practice site," as those terms are defined under the ordinances, likely qualify as "sport shooting ranges" for the purposes of Section 3011.

1. Sec. 17-3 Discharge of firearm near dwelling. This section prohibits discharge of a firearm within 100 yards of a residential dwelling, except at a licensed shooting gallery or target practice site. Since this provision exempts shooting ranges, it can be enforced (but see more on the licensing standards below).
2. Sec. 17-4 Discharge of firearm in certain portions of town. This section prohibits discharge of a firearm (except a black powder shotgun), within the listed areas of town. Since it applies only to shooting that occurs outside a target practice site (e.g. shooting range), it is enforceable despite Section 3011.
3. Sec. 17-5(a) Noncommercial target practice. Subsection (a) allows noncommercial target practice if the operator has an annual permit from the police department, has passed an inspection showing there is an adequate backstop or structure, meets pellet size limits, and operates only between 8:00 a.m. and 8:00 p.m.. There is certainly no problem with enforcing the license requirement against new or expanded shooting ranges. We would also advise the Town to continue licensing existing ranges, and would argue that the licensing requirement does not "limit or eliminate" their shooting activities. Further counsel should be sought if the Town is presented with a situation where an existing range fails to obtain an annual permit or cannot satisfy the approval standards.
4. Sec. 17-5(b) Commercial target practice. Subsection (b) allows commercial target practice if the operator meets all the requirements of subsection (a), as well as all other land use ordinances. A target practice facility would have to obtain a special permit under Section 701 of the Zoning Ordinance (see below). Otherwise, the same guidance as discussed above for Section 17-5(a) applies and we would suggest continuing to apply the licensing requirement.
5. Zoning Ordinance, Section 701. There is not a listed category of use for shooting ranges or any other similar term, so they are not expressly permitted in any zone. This means that any new or expanded shooting range would have to obtain a special permit under Section 701 of the Zoning Ordinance. These provisions are enforceable despite Section 3011 since the special permit requirement only applies to new or expanded facilities.
6. Zoning Ordinance, Sections 109.4 and 524. Section 109.4 of the Zoning Ordinance sets specific maximum noise levels. Section 524 requires "adequate provisions...to

control unnecessary noise from or at the site.” Because 30-A M.R.S. § 3011 now specifically prohibits any ordinance from being applied to limit or eliminate shooting activities at an existing range, the Town generally cannot order or ask a court to order an existing range to alter its practices, limit its hours, or shut down if it fails to meet the noise standards. The Town should only proceed with applying or enforcing the noise standards against an existing range if it can show that the range (1) does not conform to generally accepted gun safety or shooting range practices; (2) is not constructed in a manner to prevent a projectile from crossing the boundary; (3) is new (or is resuming activity after more than three years); or (4) has substantially changed in use.

It is unclear whether the new amendments to Section 3011 are intended to limit the Town’s ability to apply the noise requirements – both in terms of permitting and enforcement - against new or substantially changed ranges. This is because there is only clear authority in the statute to regulate the “location and construction” of new or expanded shooting ranges. Should the Town receive an application for a special permit or other approval for a new or expanded/changed shooting range, we would advise that legal counsel advise the reviewing authority on whether and how to apply the various approval standards. Section 3011 does clearly prevent the Town from denying any shooting range the ability to perform maintenance or make improvements to (1) enhance public safety and shot containment; (2) provide disabled access or restroom facilities; (3) improve habitability of buildings and grounds; or (4) repairing or rebuilding a building or structure damaged through an unintentional act. Again, we think it is reasonable to require building and other permits for such improvements as may otherwise be necessary; however, legal counsel should be sought before denying or placing conditions on such a permit.

KMC:

ITEM 102

BACK UP MATERIALS

MEMORANDUM

TO: Town Council
FROM: Appointments Committee
SUBJECT: Report for September 6th Appointments
DATE: 08/30/2016

The Appointments Committee is making the following recommendations:

Zoning Board of Appeals

Gary W. Ballerina –Associate member for a balance of a three-year term ending
07/01/2019

Town of Brunswick
Application for
Appointment to Board/ Commission/ Committee

For Office Use Only
8/8/16 Date App. Received
_____ Date App. Entered
_____ Appointed

Full Name: GARY W. BALLERINI Date 8/8/16

Street Address: 8 OTTER TRACE Home Phone # 798-8342

Cell/mobile Phone #: 809-0698 E-mail Address: GARYBALLERINI1@VERIZON.NET I live in Council Dist. #: 3

I wish to be considered for appointment to the:

ZBA

(NAME OF BOARD/COMMISSION/COMMITTEE)

Check one or both:

FULL MEMBERSHIP STATUS: _____

TERM BEGINS: IMMEDIATELY

ASSOC/ALT MEMBERSHIP STATUS:

TERM EXPIRES: _____

Do you or any relative currently serve on any Town Board/Commission/Committee? NO If so, please state name of Board/Commission/Committee, the number of years of service, and the relationship to this applicant:

_____ # of Years _____ Date term exp. _____ Relationship _____

Your occupation: RETIRED

Employer: _____ Work Telephone #: _____

List any civic organizations to which you belong:

PAST CHAIRMAN AND BOARD MEMBER VERONA, NJ BOARD OF ADJUSTMENT

Note any prior experience knowledge, or abilities that you have which would contribute to the activities of the board/committee/commission:

Have you previously served on a Town board/commission/committee? YES If so, please list the board/commission/committee and years of service:

11 YEARS

Gary W. Ballerini
SIGNATURE

PLEASE COMPLETE THE QUESTIONS ON THE BACK OF THIS APPLICATION.

Applicants may submit a cover letter and resume with the application form. Applications should be returned to the TOWN CLERK'S OFFICE, 85 Union Street, Brunswick, Me 04011.

You will be contacted to set up an interview with the Appointment Committee.

It is the intent of the Town to televise proceedings of Boards/Commissions/Committees

PLEASE NOTE: This completion of this application allows a person to be considered for a Town

Board/Commission/Committee, but does not guarantee placement on a Board/Commission/Committee.

APPLICANT - PLEASE COMPLETE THE QUESTIONS BELOW

Board/Commission/Committee Applying For: ZONING BOARD OF APPEAL

Term Length: _____

1. Do you have any questions about what the Board/Commission/Committee does or on its charge?

NO

2. Do you have any practical experience or formal education that would be relevant to the Board/Commission/Committee?

TOOK CLASS IN ZONING + PLANNING AT RUTGERS UNIVERSITY

3. Why would you like to be on the Board/Commission/Committee?

I WOULD LIKE TO GIVE BACK TO THE TOWN I LIVE IN, AND WITH MY PAST EXPERIANCE CAN BEST SERVE BRUNSWICK

4. Are you aware of the time involved and would you be able to attend most of the meetings?

YES

5. Do you have any conflict of interest that might involve either a direct financial gain or other gain?

NO

6. Do you have anything you would like to add?

NO

PLEASE REVIEW THE TOWN OF BRUNSWICK BOARDS, COMMISSIONS, AND COMMITTEES APPOINTMENT POLICY PRIOR TO SUBMITTING THIS APPLICATION. YOU MAY VIEW THE POLICY AT <http://www.brunswickme.org/departments/town-clerk/boards-committees/> OR OBTAIN A COPY FROM THE TOWN CLERK'S OFFICE.