

BRUNSWICK TOWN COUNCIL
Agenda
November 21, 2016
7:00 P.M. – Regular Meeting
Council Chambers
Town Hall
85 Union Street

Roll Call of Members

Acknowledgement of Meeting Notice

Pledge of Allegiance

Adjustments to Agenda

CONSENT AGENDA

- a) Approval of the minutes of November 7, 2016
- b) Appoint Fran Smith as Registrar of Voters
- c) Approval of games of chance license for Brunswick Lodge of Elks #2043

Public Comments

Correspondence

COMMITTEE REPORTS

- Bicycle and Pedestrian Advisory Committee
- Finance Committee
- Humans Rights Task Force
- Mare Brook Technical Advisory Committee
- Master Plan Implementation Committee
- Rivers and Coastal Waters Commission

MANAGER'S REPORT

- a) Financial update
- b) Council Project Tracking Report 4444
- c) Thanksgiving week trash pick-up and landfill schedule
- d) Graham Road Landfill Update

PUBLIC HEARING

- 126. The Town Council will hear public comments on a renewal special amusement license, and will take any appropriate action. (Manager)

Special Amusement
NKMDK
D/B/A: Yankee Lanes
276 Bath Road

Mr. Nelson Moody

HEARING/ACTION

127. The Town Council will hear public comments on increases to the shellfish license fees contained in the Municipal Code of Ordinances, Appendix B - the Master Schedule of Revenues, Charges, Fees and Fines, and will take any appropriate action.

HEARING/ACTION

NEW BUSINESS

128. The Town Council will consider amendments to Code of Ordinances, Chapter 13 “Solid Waste” to, by contract, allow the Graham Road landfill to accept solid waste generated beyond the corporate limits of Brunswick, and will take any appropriate action.
(Manager)

ACTION

129. The Town Council will consider a recommendation from the Recreation Commission regarding Brunswick becoming a Tree City USA community, and will take any appropriate action. (Chair Sarah Brayman)

ACTION

130. The Town Council will consider proposed ordinances regarding a disposable bag ordinance, and will take any appropriate action. (Councilor Stephen Walker and Councilor Kathy Wilson)

DISCUSSION

131. The Town Council will consider an Emergency Moratorium Ordinance on Retail Marijuana Stores, Facilities, and Social Clubs, and will take any appropriate action.
(Councilor Jane Millett)

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
November 21, 2016
Council Notes and Suggested Motions

CONSENT AGENDA

- a) Approval of the Minutes of November 7, 2016: A copy of the minutes is included in your packet.
- b) Appoint Fran Smith as Registrar of Voters: This is a biannual appointment of the registrar of voters for a term to expire December 31, 2018. This is set as a requirement in M.R.S.A Title 21-A section 101.2.
- c) Approval of Brunswick Lodge of Elks 2043 renewal of games of chance: The Elks are requesting the six month renewal of a games of chance license for January to June of 2017. A copy of their application is included in your packet.

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.

COMMITTEE REPORTS

- Bicycle and Pedestrian Advisory Committee
- Finance Committee
- Humans Rights Task Force
- Mare Brook Technical Advisory Committee
- Master Plan Implementation Committee
- Rivers and 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) Financial update: Manager Eldridge will update the Council and the public on the Town's financial picture over the past month. Copies of the financial reports are included in your packet.
- b) Council 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.
- c) Thanksgiving Trash pick-up and landfill schedule: There will be no curbside trash pick-up on Thanksgiving, but there will be regular collection on Friday. The make-up day for

Thursday (Thanksgiving) will be Saturday, November 26th. The landfill will be closed Thursday and Friday, but open on Saturday.

- d) Graham Road Landfill Update: Manager Eldridge will update the Council on this project. A copy of a memo from Woodard and Curran, as well as a preliminary closure schedule is included in your packet.

PUBLIC HEARING

126. This is the required public hearing for the renewal special amusement license for Yankee Lanes, 276 Bath Road. They are requesting a DJ, karaoke and live bands in the bar on Friday and Saturday nights until 1:00 am. Their personal property tax is paid. A copy of the application is included in your packet.

Suggested motion:

Motion to approve the renewal special amusement license for Yankee Lanes, 276 Bath Road.

127. This is the required public hearing on increases to the shellfish license fees contained in the Municipal Code of Ordinances, Appendix B - the Master Schedule of Revenues, Charges, Fees and Fines. In order for this be effective for the 2017 license year, the Council will need to waive the Council rules to wait an additional meeting to adopt an ordinance and adopt the increase tonight. Otherwise adoption will need to be on an emergency basis at your next meeting. Copies of a memo from Manager Eldridge, a memo from Marine Resource Officer Dan Devereaux, a schedule of fees and the Marine Resources budget, is included in your packet.

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

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

Suggested motion:

Motion to adopt increases to the shellfish license fees contained in the Municipal Code of Ordinances, Appendix B - the Master Schedule of Revenues, Charges, Fees and Fines.

NEW BUSINESS

128. The Council held the required public hearing on November 7th on these proposed amendments to Code of Ordinances, Chapter 13 "Solid Waste" to, by contract, allow the Graham Road landfill to accept solid waste generated beyond the corporate limits of Brunswick. At this time, the Council will consider adoption. Manager Eldridge made modifications to the wording in the amendments to address Councilor Harris's concerns. Copies of a memo from Manager Eldridge and the proposed ordinance amendments with the highlighted changes are included in your packet.

Suggested Motion:

Motion to approve amendments to Code of Ordinances, Chapter 13 "Solid Waste" to, by contract, allow the Graham Road landfill to accept solid waste generated beyond the corporate limits of Brunswick.

129. This item, sponsored by Chair Sarah Brayman, asks the Council to consider a unanimous recommendation from the Recreation Commission that Brunswick apply for recognition as a Tree City USA community. The required remaining steps that need to be completed prior to meeting the criteria for submittal of an application are:
- creation of a Tree Committee
 - adoption of a Tree Ordinance
 - annual adoption of a Town Council Proclamation for Observance of Arbor Day

If Council agrees, the Recreation Department will take steps to continue, and bring these items back at a subsequent meeting for further review and potential action by Council. A copy of a memo from Parks & Recreation Director Tom Farrell, as well as information on the Tree City USA program, a sample ordinance and a sample proclamation are included in your packet.

Suggested motion:

Motion to create a Tree Committee and to take any other appropriate steps to apply for the designation of Tree City USA.

130. This item, sponsored by Councilor Stephen Walker and Councilor Kathy Wilson, asks the Council to consider options for ordinances that would ban, or charge a fee, for single-use carryout bags at retail establishments. The options were discussed at a joint Town Council-Recycling & Sustainability workshop on September 26, 2016. Copies of two draft ordinances and the proposed fee schedules are included in your packet.

There is no suggested motion at this time.

131. This item, sponsored by Councilor Jane Millett, is to consider an Emergency Moratorium Ordinance on Retail Marijuana Stores, Facilities, and Social Clubs. The Town's current ordinances do not address retail marijuana facilities as described in the "Marijuana Legalization Act", and the moratorium is proposed to allow the Town sufficient time to analyze the potential impacts the legalization of retail marijuana could have on Brunswick and its residents. Further, the moratorium would allow the Town time to draft and implement appropriate regulations.

The moratorium is proposed as an emergency ordinance. Under Section 212 of the Town Charter, the moratorium may be enacted and effective immediately. Should the Town Council adopt the moratorium at the November 21st meeting, the Charter provides that it will be automatically repealed on the fiftieth (50th) day following enactment. To extend the moratorium to one hundred eighty (180) days will require the Council to re-adopt it following a public hearing. In addition to the proposed emergency moratorium, a portion of the Act relating to local regulation and the bill's summary, contained in the Act, are attached. (Councilor Jane Millett)

Suggested Motion:

Motion to adopt an Emergency Moratorium Ordinance on Retail Marijuana Stores, Facilities, and Social Clubs, and to set a public hearing for December 19, 2016, to extend the moratorium.

Suggested Motion:
Motion to adjourn the meeting.

CONSENT AGENDA - A BACK UP MATERIALS

Draft
BRUNSWICK TOWN COUNCIL
Minutes
November 7, 2016
7:00 P.M.
Council Chambers
Town Hall
85 Union Street

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

Councilors Absent: John M. Perreault

Town Staff Present: John S. Eldridge, III, Town Manager; Derek Scrapchansky, Assistant Town Manager; Debra Blum, Executive Administrative Assistant; Anna Breinich, Director of Planning & Codes; Mark Waltz, Police Commander; Julie Henze, Finance Director; Dan Devereaux, Marine Warden; Stephen S. Langsdorf, Town Attorney; and TV video crew

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

Chair Brayman led the Pledge of Allegiance.

Adjustments to Agenda

There were no adjustments.

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

All items on the Consent Agenda were considered separately.

a) Approval of the Minutes of October 3, 2016

Councilor Kathy Wilson noted that her Point of Order called during the meeting was not included in the minutes, and she would like this corrected.

Councilor Kathy Wilson moved, Councilor Jane Millett seconded, to approve the minutes of October 3, 2016, as amended above. The motion carried with eight (8) yeas.

b) Approval of the minutes of October 17, 2016

Chair Sarah Brayman moved, Councilor Suzan Wilson seconded, to approve the minutes of October 17, 2016. The motion carried with eight (8) yeas.

c) Approval of a Quitclaim Release Deed for Noble Street, LLC

Anna Breinich presented and explained this item.

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Councilor Jane Millett, Councilor Dan Harris, Councilor Kathy Wilson and Councilor Alison Harris asked questions, to which Manager Eldridge and Ms. Breinich responded.

Councilor Steve Walker, Chair Sarah Brayman and Councilor Alison Harris commented.

Councilors Jane Millett, Councilor Suzan Wilson, Councilor Kathy Wilson and Councilor Dan Harris commented on this item. Councilor Dave Watson commented and asked questions, to which Ms. Breinich responded.

Chair Sarah Brayman moved, Councilor Alison Harris seconded, to approve a quitclaim deed that extinguishes two easements; a stormwater easement and a pedestrian easement. The motion carried with seven (7) yeas. Councilor Jane Millett was opposed.

(A copy of the quitclaim deed and a map will be attached to the official minutes.)

Public Comment *(This item was discussed at 7:37 p.m.)*

Lucille Stott, 4 Braemar Road, Board Chair of Tri-County Literacy, made a brief presentation about Tri-County Literacy's two major programs, the "Read with Me" and Literacy Volunteers programs, and provided information about their largest fundraiser, the Candy Cane Train, which will take place on the Downeaster this year on the 10th and 11th of December.

Councilor Alison Harris informed the Council and the public of the kick-off of the Downeaster's third round trip to Boston on November 21st.

Councilor Kathy Wilson would like to have the bushes trimmed at the intersection of Mill and Cumberland Streets for better visibility.

Correspondence *(This item was discussed at 7:43 p.m.)*

Chair Brayman read a statement from the Browntail Moth Action Group and mentioned that their next meeting would occur on November 11th at People Plus. Councilors have also received correspondence from the neighbors regarding 946 Mere Point Road.

COMMITTEE REPORTS *(This item was discussed at 7:45 p.m.)*

- Bicycle & Pedestrian Advisory Committee
- Finance Committee
- Recycling & Sustainability Committee

A report was given on the Finance Committee. Updates from the other committees will be given after their next meetings.

MANAGER'S REPORT

a) Election reminder

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Manager Eldridge reminded the Council and the public that Election Day is tomorrow, November 8, 2016, and all of the voting will occur at Brunswick Junior High School at 65 Columbia Drive. Polling hours are from 7:00 am until 8:00 pm.

b) 946 Mere Point Road property update

Town Attorney Stephen S. Langsdorf updated the Council on the process, legality and chronology of the petition to retain 946 Mere Point Road, and confirmed his legal opinion that the current petition and process “is not a proper process”. He answered a question from Councilor Jane Millett.

(Copies of supporting materials will be attached to the official minutes.)

Public comments were made by the following people

Soxna Dice, 3 Breckan Road

Prentiss Weiss, 895 Mere Point Road

Richard Fisco, 2 Lincoln Street

Manager Eldridge responded to questions from Councilor Jane Millett and Councilor Suzan Wilson.

Councilor Jane Millett commented on this item.

Soxna Dice asked a question, which Attorney Langsdorf answered.

c) Frank J. Wood Bridge update

Manager Eldridge updated the Council and the public on recent Section 106 Consulting Parties and Design Advisory Committee meetings related to the Frank J. Wood Bridge, and informed the public of upcoming meetings.

d) Zoning Ordinance Rewrite Update

Manager Eldridge updated the Council and the public on the proposed updated zoning ordinance and the upcoming public hearings.

Councilor Jane Millett commented and asked a question, which Ms. Breinich answered.

Councilor Suzan Wilson asked a question, which Manager Eldridge answered.

PUBLIC HEARING *(This item was discussed at 8:21 p.m.)*

- 119. The Town Council will hear public comments on proposed amendments to Code of Ordinances, Chapter 11 “Marine Activities, Structures and Ways” including new definitions, changes in license categories and opening and closing of coastal waters, and will take any appropriate action. (Manager)**

Chair Sarah Brayman opened the public hearing.

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Manager Eldridge explained that the staff was recommending that this item be tabled indefinitely because the Marine Resource Committee would like to complete an additional “top to bottom” review of the ordinance before coming to Council for adoption.

Chair Sarah Brayman closed the public hearing.

VOTE ON MOTION

Councilor Dan Harris moved, Councilor Kathy Wilson seconded, to table this item indefinitely. The motion carried with eight (8) yeas.

- 120. The Town Council will hear public comments on proposed amendments to Code of Ordinances, Chapter 12 “Personnel Ordinance” to provide for an alternate process to hire current Maine Criminal Justice Academy Certified Full-Time Law Enforcement Officers, and will take any appropriate action. (Manager)**

Chair Sarah Brayman opened the public hearing.

Manager Eldridge introduced this item.

There were no public comments.

Chair Sarah Brayman closed the public hearing.

By unanimous consent, the Council agreed to vote tonight.

VOTE ON MOTION

Councilor Kathy Wilson moved, Councilor Dave Watson seconded, to approve amendments to Code of Ordinances, Chapter 12 “Personnel Ordinance” to provide for an alternate process to hire current Maine Criminal Justice Academy Certified Full-Time Law Enforcement Officers. The motion carried with eight (8) yeas.

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

- 121. The Town Council will hear public comments on amendments to the General Assistance Maximums, and will take any appropriate action. (Manager)**

Chair Sarah Brayman opened the public hearing.

Manager Eldridge introduced this item.

There were no public comments.

Chair Sarah Brayman closed the public hearing.

Councilor Dave Watson asked a question, which Manager Eldridge answered.

By unanimous consent, the Council agreed to vote tonight.

Councilor Steve Walker moved, Chair Sarah Brayman seconded, to approve amendments to the General Assistance Maximums. The motion carried with eight (8) yeas.

(A copy of the General Assistance Maximums with the changes will be attached to the official minutes.)

- 122. The Town Council will hear public comments on amendments to Code of Ordinances, Chapter 13 “Solid Waste” to, by contract, allow the Graham Road landfill to accept solid waste generated beyond the corporate limits of Brunswick, and will take any appropriate action. (Manager)**

Chair Sarah Brayman opened the public hearing.

Manager Eldridge introduced this item.

Councilor Kathy Wilson, Chair Sarah Brayman, Councilor Dan Harris and Councilor Suzan Wilson commented on this item.

Councilor Dan Harris, Councilor Jane Millett, Councilor Suzan Wilson and Councilor Dave Watson all asked questions, to which Manager Eldridge responded.

Public Comment were made by the following people:

Joe Ciarrocca, 532 Harpswell Road, Brunswick

Richard Fisco, 2 Lincoln Street

Chair Sarah Brayman closed the public hearing.

Councilor Kathy Wilson and Chair Sarah Brayman commented on this item.

Councilor Suzan Wilson asked a question, which Manager Eldridge answered.

Councilor Dan Harris made a comment and asked a question, which Manager Eldridge answered.

Councilor Kathy Wilson moved, Councilor Dave Watson seconded, to suspend the Council Rules to allow the Council to vote on this item tonight. The motion failed with four (4) yeas. Councilor Steve Walker, Chair Brayman, Councilor Dan Harris and Councilor Alison Harris were opposed.

NEW BUSINESS *(This item was discussed at 8:50 p.m.)*

- 123. The Town Council will consider setting a public hearing for November 21, 2016, to consider increases to the shellfish license fees contained in the Municipal Code of Ordinances, Appendix B - the Master Schedule of Revenues, Charges, Fees and Fines. (Manager)**

Manager Eldridge and Marine Warden Devereaux spoke about this item.

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Councilor Jane Millett, Councilor Steve Walker, Councilor Kathy Wilson, and Councilor Alison Harris asked questions, which Dan Devereaux and Manager Eldridge answered.

There were no public comments.

Councilor Suzan Wilson moved, Councilor Kathy Wilson seconded, to set a public hearing for November 21, 2016, to consider proposed increases to the shellfish license fees contained in the Municipal Code of Ordinances, Appendix B – the Master Schedule of Revenues, Charges, Fees and Fines. The motion passed with eight (8) yeas.

124. The Town Council will consider modifications to the Finance Committee Policy, as recommended by the Finance Committee. (Finance Committee)

Councilor Steve Walker, Chair of the Finance Committee, introduced this item. They are recommending several amendments to the Finance Committee Policy, after consideration of Town Council discussion of this item at its October 17, 2016 meeting.

There were no public comments.

Councilor Steve Walker moved, Councilor Dan Harris seconded, the motion to approve modifications to the Finance Committee Policy as recommended by the Finance Committee. The motion passed with eight (8) yeas.

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

Councilor Kathy Wilson presented nominations

Recycling & Sustainability Committee:

- Jennifer Hicks – balance of a three-year term to expire on 01/01/2019
- Deb Atwood – balance of a three-year term to expire on 01/01/2017

Zoning Board of Appeals:

- Jessica Braun – reappointment as a full member for a three-year term to expire to 11/20/2019
- Nicholas Livesay - reappointment as a full member for a three-year term to expire to 11/20/2019

There were no other nominations from the Council.

The Council supported these nominations with eight (8) yeas.

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

The meeting adjourned at 9:15 p.m.

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November 7, 2016

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

Debra Blum

Executive Administrative Assistant

November 14, 2016

November 21, 2016

Date of Approval

Council Chair

CONSENT AGENDA - B
NO BACK UP MATERIALS

CONSENT AGENDA - C BACK UP MATERIALS



STATE OF MAINE
DEPARTMENT OF PUBLIC SAFETY
MAINE STATE POLICE
SPECIAL INVESTIGATIONS UNIT

164 STATE HOUSE STATION, AUGUSTA, MAINE 04333-0164
(207) 624-7210

Application for a License to Operate Beano/Bingo or a Game of Chance

The Special Investigations Unit must receive this application at least eight days before Beano or a Game of Chance may begin

1. For what license are you applying (please check one): BEANO OR GAME OF CHANCE

IF YOU CHECKED GAMES OF CHANCE:

2. Organization Name: BPOE 2043 Name of Game: See below

Organization Number: 1219 Number of Games: 7

Federal Tax ID # (EIN): 01-020240 Open to Public? Yes No

Business Address: 179 Park Row Brunswick, Me 04011

Mailing Address: same Phone: _____

3. Current Officers:

NAME & TITLE	ADDRESS	CITY/ZIP	PHONE	DATE TERM EXPIRES
<u>Rod Bauer ER</u>	<u>46 Karen Lane Brun Me 04011</u>	<u></u>	<u>837-4307</u>	<u>3-31-17</u>
<u>Robert Thiboutot Knight</u>	<u>43 Barrows Drive Topsham</u>	<u>04086</u>	<u>729-4388</u>	<u>3-31-17</u>
<u>Kevin Keenan Loyall Knight</u>	<u>23 Winder St Apt A-1 Topsham</u>	<u>04086</u>	<u>837-5052</u>	<u>3-31-17</u>
<u>Colette Cullen Redding Knight</u>	<u>22 Bickford Dr Topsham</u>	<u>04086</u>	<u>725-5353</u>	<u>3-31-17</u>

4. Location where Beano/Bingo or Game of Chance is to be conducted:
BPOE 2043

BUILDING	ADDRESS	CITY/ZIP
<u>BPOE 2043</u>	<u></u>	<u></u>

5. Person responsible for operation of Beano or Games of Chance:
Sharon L. Belanger 7298328 504-0979

Name & Address where Licenses will be sent: BPOE 2043

E-Mail Address: _____

6. Circle the days of the week you expect to operate: Mon Tue Wed Thu Fri Sat Sun

What are the hours of operation? Mon-Fri 11-8 Sat Sun 11-9

7. For Tournaments and Beano Only:
What time do the doors open? _____ What time does the game start? _____

8. Dates to be licensed - Please specify weeks (Monday through Sunday) or full months. You may apply in advance for up to 6 months of licenses for Beano and 12 months for Games of Chance. See back of this form for rates.

- Cards Jan-Dec 2017
- Sealed Tickets - Jan-Dec 2017 2 games
- Chicken Shoot Jan-Dec 2017 1 game
- Pot of Gold Jan-Dec 2017 2 games

BG 5 (09/13) - Previous Editions are Obsolete

Queen of Hearts - Jan-Dec 2017 1 game
* If possible, could I have permission to run these games for the whole year?

FOR OFFICE USE ONLY	
Check #	_____
Amount \$	_____

9. Does the organization own all the equipment used in operating this amusement? Yes No

If "NO", please explain the circumstances under which the equipment was acquired:

10. Has any current officer of this organization or association ever been convicted of or have any charges currently pending for violating the gambling or lottery laws of the United States or the State of Maine? Yes No

If "YES" give the person's name, address, and date and place of conviction or date and location of pending charge:

11. If the Applicant is a Fair Association, attach a list of the names and home addresses of the persons operating or assisting in the licensed activity. Please write your organization name and number on the list.

-----APPLICANT SIGNATURE-----

12. The applicant agrees to obey the laws of the State of Maine and the United States and the rules and regulations governing Beano or Game of Chance promulgated by the Chief of the State Police. The applicant warrants the truth of the foregoing statements on penalty of perjury.

Signed: Sharon L. Belanger Age 18 or older: Yes No
Name: Sharon L. Belanger Title: GOC Chairman Date: 11-7-16
(Please print - must be duly authorized officer of this organization - title is required)

-----BLANKET LETTER-----

13. The following consent must be completed by the municipal officers of the city or town where the Beano/Bingo or Game of Chance will take place unless a separate "Blanket Letter of Approval" is filed with the Chief of the State Police.

- Check here if you have previously filed a "Blanket Letter of Approval" with us, which is still valid
- Check here if you have attached a "Blanket Letter of Approval".

-----CONSENT-----

The undersigned being municipal officers of the City/Town of _____ hereby certify that we consent to this application for a license to operate Beano/Bingo or a Game of Chance in accordance with the provisions of 17 M.R.S.A. Chapter 13-A (Beano) or Chapter 62 (Games of Chance) and in accordance with the Rules and Regulations promulgated by the Chief of the State Police governing the operating of Beano/Bingo or Games of Chance.

Name: _____ Date: _____
Name: _____ Date: _____
Name: _____ Date: _____
Name: _____ Date: _____

-----FEES-----

Beano/Bingo: \$5.00/Special Per Game License; \$12/Week; \$36/Month; \$400/Year

Game of Chance: \$15/Week; \$60/Month; \$700/Year Video Poker: \$15/Week or \$60/Month Card / Cribbage: \$30 Per Calendar Year

Tournament Game (up to 100 players): \$75.00/Per Tournament; \$200.00/Month (Two Tournaments per Month); \$1,500/Year (Two Tournaments per Month)

Make check payable to Treasurer, State of Maine

Return the signed and completed application to: Department of Public Safety
Maine State Police
Special Investigations Unit
164 State House Station
Augusta, ME 04333-0164

MANAGER'S REPORT - A BACK UP MATERIALS

FOR 2017 04

	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
<u>00 Fill</u>							
19000 General Fund Transfers Out	1,453,828	1,453,828	1,493,828.00	.00	.00	-40,000.00	102.8%
TOTAL Fill	1,453,828	1,453,828	1,493,828.00	.00	.00	-40,000.00	102.8%
<u>10 General Government</u>							
11000 Administration	606,061	606,061	177,198.75	53,849.06	.00	428,862.25	29.2%
11100 Finance Department	733,405	733,405	228,208.56	50,046.31	1,300.00	503,896.44	31.3%
11150 Technology Services Dept	371,032	371,032	121,529.21	10,350.10	-1,101.00	250,603.79	32.5%
11200 Municipal Officers	90,665	90,665	5,303.39	1,111.39	.00	85,361.61	5.8%
11210 Munic Bldg - 85 Union	212,281	212,281	53,472.82	11,143.42	7,275.69	151,532.49	28.6%
11230 Risk Management	529,827	529,827	188,552.16	46,836.66	.00	341,274.84	35.6%
11240 Employee benefits	0	0	-71,549.89	-19,932.51	.00	71,549.89	100.0%
11250 Cable TV	67,269	67,269	21,562.11	4,948.74	-1,268.36	46,975.25	30.2%
11300 Assessing	315,863	315,863	96,380.31	22,169.95	2,871.00	216,611.69	31.4%
11600 Town Clerk & Elections	347,453	347,453	102,584.74	35,614.50	7,300.99	237,567.27	31.6%
11900 Planning Department	498,664	498,664	151,112.81	37,850.22	.00	347,551.19	30.3%
11950 Economic Development Dept	120,071	120,071	33,536.64	8,294.97	.00	86,534.36	27.9%
TOTAL General Government	3,892,591	3,892,591	1,107,891.61	262,282.81	16,378.32	2,768,321.07	28.9%
<u>20 Public Safety</u>							
12100 Fire Department	3,238,027	3,238,027	1,051,724.25	264,336.76	23,933.90	2,162,368.85	33.2%
12150 Central Fire Station	41,258	41,258	11,480.25	1,467.76	471.58	29,306.17	29.0%
12160 Emerson Fire Station	51,200	51,200	17,845.34	9,351.29	6,938.53	26,416.13	48.4%
12200 Police Department	3,745,376	3,745,376	1,155,077.95	249,510.23	18,057.58	2,572,240.47	31.3%
12210 Police Special Detail	0	0	8,841.72	841.07	.00	-8,841.72	100.0%
12220 Emergency Services Dispatch	817,420	817,420	236,210.12	56,392.78	.00	581,209.88	28.9%
12250 Police Station Building	104,892	104,892	29,829.84	5,079.32	2,426.00	72,636.16	30.8%
12280 Marine Resources	189,911	189,911	54,879.27	11,112.52	.00	135,031.73	28.9%
12310 Streetlights	215,000	215,000	65,965.22	17,466.21	.00	149,034.78	30.7%
12320 Traffic Signals	31,600	31,600	2,081.51	512.69	.00	29,518.49	6.6%
12330 Hydrants	465,000	465,000	117,565.28	112,056.64	.00	347,434.72	25.3%
12340 Civil Emergency Preparedness	2,000	2,000	360.00	360.00	.00	1,640.00	18.0%
TOTAL Public Safety	8,901,684	8,901,684	2,751,860.75	728,487.27	51,827.59	6,097,995.66	31.5%

FOR 2017 04

30	Public Works	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
<hr/>								
30	Public Works							
<hr/>								
13100	Public Works Administration	492,640	492,640	137,686.17	34,824.37	1,704.75	353,249.08	28.3%
13110	PW General Maintenance	1,720,179	1,720,179	407,595.76	91,505.85	169,435.84	1,143,147.40	33.5%
13130	Refuse Collection	629,847	629,847	164,638.71	50,248.75	267,635.02	197,573.27	68.6%
13140	Recycling	331,644	331,644	80,558.25	27,148.10	242,181.91	8,903.84	97.3%
13150	PW Central Garage	724,456	724,456	159,420.19	39,395.89	39,623.57	525,412.24	27.5%
	TOTAL Public Works	3,898,766	3,898,766	949,899.08	243,122.96	720,581.09	2,228,285.83	42.8%
<hr/>								
40	Human Services							
<hr/>								
14100	General Assistance	173,351	173,351	39,999.89	8,012.29	3,752.64	129,598.47	25.2%
14120	Health & Social Services	2,766	2,766	704.63	.00	.00	2,061.37	25.5%
	TOTAL Human Services	176,117	176,117	40,704.52	8,012.29	3,752.64	131,659.84	25.2%
<hr/>								
45	Education							
<hr/>								
14500	School Department	37,695,535	37,695,535	7,665,690.56	2,607,864.05	.00	30,029,844.44	20.3%
	TOTAL Education	37,695,535	37,695,535	7,665,690.56	2,607,864.05	.00	30,029,844.44	20.3%
<hr/>								
50	Recreation and Culture							
<hr/>								
15000	Recreation Administration	431,115	431,115	151,140.38	36,895.72	-1,080.00	281,054.62	34.8%
15050	Rec Buildings and Grounds	723,726	723,726	223,981.31	59,589.04	-6,675.00	506,419.69	30.0%
15250	Rec Building 211	175,585	175,585	20,878.05	11,948.62	-6,711.96	161,418.91	8.1%
15300	Teen Center	16,000	16,000	16,000.00	.00	.00	.00	100.0%
15310	People Plus	123,200	123,200	117,892.93	582.00	.00	5,307.07	95.7%
15400	Curtis Memorial Library	1,373,500	1,373,500	452,833.36	113,208.33	.00	920,666.64	33.0%
	TOTAL Recreation and Culture	2,843,126	2,843,126	982,726.03	222,223.71	-14,466.96	1,874,866.93	34.1%
<hr/>								
60	Intergovernmental							

FOR 2017 04

60	Intergovernmental	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
16000	County tax	1,410,855	1,410,855	1,410,855.00	1,410,855.00	.00	.00	100.0%
	TOTAL Intergovernmental	1,410,855	1,410,855	1,410,855.00	1,410,855.00	.00	.00	100.0%
70	Unclassified							
17000	Promotion and Development	171,699	171,699	126,532.61	1,140.00	615.00	44,551.39	74.1%
17010	Additional School Assistance	10,000	10,000	.00	.00	.00	10,000.00	.0%
17020	Cemetery Care	7,000	7,000	4,250.00	1,000.00	.00	2,750.00	60.7%
17030	Wage Adjustment Account	158,000	158,000	.00	.00	.00	158,000.00	.0%
	TOTAL Unclassified	346,699	346,699	130,782.61	2,140.00	615.00	215,301.39	37.9%
80	Debt Service							
18020	2006 CIP G/O Bonds	236,000	236,000	220,000.00	220,000.00	.00	16,000.00	93.2%
18030	2011 GO CIP Bonds	226,135	226,135	211,935.00	211,935.00	.00	14,200.00	93.7%
18040	Police Station Bond	394,625	394,625	336,187.51	336,187.51	.00	58,437.49	85.2%
18050	2010 Elementary School Bond	0	0	1,302,057.50	1,302,057.50	.00	-1,302,057.50	100.0%
	TOTAL Debt Service	856,760	856,760	2,070,180.01	2,070,180.01	.00	-1,213,420.01	241.6%
	GRAND TOTAL	61,475,961	61,475,961	18,604,418.17	7,555,168.10	778,687.68	42,092,855.15	31.5%

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

FOR 2017 04

			ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
10 Taxes								
111190	41101	Property Taxes	39,011,578	39,011,578	39,498,291.96	193,604.34	-486,713.96	101.2%
111190	41103	Deferred Property Tax	-200,000	-200,000	.00	.00	-200,000.00	.0%
111190	41104	Tax Abatements	-75,000	-75,000	-197,629.98	-193,069.40	122,629.98	263.5%
111190	41105	Interest on Taxes	65,000	65,000	25,652.31	4,959.27	39,347.69	39.5%
111190	41106	Tax Lien Costs Revenu	15,000	15,000	14,771.32	.00	228.68	98.5%
111190	41107	Tax Lien Interest Rev	15,000	15,000	17,444.67	.00	-2,444.67	116.3%
111190	41109	Payment in Lieu of Ta	225,000	225,000	34,951.83	2,388.00	190,048.17	15.5%
111190	41197	BETE reimbursement	572,325	572,325	.00	.00	572,325.00	.0%
111190	41198	Homestead exemption r	671,317	671,317	511,262.00	.00	160,055.00	76.2%
111190	41199	Miscellaneous tax adj	4,279	4,279	.00	.00	4,279.00	.0%
111191	41110	Excise Tax - Auto	2,965,000	2,965,000	1,225,611.98	285,531.10	1,739,388.02	41.3%
111191	41111	Excise Tax Boat/ATV/S	25,000	25,000	2,671.25	66.45	22,328.75	10.7%
111191	41112	Excise Tax - Airplane	3,000	3,000	.00	.00	3,000.00	.0%
TOTAL Taxes			43,297,499	43,297,499	41,133,027.34	293,479.76	2,164,471.66	95.0%
TOTAL REVENUES			43,297,499	43,297,499	41,133,027.34	293,479.76	2,164,471.66	
20 Licenses & Fees								
121111	42207	Passport Fees	11,000	11,000	4,825.00	1,200.00	6,175.00	43.9%
121111	42209	Passport Picture Reve	4,000	4,000	1,575.00	330.00	2,425.00	39.4%
121411	42100	Building Permits	145,000	145,000	56,435.18	16,629.90	88,564.82	38.9%
121411	42101	Electrical Permits	34,000	34,000	14,095.19	3,182.90	19,904.81	41.5%
121411	42102	Plumbing Permits	23,000	23,000	12,037.50	3,655.00	10,962.50	52.3%
121611	42200	Hunting & Fishing Lic	1,200	1,200	210.75	50.45	989.25	17.6%
121611	42201	Dog License Fee	2,550	2,550	199.00	73.00	2,351.00	7.8%
121611	42202	Vital Statistics	48,000	48,000	19,321.60	4,547.80	28,678.40	40.3%
121611	42203	General Licenses	20,770	20,770	2,410.00	260.00	18,360.00	11.6%
121611	42204	Victulars/Innkeepers	19,425	19,425	3,450.00	.00	15,975.00	17.8%
121611	42205	Shellfish Licenses	17,950	17,950	475.00	25.00	17,475.00	2.6%
121611	42206	Neutered/Spayed Dog L	4,670	4,670	296.00	122.00	4,374.00	6.3%
121611	42210	Mooring fees	21,700	21,700	200.00	.00	21,500.00	.9%
121911	42300	Planning Board Appl F	25,000	25,000	8,336.28	1,184.00	16,663.72	33.3%
122121	42400	Fire Permits	2,000	2,000	890.00	635.00	1,110.00	44.5%
122221	42500	Conc Weapons Permits	400	400	200.00	55.00	200.00	50.0%
122221	42501	Parking Permit fee	425	425	125.00	25.00	300.00	29.4%
123131	42600	Public Works Opening	6,000	6,000	9,045.00	7,150.00	-3,045.00	150.8%
TOTAL Licenses & Fees			387,090	387,090	134,126.50	39,125.05	252,963.50	34.6%
TOTAL REVENUES			387,090	387,090	134,126.50	39,125.05	252,963.50	

FOR 2017 04

			ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
<u>30 Intergovernmental</u>								
131122	43505	FD EMPG grant	15,000	15,000	3,143.39	3,143.39	11,856.61	21.0%
131132	43103	Highway Grant Fund	199,000	199,000	.00	.00	199,000.00	.0%
131142	43104	State General Assista	35,000	35,000	3,715.59	1,953.73	31,284.41	10.6%
131190	43102	State Tax Exemption R	42,000	42,000	.00	.00	42,000.00	.0%
131192	43101	State Revenue Sharing	1,109,837	1,109,837	385,446.96	116,786.29	724,390.04	34.7%
131192	43106	Snowmobile Receipts	1,400	1,400	.00	.00	1,400.00	.0%
134546	43120	State Education Subsi	10,976,063	10,976,063	4,348,242.81	1,936,807.46	6,627,820.19	39.6%
TOTAL Intergovernmental			12,378,300	12,378,300	4,740,548.75	2,058,690.87	7,637,751.25	38.3%
TOTAL REVENUES			12,378,300	12,378,300	4,740,548.75	2,058,690.87	7,637,751.25	
<u>40 Charges for services</u>								
141111	44110	Agent Fee Auto Reg	50,000	50,000	18,908.00	4,153.00	31,092.00	37.8%
141111	44111	Agent Fee Boat/ATV/Sn	1,500	1,500	350.00	31.00	1,150.00	23.3%
141211	44121	Rental of Property	1,200	1,200	400.00	100.00	800.00	33.3%
141611	44131	Advertising Fees	0	0	604.58	.00	-604.58	100.0%
142121	44155	Ambulance Service Fee	850,000	850,000	381,593.37	144,229.02	468,406.63	44.9%
142121	44166	Special Detail - Fire	1,000	1,000	3,692.48	2,342.56	-2,692.48	369.2%
142221	44161	Witness Fees	1,000	1,000	316.16	.00	683.84	31.6%
142221	44162	Police Reports	4,500	4,500	1,158.29	493.29	3,341.71	25.7%
142221	44163	School Resource Offic	86,000	86,000	.00	.00	86,000.00	.0%
142221	44165	Special Detail - Poli	3,000	3,000	10,664.00	891.00	-7,664.00	355.5%
142221	44167	Dispatch Services fee	143,760	143,760	55,729.71	11,500.00	88,030.29	38.8%
143431	44175	Recycling Revenue	20,000	20,000	6,218.40	1,779.60	13,781.60	31.1%
144545	44100	School Tuition, etc	83,339	83,339	3,066.19	533.44	80,272.81	3.7%
145051	44121	Rental of Property	1,000	1,000	1,450.00	.00	-450.00	145.0%
TOTAL Charges for services			1,246,299	1,246,299	484,151.18	166,052.91	762,147.82	38.8%
TOTAL REVENUES			1,246,299	1,246,299	484,151.18	166,052.91	762,147.82	
<u>50 Fines & Penalties</u>								
151611	45108	Gen License Late Pena	175	175	225.00	.00	-50.00	128.6%
151611	45109	Mooring Fee Late Pena	1,250	1,250	150.00	.00	1,100.00	12.0%
151611	45110	Victualers Lic Late P	225	225	850.00	.00	-625.00	377.8%

FOR 2017 04

	ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
151611 45111 Shellfish License Lat	600	600	.00	.00	600.00	.0%
151621 45103 Unlicensed Dog Fines	6,000	6,000	425.00	25.00	5,575.00	7.1%
152121 45104 False Alarm Fire	1,000	1,000	.00	.00	1,000.00	.0%
152221 45100 Ordinance Fines	600	600	46.00	.00	554.00	7.7%
152221 45101 Parking Tickets	30,000	30,000	8,379.00	2,384.00	21,621.00	27.9%
152221 45102 Leash Law Fines	200	200	150.00	.00	50.00	75.0%
152221 45105 False Alarm Police	10	10	45.00	.00	-35.00	450.0%
152221 45106 Restitution	0	0	349.24	349.24	-349.24	100.0%
TOTAL Fines & Penalties	40,060	40,060	10,619.24	2,758.24	29,440.76	26.5%
TOTAL REVENUES	40,060	40,060	10,619.24	2,758.24	29,440.76	
<u>60 Interest earned</u>						
161193 46100 Interest Earned	60,000	60,000	5,728.04	.00	54,271.96	9.5%
TOTAL Interest earned	60,000	60,000	5,728.04	.00	54,271.96	9.5%
TOTAL REVENUES	60,000	60,000	5,728.04	.00	54,271.96	
<u>70 Donations</u>						
171952 47000 BDC Contrib to Econ D	30,000	30,000	.00	.00	30,000.00	.0%
TOTAL Donations	30,000	30,000	.00	.00	30,000.00	.0%
TOTAL REVENUES	30,000	30,000	.00	.00	30,000.00	
<u>80 Use of fund balance</u>						
181100 48000 Unapprop General Fund	600,000	600,000	.00	.00	600,000.00	.0%
184500 48004 School Balance Forwar	2,599,363	2,599,363	.00	.00	2,599,363.00	.0%
TOTAL Use of fund balance	3,199,363	3,199,363	.00	.00	3,199,363.00	.0%
TOTAL REVENUES	3,199,363	3,199,363	.00	.00	3,199,363.00	
<u>90 Other</u>						
191011 49000 Administration Miscel	0	0	1,522.50	1,522.50	-1,522.50	100.0%

FOR 2017 04

			ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
191111	49000	Finance Miscellaneous	4,000	4,000	391.00	86.00	3,609.00	9.8%
191111	49101	Workers Comp Dividend	0	0	14,751.00	.00	-14,751.00	100.0%
191111	49104	Property & Casualty D	0	0	9,926.00	.00	-9,926.00	100.0%
191111	49105	Postage & Handling	0	0	2.00	2.00	-2.00	100.0%
191111	49106	W/C Proceeds	0	0	1,443.51	1,443.51	-1,443.51	100.0%
191192	49100	Cable Television	245,000	245,000	.00	.00	245,000.00	.0%
191194	49150	Gen Govt Asset Sales	0	0	36,602.98	.00	-36,602.98	100.0%
191611	49000	Town Clerk Miscellane	1,350	1,350	591.75	136.75	758.25	43.8%
191911	49000	Planning Miscellaneou	1,000	1,000	29.00	.00	971.00	2.9%
192121	49000	Fire Miscellaneous	1,000	1,000	131.76	120.00	868.24	13.2%
192221	49000	Police Miscellaneous	6,000	6,000	125.00	.00	5,875.00	2.1%
192294	49153	Police Vehicle Sales	0	0	482.00	.00	-482.00	100.0%
193131	49000	Public Works Miscella	2,000	2,000	57.23	8.23	1,942.77	2.9%
194141	49103	General Assistance Re	0	0	9.45	.00	-9.45	100.0%
194545	49000	School Miscellaneous	63,000	63,000	1,132.27	79.64	61,867.73	1.8%
195051	49000	Recreation Miscellane	0	0	1,737.60	.00	-1,737.60	100.0%
199980	48100	General Fund Transfer	514,000	514,000	.00	.00	514,000.00	.0%
TOTAL Other			837,350	837,350	68,935.05	3,398.63	768,414.95	8.2%
TOTAL REVENUES			837,350	837,350	68,935.05	3,398.63	768,414.95	
GRAND TOTAL			61,475,961	61,475,961	46,577,136.10	2,563,505.46	14,898,824.90	75.8%

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

MANAGER'S REPORT - B BACK UP MATERIALS



Town of Brunswick - Open Projects

Council Projects - by Department; by Priority

Task Title	Status	Due Date / Days / % Complete	Description
Administration			
127 Wood Pond Village Improvements	In Progress	10/31/2016 -18 50%	Improvements required by Consent Agreement
	Administration	1 - Now!	Current Update: 10/31/2016 Excavation starts 2nd week in Nov.
29 Cable TV Franchise Negotiations	In Progress	12/31/2016 43 80%	Negotiate New Franchise Agreement
	Administration	2 - High	Current Update: 10/25/2016 Contract agreement submitted to Town Attorney for review.
3 Cook's Corner Road Improvements and TIF	In Progress	12/31/2016 43 50%	Cook's Corner Road Improvements; connection of Gurnet Rd to Wal-Mart; Connections to Brunswick Landing; Traffic Signals
	Administration	2 - High	Current Update: 11/17/2016 RFPs for engineering service received on 11/17.
129 Disposable Bag Reduction Ordinance	In Progress	12/31/2016 43 67%	Ordinance to Reduce Use of Disposable Bags in Retail
	Administration	2 - High	Current Update: 11/16/2016 Ordinances drafted. Two options to Council for Nov 21.
70 Riverside Cemetery	In Progress	4/1/2017 134 50%	Re-establish Riverside Cemetery Corporation
	Administration	2 - High	Current Update: 10/26/2016 Oct 25. Met with 4 citizens who will form a new Riverside

Task Title	Status	Due Date / Days / % Complete	Description
15 Town Hall Trim Work	In Progress	9/30/2017 316 25%	Develop Specifications and Bid Project Bond Ordinance for Funding
	Administration	2 - High	Current Update: 11/7/2016 Contractor identified. Working with contractor on options to
123 PILOT	In Progress	12/30/2016 42 85%	Investigate PILOTs throughout Maine and other states
	Administration	3 - Normal	Current Update: 11/1/2016 Forwarded information to Town Council Chair
152 Human Rights Task Force II	In Progress	12/31/2016 43 0%	Phase II of the Task Force
	Administration	3 - Normal	Current Update: 11/1/2016 Awaiting task force to schedule meetings.
35 Committee Coordination	On Hold	12/31/2016 43 10%	Meeting with Committee Chairs to Discuss Priorities, Coordination, and Resources
	Administration	3 - Normal	Current Update: 4/1/2016 Need to schedule meeting with committees to discuss
97 Council Rules Committee	On Hold	12/31/2016 43 25%	Rules Committee to Review and Update Council Rules
	Administration	3 - Normal	Current Update: 4/15/2016 Draft of portions as time permits.
128 Brown Tail Moth	In Progress	5/31/2017 194 20%	Investigate and Implement Mitigation Strategies
	Administration	3 - Normal	Current Update: 10/18/2016 Mrs. Esther Mechler has met with interested citizens in Oct. Will
144 Property Tax Circuit Breaker	Requested	12/31/2016 43 10%	Review and Report on Potential Local Circuit Breaker Program
	Administration	5 - Defer	Current Update: 6/30/2016 Requested information.

Task Title	Status	Due Date / Days / % Complete	Description
57 Coastal Access	Requested	12/31/2016 43 10%	Explore Additional Opportunities for Coastal access
	Administration	5 - Defer	Current Update: 8/31/2016 Explore opportunities.

Assessing

18 Revaluation	In Progress	8/11/2017 266 40%	Revaluation of all Real Estate
	Assessing	2 - High	Current Update: 11/9/2016 Met with KRT principles. 47% complete with measurements as of

Cable TV

110 Town Manager Television Show	In Progress	12/30/2016 42 40%	Launch Town Manager TV3 show
	Cable TV	3 - Normal	Current Update: 11/16/2016 Preliminary show in production. Expect 1st show in December or

12 TV3 Website, VOD, & Programming	In Progress	3/1/2017 103 50%	TV3 Website Improvements
	Cable TV	3 - Normal	Current Update: 10/28/2016 Live stream moved to new service. Seems to be improved.

Economic Development

37 Frank Wood Bridge	In Progress	12/31/2018 773 25%	MDOT Project Replacement or Rehabilitation
	Economic Development	2 - High	Current Update: 11/16/2016 DAC and Section 106 proceeding on schedule.

Finance Department

156 Capital Improvement Plan 2018-2022	In Progress	5/25/2017 188 25%	Prepare and adopt Capital Improvement Program 2018-2022
	Finance Department	0 - Required	Current Update: 11/16/2016 Draft #2 to Finance Committee

Task Title	Status	Due Date / Days / % Complete	Description
164 Municipal Budget 2017-2018	In Developmen	5/25/2017 188 5%	2017-2018 Municipal Budget
	Finance Department	0 - Required	Current Update: 11/16/2016 Preliminary Discussions with Departments
89 Revenues and Fees	In Progress	6/30/2017 224 45%	Review of All Fees and Charges
	Finance Department	2 - High	Current Update: 11/16/2016 Fee review and recommendations continue.

Fire Department

95 Central Fire Station	In Developmen	12/31/2018 773 15%	Review Options for New Station
	Fire Department	2 - High	Current Update: 8/30/2016 Need to review options to site new station per CIP

Marine Resources

82 Municipal Aquaculture	In Progress	12/31/2016 43 60%	Develop and Implement Municipal Aquaculture Ordinance.
	Marine Resources	3 - Normal	Current Update: 3/1/2016 Ordinance sent to DMR for review.
96 Simpson's Point	On Hold	12/31/2016 43 50%	Open Access to Propeller Driven Boats
	Marine Resources	3 - Normal	Current Update: 3/1/2016 Waiting on decision from IFW
99 New Meadows Restoration	Requested	12/31/2018 773 10%	Remove the "dam" on Bath road. Remove the lake and restore.
	Marine Resources	5 - Defer	Current Update: 5/9/2016 May call from ACOE asking if Brunswick wished to stay on list for

Parks and Recreation

Task Title	Status	Due Date / Days / % Complete	Description
104 Recreation Center Improvements	In Progress	12/31/2016 43 10%	Design Recreation Center Improvements
	Parks and Recreation	3 - Normal	Current Update: 6/1/2016 Capital budget includes funding for planning.
105 Aquatics Center	In Progress	12/31/2016 43 75%	Report on Aquatics Options to Replace Coffin Pond
	Parks and Recreation	3 - Normal	Current Update: 10/16/2016 Report to be delivered to Council on December 19th.
63 BHS Track	In Progress	5/1/2017 164 90%	Assist in development of specifications for BHS track
	Parks and Recreation	3 - Normal	Current Update: 8/31/2016 Town Manager and Superintendent met to discuss funding
154 Public Tree Committee	Requested	6/30/2017 224 0%	Establish Tree Committee
	Parks and Recreation	3 - Normal	Current Update: 11/16/2016 Rec Commission recommends approval. To Council on Nov 21.

Planning and Development

111 Mare Brook Watershed Project	In Progress	12/31/2016 43 50%	Investigate health of impaired stream
	Planning and Development	2 - High	Current Update: 11/16/2016 Draft report to be issued.
7 Zoning Ordinance Re-write	In Progress	12/31/2016 43 85%	Re-write of Zoning Ordinance
	Planning and Development	2 - High	Current Update: 11/16/2016 Planning Board to hold 2nd public hearing on Nov 29th.
126 Shoreland Stabilization	In Progress	4/1/2017 134 10%	Develop Shoreland Stabilization Regulations
	Planning and Development	2 - High	Current Update: 11/16/2016 Committee members being appointed. Work to start soon.

Task Title	Status	Due Date / Days / % Complete	Description
61 Bus Transportation	In Progress	12/31/2016 43 75%	Review options for bus transportation to Portland (METRO & Explorer)
	Planning and Development	3 - Normal	Current Update: 11/16/2016 Metro Breez expansion to the Town Council for consideration.
162 Shooting Range Regulations	In Developmen	4/1/2017 134 0%	Review and Recommend Changes to Zoning and Other Ordinances Governing Ranges
	Planning and Development	3 - Normal	Current Update: 11/16/2016
39 Master Plan Implementation Committee	In Progress	12/31/2020 1504 25%	Implement Downtown and Pleasant Street Master Plan
	Planning and Development	3 - Normal	Current Update: 9/26/2016 Walk of Pleasant Street. Downtown parking audit completed.
40 VRB Guidelines	Requested	6/30/2017 224 0%	VRB Guidelines
	Planning and Development	5 - Defer	Current Update: 8/30/2016 Expected to be delayed until completion of ZORC process.
147 Cook's Corner Design Standards	Requested	7/1/2017 225 0%	Review and update Cook's Corner design standards.
	Planning and Development	5 - Defer	Current Update: 7/13/2016 Project requested.
141 Climate Change and Sustainability	Requested	7/15/2017 239 0%	
	Planning and Development	5 - Defer	Current Update: 6/24/2016 Project requested.

Public Works

47 Solid Waste Study	In Progress	9/30/2016 -49 90%	Study of Solid Waste Disposal Alternatives
	Public Works	2 - High	Current Update: 11/16/2016 Met with DEP on Nov 7th. Discussed Consent Order and

Task Title	Status	Due Date / Days / % Complete	Description
4 Graham Road Landfill	In Progress	10/31/2016 -18 50%	Solid Waste Committee Review of Landfill Options Solid Waste Plan start date
	Public Works	2 - High	Current Update: 11/16/2016 Met with DEP on Nov 7th. Discussed Consent Order and
161 Stanwood Street Sidewalk and Crosswalk	In Developmen	9/1/2017 287 5%	Construct sidewalk on west side between Bodwell and Weymouth
	Public Works	3 - Normal	Current Update: 11/16/2016 Review of site and right of way issues.
26 Streetlight Policy and Reduction Plan	On Hold	12/31/2016 43 50%	Develop Streetlight reduction plan
	Public Works	4 - Low	Current Update: 7/1/2016 Hold pending work on other priorities. Draft of street lighting

Town Clerk

30 Meeting Minutes & Indexing	In Progress	10/31/2016 -18 50%	Review and Recommend Minutes Indexing
	Town Clerk	2 - High	Current Update: 7/12/2016 Have several proposals. Narrowed to 2. Setting up demos with
94 Website Upgrades	In Developmen	12/31/2016 43 10%	Study and Make Recommended Improvements
	Town Clerk	3 - Normal	Current Update: 2/1/2016 Requested not yet authorized. Requires funding.

Total 43



Town of Brunswick - Open Projects

Council Projects - by Priority

Task Title	Status	Due Date / Days / % Complete	Description
0 - Required			
164 Municipal Budget 2017-2018	In Developmen Finance Department	5/25/2017 188 5%	2017-2018 Municipal Budget Current Update: 11/16/2016 Preliminary Discussions with Departments
156 Capital Improvement Plan 2018-2022	In Progress Finance Department	5/25/2017 188 25%	Prepare and adopt Capital Improvement Program 2018-2022 Current Update: 11/16/2016 Draft #2 to Finance Committee
1 - Now!			
127 Wood Pond Village Improvements	In Progress Administration	10/31/2016 -18 50%	Improvements required by Consent Agreement Current Update: 10/31/2016 Excavation starts 2nd week in Nov.
2 - High			
47 Solid Waste Study	In Progress Public Works	9/30/2016 -49 90%	Study of Solid Waste Disposal Alternatives Current Update: 11/16/2016 Met with DEP on Nov 7th. Discussed Consent Order and
4 Graham Road Landfill	In Progress Public Works	10/31/2016 -18 50%	Solid Waste Committee Review of Landfill Options Solid Waste Plan start date Current Update: 11/16/2016 Met with DEP on Nov 7th. Discussed Consent Order and

Task Title	Status	Due Date / Days / % Complete	Description
30 Meeting Minutes & Indexing	In Progress	10/31/2016 -18 50%	Review and Recommend Minutes Indexing Current Update: 7/12/2016 Have several proposals. Narrowed to 2. Setting up demos with
	Town Clerk		
3 Cook's Corner Road Improvements and TIF	In Progress	12/31/2016 43 50%	Cook's Corner Road Improvements; connection of Gurnet Rd to Wal-Mart; Connections to Brunswick Landing; Traffic Signals Current Update: 11/17/2016 RFPs for engineering service received on 11/17.
	Administration		
7 Zoning Ordinance Re-write	In Progress	12/31/2016 43 85%	Re-write of Zoning Ordinance Current Update: 11/16/2016 Planning Board to hold 2nd public hearing on Nov 29th.
	Planning and Development		
29 Cable TV Franchise Negotiations	In Progress	12/31/2016 43 80%	Negotiate New Franchise Agreement Current Update: 10/25/2016 Contract agreement submitted to Town Attorney for review.
	Administration		
129 Disposable Bag Reduction Ordinance	In Progress	12/31/2016 43 67%	Ordinance to Reduce Use of Disposable Bags in Retail Current Update: 11/16/2016 Ordinances drafted. Two options to Council for Nov 21.
	Administration		
111 Mare Brook Watershed Project	In Progress	12/31/2016 43 50%	Investigate health of impaired stream Current Update: 11/16/2016 Draft report to be issued.
	Planning and Development		
70 Riverside Cemetery	In Progress	4/1/2017 134 50%	Re-establish Riverside Cemetery Corporation Current Update: 10/26/2016 Oct 25. Met with 4 citizens who will form a new Riverside
	Administration		

Task Title	Status	Due Date / Days / % Complete	Description
126 Shoreland Stabilization	In Progress	4/1/2017 134 10%	Develop Shoreland Stabilization Regulations Current Update: 11/16/2016 Committee members being appointed. Work to start soon.
	Planning and Development		
89 Revenues and Fees	In Progress	6/30/2017 224 45%	Review of All Fees and Charges Current Update: 11/16/2016 Fee review and recommendations continue.
	Finance Department		
18 Revaluation	In Progress	8/11/2017 266 40%	Revaluation of all Real Estate Current Update: 11/9/2016 Met with KRT principles. 47% complete with measurements as of
	Assessing		
15 Town Hall Trim Work	In Progress	9/30/2017 316 25%	Develop Specifications and Bid Project Bond Ordinance for Funding Current Update: 11/7/2016 Contractor identified. Working with contractor on options to
	Administration		
37 Frank Wood Bridge	In Progress	12/31/2018 773 25%	MDOT Project Replacement or Rehabilitation Current Update: 11/16/2016 DAC and Section 106 proceeding on schedule.
	Economic Development		
95 Central Fire Station	In Developmen	12/31/2018 773 15%	Review Options for New Station Current Update: 8/30/2016 Need to review options to site new station per CIP
	Fire Department		

3 - Normal

123 PILOT	In Progress	12/30/2016 42 85%	Investigate PILOTs throughout Maine and other states Current Update: 11/1/2016 Forwarded information to Town Council Chair
	Administration		

Task Title	Status	Due Date / Days / % Complete	Description
110 Town Manager Television Show	In Progress	12/30/2016 42 40%	Launch Town Manager TV3 show Current Update: 11/16/2016 Preliminary show in production. Expect 1st show in December or
	Cable TV		
96 Simpson's Point	On Hold	12/31/2016 43 50%	Open Access to Propeller Driven Boats Current Update: 3/1/2016 Waiting on decision from IFW
	Marine Resources		
94 Website Upgrades	In Developmen	12/31/2016 43 10%	Study and Make Recommended Improvements Current Update: 2/1/2016 Requested not yet authorized. Requires funding.
	Town Clerk		
105 Aquatics Center	In Progress	12/31/2016 43 75%	Report on Aquatics Options to Replace Coffin Pond Current Update: 10/16/2016 Report to be delivered to Council on December 19th.
	Parks and Recreation		
61 Bus Transportation	In Progress	12/31/2016 43 75%	Review options for bus transportation to Portland (METRO & Explorer) Current Update: 11/16/2016 Metro Breez expansion to the Town Council for consideration.
	Planning and Development		
97 Council Rules Committee	On Hold	12/31/2016 43 25%	Rules Committee to Review and Update Council Rules Current Update: 4/15/2016 Draft of portions as time permits.
	Administration		
35 Committee Coordination	On Hold	12/31/2016 43 10%	Meeting with Committee Chairs to Discuss Priorities, Coordination, and Resources Current Update: 4/1/2016 Need to schedule meeting with committees to discuss
	Administration		

Task Title	Status	Due Date / Days / % Complete	Description
104 Recreation Center Improvements	In Progress	12/31/2016 43 10%	Design Recreation Center Improvements Current Update: 6/1/2016 Capital budget includes funding for planning.
	Parks and Recreation		
152 Human Rights Task Force II	In Progress	12/31/2016 43 0%	Phase II of the Task Force Current Update: 11/1/2016 Awaiting task force to schedule meetings.
	Administration		
82 Municipal Aquaculture	In Progress	12/31/2016 43 60%	Develop and Implement Municipal Aquaculture Ordinance. Current Update: 3/1/2016 Ordinance sent to DMR for review.
	Marine Resources		
12 TV3 Website, VOD, & Programming	In Progress	3/1/2017 103 50%	TV3 Website Improvements Current Update: 10/28/2016 Live stream moved to new service. Seems to be improved.
	Cable TV		
162 Shooting Range Regulations	In Developmen	4/1/2017 134 0%	Review and Recommend Changes to Zoning and Other Ordinances Governing Ranges Current Update: 11/16/2016
	Planning and Development		
63 BHS Track	In Progress	5/1/2017 164 90%	Assist in development of specifications for BHS track Current Update: 8/31/2016 Town Manager and Superintendent met to discuss funding
	Parks and Recreation		
128 Brown Tail Moth	In Progress	5/31/2017 194 20%	Investigate and Implement Mitigation Strategies Current Update: 10/18/2016 Mrs. Esther Mechler has met with interested citizens in Oct. Will
	Administration		
154 Public Tree Committee	Requested	6/30/2017 224 0%	Establish Tree Committee Current Update: 11/16/2016 Rec Commission recommends approval. To Council on Nov 21.
	Parks and Recreation		

Task Title	Status	Due Date / Days / % Complete	Description
161 Stanwood Street Sidewalk and Crosswalk	In Developmen Public Works	9/1/2017 287 5%	Construct sidewalk on west side between Bodwell and Weymouth Current Update: 11/16/2016 Review of site and right of way issues.
39 Master Plan Implementation Committee	In Progress Planning and Development	12/31/2020 1504 25%	Implement Downtown and Pleasant Street Master Plan Current Update: 9/26/2016 Walk of Pleasant Street. Downtown parking audit completed.

4 - Low

26 Streetlight Policy and Reduction Plan	On Hold Public Works	12/31/2016 43 50%	Develop Streetlight reduction plan Current Update: 7/1/2016 Hold pending work on other priorities. Draft of street lighting
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5 - Defer

144 Property Tax Circuit Breaker	Requested Administration	12/31/2016 43 10%	Review and Report on Potential Local Circuit Breaker Program Current Update: 6/30/2016 Requested information.
57 Coastal Access	Requested Administration	12/31/2016 43 10%	Explore Additional Opportunities for Coastal access Current Update: 8/31/2016 Explore opportunities.
40 VRB Guidelines	Requested Planning and Development	6/30/2017 224 0%	VRB Guidelines Current Update: 8/30/2016 Expected to be delayed until completion of ZORC process.
147 Cook's Corner Design Standards	Requested Planning and Development	7/1/2017 225 0%	Review and update Cook's Corner design standards. Current Update: 7/13/2016 Project requested.

Task Title	Status	Due Date / Days / % Complete	Description
141 Climate Change and Sustainability	Requested	7/15/2017 239 0%	
	Planning and Development		Current Update: 6/24/2016 Project requested.
99 New Meadows Restoration	Requested	12/31/2018 773 10%	Remove the "dam" on Bath road. Remove the lake and restore.
	Marine Resources		Current Update: 5/9/2016 May call from ACOE asking if Brunswick wished to stay on list for
<hr/>			
Total		43	

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

MANAGER'S REPORT - D BACK UP MATERIALS

MEMORANDUM



TO: John Eldridge
CC: Brunswick Town Council
FROM: Randy Tome, P.E.
DATE: November 16, 2016
RE: Graham Road Landfill Status

The Town of Brunswick authorized Woodard & Curran to develop a Solid Waste Alternatives Analysis report in 2015 to review the Town's short- and long-term disposal options and associated costs. Over the past year, there have been many new developments and discussions with the Maine Department of Environmental Protection (DEP), including State solid waste closure funding questions and questions regarding the ability to continue operations for five (5) years. After meetings with the DEP to resolve many of these questions, the report was finalized in November 2016.

In summary, the report findings are as follows:

- Based on current operations, even without considering the cost of water treatment upgrades that would be required by Maine DEP, it is less expensive to contract for privatized solid waste disposal than to continue to operate the landfill with the existing annual waste volumes generated in Brunswick. At the current disposal rate, the landfill has approximately 15 years of capacity remaining.
- Privatized solid waste disposal will be significantly less expensive in the future when taking into consideration that both groundwater and leachate treatment will be required by the Maine DEP for continued licensed landfill operations.
- A 5-year closure timetable was proposed in order to allow the landfill to accept non-local waste in addition to the typical Town-generated waste to assist in shaping the landfill for closure while simultaneously generating additional revenue for the Town.
- State Landfill Closure reimbursement monies were estimated to be available to the Town if they chose to accelerate closure. Closure reimbursement would be for 75% of closure costs, resulting in approximately \$5 million to the Town.

Given the preliminary findings, the Town scheduled a meeting with the DEP commissioner and the applicable Department heads on September 13, 2016. The outcome of that meeting was highly encouraging to the Town.

A subsequent meeting was held with DEP staff on November 3, 2016 to begin the discussions of closure timing and eligibility for closure reimbursement funds. The Town was informed that the process will include negotiating a Schedule of Compliance (SOC) to be included within an Administrative Consent Order (ACO) with the DEP to formalize verbal agreements on timing and closure intent. A small fine may be required for past Waste Discharge License violations, as determined by the Maine DEP.

Based on these DEP meetings, it has been confirmed that the DEP will agree to give the Town 5 years to complete landfill closure, will allow for non-local solid waste import for landfill shaping and revenue



generation during that 5-year period, and will reimburse the Town for 75% of the cost of closure construction and all associated permitting and engineering fees. It is anticipated the Town will receive over \$5 million towards closure costs when factoring in both the revenue from the accelerated filling process and the promised State Closure Reimbursement funds.

It should be noted that it may be many years before full reimbursement from the State is realized. The State has existing reimbursement obligations within the Closure Fund which is replenished on a continuous basis by a State-levied fee on all Construction and Demolition Debris disposed of in the State of Maine. Following closure, Brunswick would receive a portion of the reimbursement funds on an annual basis.

Because the Town has proposed a November 2021 final landfill closure date in order to comply with a mutually agreeable timetable (pending Town Council approval), a quick decision by the Council is required. Much work needs to be initiated including negotiating the ACO with Maine DEP, identifying future disposal options, and contracting for accelerated waste for the 5-year time frame. The sooner the Town can finalize these regulatory and contractual matters; the sooner the Town can realize the revenue of accelerated waste at the landfill.

We would be pleased to meet with the Brunswick Solid Waste Committee if the Council so wishes in order to describe the proposed plan in more detail and to answer any questions they may have.

MEMORANDUM



TO: John Foster, P.E., Town of Brunswick
FROM: Randy Tome, PE & Lauren Swett, PE
DATE: September 13, 2016
RE: Graham Road Landfill Brunswick – Preliminary Schedule

The following draft schedule of the required steps is provided for the Graham Road Landfill. We have assumed that closure of the landfill will occur in 5 years, allowing for 4 years for additional waste placement starting in 2017 and one year for landfill closure in 2021.

- | | |
|--|-------------------|
| 1. Develop Master Schedule for Landfill | 08/09/16 |
| 2. Meet with Commissioner to Discuss Timeline | 09/13/16 |
| 3. Negotiate SOC with DEP (Include Solid Waste, Wastewater, and Closure Departments) | 09/14/16-12/01/16 |
| 4. Amend Town's Solid Waste Ordinance (Solid Waste Acceptance Practices, Future Collection & Disposal, Fees) | 09/14/16-12/01/16 |
| 5. Solicit for MSW to Fill Landfill | 12/01/16-02/01/17 |
| 6. Develop Accelerated Waste Placement Cell Development Plans | 12/01/16-02/01/17 |
| 7. Amend Operations & Maintenance Manual for Accelerated Waste Placement as Required (Staff, Equipment, Placement Procedure, Daily Cover requirements) | 12/01/16-02/01/17 |
| 8. Accept Waste | 02/02/17-04/01/21 |
| 9. Develop Final Closure Plan | 02/01/19-08/01/19 |
| 10. DEP Final Closure Plan Review and Approval | 08/02/19-03/01/20 |
| 11. Develop Post-Closure Solid Waste Management Plan for Town | 01/02/20-08/01/20 |
| 12. Develop Final Closure Design Documents | 03/02/20-09/02/20 |
| 13. Bidding for Solid Waste Collection and Disposal | 08/01/20-10/1/20 |
| 14. DEP Final Closure Approval | 01/02/21 |
| 15. Construction Bidding | 01/02/21-5/1/21 |
| 16. Landfill Closure Construction | 05/01/21-11/15/21 |
| 17. Certification report | 11/16/21-3/31/22 |

ITEM 126

BACK UP MATERIALS

Yankee lanes

TOWN OF BRUNSWICK

85 Union Street Brunswick, Maine 04011 TEL: (207) 725-6658 Fax: (207) 725-6663

APPLICATION FOR SPECIAL AMUSEMENT LICENSE

Please complete:

Type of Business: Sole Proprietor-Owner's Name: Nelson E Moody
 Partnership-Partner's Names: _____
 Corporation-Corporation Name: NKMDK
Incorporation Date: 6/13 Incorporation State: ME

New License: Opening Date _____ Renewal License

Business Name: Yankee Lanes E-Mail: Nelson.Moody@YankeeLanes.com
Business Address: 276 BATH RD Brunswick Business Phone Number: 207-725-2863
Name of Contact Person: Nelson E Moody Contact's Phone Number: 207-751-2985
Mailing Address for Correspondence: 276 BATH RD, Brunswick Me. 04011

Signature of Owner, Officer, Partner or Agent: [Signature]
Date: 9/12/16

Corporations Please Complete:

Address of Incorporation: 90 Jordan Ave Brunswick Phone #: 751-2985

Name of Corp. Officer, Owner, or Partners:	Title	Address	% of Stock or ownership
<u>Nelson E Moody</u>	<u>owner</u>	<u>90 Jordan Ave Brunswick Me. 04011</u>	<u>100%</u>

Town Clerk Use Only

License Fee \$100.00 Paid Advertising Fee \$ 122.55 Paid

Required Approvals: Finance Codes/Fire Council PH Date: 11/21/16

Mailed or Issued Date: _____

Clerk Notes:

OVER

Describe in detail the kind and nature of entertainment:

Interactive Bowling Friday and Saturday nights on the lanes with A DJ, Karaoke in the Bar on Friday night and live Bands Saturday nights in the Bar.

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

The Bar that holds 92 people with a stage Bowling lanes and snack bar

During what hours will your live entertainment occur?

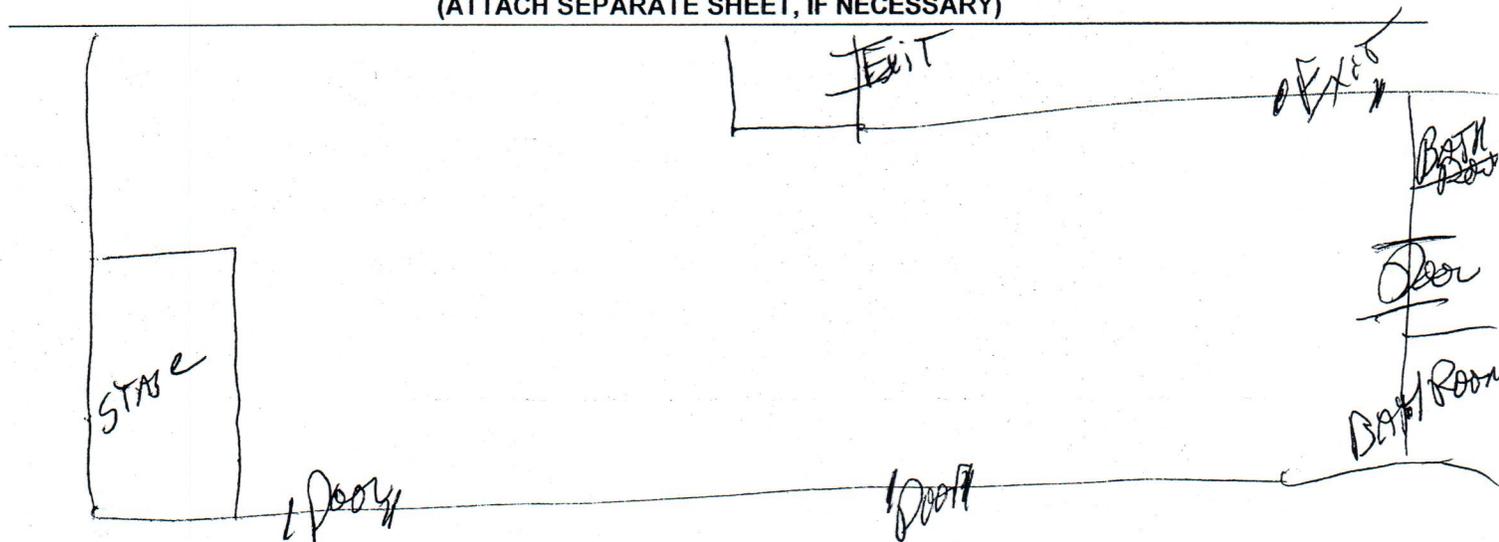
Bands 8pm to 12am DS 10pm to 1am
Karaoke 7:30pm to 12am

Did the Town Council place any specific restrictions on your license over the past three years? If so, what were those restrictions?

No

DIAGRAM

(ATTACH SEPARATE SHEET, IF NECESSARY)



32 lanes



ITEM 127

BACK UP MATERIALS

Town of Brunswick, Maine

OFFICE OF THE TOWN MANAGER

MEMORANDUM

TO: Town Council

FROM: John Eldridge
Town Manager

DATE: November 17, 2016

SUBJECT: Shellfish Licenses
Proposed Fee Increases

At your previous meeting, you received staff's recommendation to increase the shellfish license fees and scheduled a public hearing on the required revisions to the Code of Ordinance's Master Schedule of Revenues, Charges, Fees and Fines (Master Schedule) necessary to implement those increases. At its November 2nd meeting, the Brunswick Marine Resource Committee (BMRC) discussed the increases proposed by staff. The attached memo from Marine Resources Warden Dan Devereaux summarizes BMRC's discussion.

Attached are the fee increases proposed as amendments to the Master Schedule of Revenues, Charges, Fees and Fines (Master Schedule). Also attached is a cost analysis illustrating that the proposed fees are designed to capture twenty percent (20%) of the cost of the Marine Resources budget.

As the fee increase will not be effective for thirty (30) days from adoption, The Town Council will need to adopt the fee increases at the November 21st meeting so that those fees will be effective for the 2017 license year. Otherwise, we would need to re-advertise the changes and adopt them on an emergency basis.

Attachments



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: John Eldridge, Town Manager
CC: Julie Henzie, Finance Director
FROM: D. Devereaux MRO/HM
DATE: 11/3/2016
RE: Marine Resource License Fee Increases

Mr. Manager,

The Brunswick Marine Resources Committee has deliberated over shellfish license fee increases for the last two monthly meeting. It was determined at last night's BMRC meeting, after reviewing the marine resource budget and comparing the shellfish fees, budgets, and services of other coastal municipalities that a local increase in shellfish license fees is appropriate. (See below recommendation)

Committee members recommended that 25% (\$50.00) of the amounts of the increase in license fees are dedicated to a shellfish fund to help offset the cost of local shellfish propagation.

Resident Commercial \$300 to \$500
Non Resident Commercial \$450 to \$750

Resident Recreational \$25 to \$50
Non Resident Recreational \$50 to \$75

Resident Student Commercial \$75 to \$100
Non Resident Student Commercial \$125 to \$150

Bushel Commercial License \$175 to \$225

Master Schedule of Revenues, Charges, Fees and Fines

Chapter 11—Marine Activities, Structures and Ways			
Sec. 11-4	11/16/2015	Resident mooring	\$50.00
		Non-resident mooring	\$100.00
		Mooring in a commercial field	\$50.00
		Moorings in a public mooring field	\$50.00
		Helix mooring (replacement of regular)	Free for 5 years
		Late registration (after deadline)	Double fee
Sec. 11-13	2/23/2015	Violation of boat storage article	\$150.00
Sec. 11-136	4/1/2013	Residential commercial shellfish license	\$300 <u>500</u> .00
		Nonresident commercial shellfish license	\$450 <u>750</u> .00
		Resident recreational shellfish license/over age 62	\$25 <u>50</u> .00/free
		Nonresident recreational shellfish license/over age 62	\$50 <u>75</u> .00/free
		Resident student shellfish license	\$75 <u>100</u> .00
		Nonresident student shellfish license	\$125 <u>150</u> .00
		Bushel license	\$175 <u>225</u> .00

TOWN OF BRUNSWICK, MAINE

MARINE RESOURCES AND HARBOR MASTER

PERSONNEL SERVICES	Budget	Marine		Harbor	
		Pct.	Cost	Pct.	Cost
Marine Officer-Harbor Master	57,932	75.0%	43,449	25.0%	14,483
Deputy MRO-HM	38,617	62.5%	24,136	37.5%	14,481
Town Clerks Office	4,160	25.0%	1,040	75.0%	3,120
Other	611	25.0%	153	75.0%	458
Fringe Benefits	50,891	60.0%	30,535	40.0%	20,356
Workers Compensation	2,187	60.0%	1,312	40.0%	875
	154,398		100,624		53,774
CONTRACTUAL SERVICES					
Insurance Watercraft	3,000	50.0%	1,500	50.0%	1,500
Insurance Vehicle	2,000	75.0%	1,500	25.0%	500
Pro Servs - Other	2,000	50.0%	1,000	50.0%	1,000
R & M Vehicles	9,300	80.0%	7,440	20.0%	1,860
R & M Equipment	1,600	50.0%	800	50.0%	800
Postage	100	75.0%	75	25.0%	25
Telephone	600	75.0%	450	25.0%	150
Advertising	1,500	75.0%	1,125	25.0%	375
Travel	450	70.0%	315	30.0%	135
Training	3,590	50.0%	1,795	50.0%	1,795
Membership & Dues	1,950	0.0%	-	100.0%	1,950
	26,090		16,000		10,090
MATERIALS AND SUPPLIES					
General Supplies	2,200	75.0%	1,650	25.0%	550
Office Supplies	500	75.0%	375	25.0%	125
Publications	1,125	75.0%	844	25.0%	281
Gasoline	6,000	75.0%	4,500	25.0%	1,500
Tires & Tubes	2,200	75.0%	1,650	25.0%	550
Wearing Apparel	1,350	75.0%	1,013	25.0%	338
Minor Equip & Hand Tools	4,005	75.0%	3,004	25.0%	1,001
	17,380		13,035		4,345
PROGRAMS					
Rivers and Coastal Waters	5,000	0.0%	-	100.0%	5,000
Warf and Debris Removal	1,000	50.0%	500	50.0%	500
	6,000		500		5,500
CAPITAL OUTLAY					
Replacement of Boat	1,750	50.0%	875	50.0%	875
Replacement Outboard Engine	1,900	67.0%	1,273	33.0%	627
Replacement Vehicle	5,000	75.0%	3,750	25.0%	1,250
	8,650		5,898		2,752
TOTALS	212,518		136,057		76,461
		Licenses		Moorings	
Licenses/Moorings			50		308
Cost Recovery	100%		2,721		248
	75%		2,041		186
	65%		1,769		161
	50%		1,361		124
	35%		952		87
	25%		680		62
	20%		544		50

<u>MUNICIPALITY</u>	<u>Res. Com</u>	<u>Non-Res</u>	<u>Res. Rec</u>	<u>Non-Res</u>	<u>Day</u>	<u>#Com. Lic.</u>
Arrowsic	100\$ RC	200\$ NRC	10\$ RR	20\$ NRR	5\$ DAY RR LIC	2 CL
Bar Harbor	114\$ RC	114\$ NRC	23\$ RR	45\$ NRR	5/10\$ DAY LIC.	4 CL
Beal's	50\$ RC	100\$ NRC	25\$ RR	50\$ NRR	10\$ JUNIOR LIC	NO LIMIT
Biddeford	200\$ RC	400\$ NRC	30\$ RR	60\$ NRR	10\$ DAY LIC.	9 CL
Boothbay Regional	175\$ RC	350\$ NRC	5\$ RR	5\$ RR	NO DAY LIC	NO LIMIT
Bremen	200\$ RC	300\$ NRC	12.50\$ RJC	25 \$ NRJC	NO DAY LIC.	45 CL
Brunswick	300\$ RC	450\$ NRC	25\$ RR	50\$ NRR	NO DAY LIC.	51 CL
Chebeague Island	75\$ RC	50\$ SRC	25\$ RR	50\$ NRR	15\$ DAY LIC.	8 CL
Cumberland	110\$ RR	210\$ NRC	10\$ RR	10\$ NRR	NO DAY LIC.	2 CL
Frenchman's Bay Regional	580\$ RR	780\$ NRC	20\$ RR	20\$ NRR	NO DAY LIC.	NO LIMIT
Freeport	230\$ RR	430\$ NRC	16\$ RR	27\$ NRR	NO DAY LIC.	48 CL
Harpwell	200\$ RR	400\$ NRC	20\$ RR	40\$ NRR	NO DAY LIC.	55 CL
Phippsburg	200\$ RR	400\$ NRC	20\$ RR	25\$ NRR	NO DAY LIC.	35 CL
Scarborough	200\$ RR	400\$ NRC	25\$ RR	50\$ NRR	NO DAY LIC.	33 CL
West Bath	250\$ RR	375\$ NRC	20\$ RR	30\$ NRR	NO DAY LIC	23 CL
AVERAGES	175\$ RR	303\$ NRC	19\$ RR	33\$ NRC	N/A	25

ITEM 128

BACK UP MATERIALS

Town of Brunswick, Maine

OFFICE OF THE TOWN MANAGER

MEMORANDUM

TO: Town Council

FROM: John Eldridge
Town Manager

DATE: November 17, 2016

SUBJECT: Solid Waste Ordinance
Graham Road Landfill

At your November 7th meeting, you held a public hearing on proposed amendments to the Town's Solid Waste ordinance that would authorize the Town Manager to enter contracts with Solid Waste Collectors to accept solid waste originating beyond the corporate limits of the Town. The purpose of the amendment is to enhance tipping fee revenues by utilizing the already-paid-for "air space" at Graham Road Landfill. Of course, using this space assumes an accelerated closure of the Landfill.

Following the public hearing, Councilor Dan Harris made some suggestions regarding the proposed amendment language. I believe I have incorporated those suggestions in the attached revision to the proposed amendment. As the substance of the amendment is unchanged, I believe you may adopt the revised language without an additional hearing.

Attachment

(Ord. of 3-1-93)

Sec. 13-58. - Revocation of permits.

- (a) After notice and hearing, the public works director may suspend or revoke the permit of any permit holder for violation of any provision or provisions of Chapter 13 including the failure to pay, upon demand, any disposal fee for which credit had been extended. Suspension or revocation of the permit may be in addition to any penalty or relief the municipality may seek under Article VIII of Chapter 13.
- (b) In determining the length of suspension or revocation of a permit, the public works director shall consider the nature and severity of the Chapter 13 violation(s). If the suspension or revocation is for nonpayment of fees, the suspension shall remain in force until the fees are paid in full.
- (c) A notice stating the alleged violation(s) of Chapter 13 shall be mailed to the licensee via certified mail return receipt at least thirty (30) days prior to the hearing date.
- (d) The public works director shall conduct the hearing in accordance with guidelines approved by the town attorney and shall cause a record to be made of the hearing.
- (e) Unless the permit holder agrees in writing to an extension, the public works director shall render a decision within thirty (30) days of the hearing.

(Ord. of 3-1-93)

Sec. 13-59. - Appeals of permit suspension or revocation.

- (a) Decisions of the public works director may be appealed to the town manager within thirty (30) days of the public works director's decision.
- (b) The town manager shall conduct an appeals hearing within thirty (30) days of its receipt of a request for an appeal.
- (c) The appeal hearing shall be conducted in accordance with guidelines approved by the town attorney. The town manager shall cause a record to be made of the appeal hearing.
- (d) Unless the appellant agrees to an extension in writing, the town manager shall render a decision on the appeal within thirty (30) days of the appeal hearing.

(Ord. of 3-1-93)

Secs. 13-60—13-68. - Reserved.

ARTICLE VI. - MUNICIPAL DISPOSAL AREAS AND FEES

Sec. 13-69. - Brunswick solid waste facilities only.

- (a) Only solid waste originating within the corporate limits of the Town of Brunswick, or solid waste originating beyond the corporate limits of the Town of Brunswick as authorized for acceptance by contract pursuant to subsection (c) below, may be disposed of at any municipal disposal facility operated by the Town of Brunswick. Upon demand, those delivering solid waste must identify:
 - (1) The composition of the material to be disposed.
 - (2) Where in town the material comes from.

- (3) The name and telephone number of a person to confirm the information provided in (1) and (2) above.
- (4) The expected quantity of the waste to be delivered.
- (b) The failure to provide the above information shall prevent access to the municipal disposal facilities. Delivering waste not originating within the corporate limits of the Town of Brunswick, or pursuant to a contract under subsection (c) below, –or providing false information to gain access to a municipal disposal facility shall be a violation of this chapter.

(c) The Town Council may authorize the Town Manager to enter contracts with Solid Waste Collectors, to accept solid waste originating beyond the corporate limits of the Town, at such fees and on such terms acceptable to the Town Manager, provided such waste is permitted in accordance with the licenses issued by the Maine Department of Environmental Protection. In addition to the obligations contained in such contracts, such Solid Waste Collectors and the solid waste that originates from beyond the corporate limits of the Town, shall comply with all requirements of this Article VI of Chapter 13, and shall be subject to the provisions of Article VIII of Chapter 13.

(Ord. of 3-1-93)

Sec. 13-70. - Unacceptable waste.

The following shall be unacceptable at any municipal waste disposal facility:

- Atomic Waste
- Bio-Medical Waste
- Tree stumps
- Hazardous Waste
- Special Waste without approval of MDEP
- Liquid or Flowing wastes

(Ord. of 3-1-93)

Sec. 13-71. - Disposal of solid waste.

- (a) All users of the municipal disposal facilities shall place waste in the area designated by the facility attendants or be in violation of this chapter.
- (b) There is to be no sorting or removal (dump picking) of materials or items from the municipal disposal facilities without the permission of the public works director or the solid waste program director.

(Ord. of 3-1-93)

Sec. 13-72. - Graham Road Landfill.

The Graham Road Landfill is a Maine Department of Environmental Protection approved Secure Landfill located on Graham Road in Brunswick, Maine.

- (1) Acceptable materials at the Graham Road Landfill.

ITEM 129

BACK UP MATERIALS

Memo

To: Members of the Brunswick Town Council
From: Thomas M. Farrell, Director 
Date: November 17, 2016
Re: *Pursuit of Tree City USA Recognition*

Parks and Facilities Manager Jay Astle and I appeared before the Town Council at its meeting on October 3, 2016 to discuss the potential for the Town of Brunswick to apply for Tree City USA status. At the meeting we reviewed the various criteria necessary to make the Town eligible to submit an application for consideration to the Arbor Day Foundation for such recognition. Upon review of the packet of materials provided to the Council and addressing questions at your meeting it was decided to have the Recreation Commission review the implications of Brunswick achieving Tree City USA status.

At its meeting of October 24, 2016 the Recreation Commission considered the question of whether or not to recommend that the Town Council authorize the Parks and Recreation Department to move toward achieving Tree City USA status for the Town. After reviewing the application requirements and discussing the implications with staff the Recreation Commission voted unanimously to recommend to the Town Council that Brunswick apply to become a Tree City USA community and take the steps necessary to submit an application.

The required remaining steps that would need to be completed prior to meeting the criteria for submittal include the following:

- Creation of a Tree Committee
- Adoption of a Tree Ordinance
- A Town Council Proclamation for an Annual Observance of Arbor Day

Included with this memo are relevant materials pertaining to the Tree City USA program. With Town Council authorization Jay and I would work to prepare a sample charge for a tree committee, draft a tree ordinance and prepare a draft of a sample Town Council proclamation for your consideration. We would then bring these items back at a subsequent meeting of the Town Council for further review and potential action.

TOWN OF BRUNSWICK

Parks & Recreation Department

MEMORANDUM

TO: Brunswick Town Council
John Eldridge, Town Manager

FROM: Tom Farrell, Director of Parks and Recreation
Jay Astle, Parks and Facilities Manager

DATE: September 29, 2016

SUBJECT: Pursuit of Tree City USA Recognition

Brunswick's pursuit of Tree City USA recognition is a topic that has been discussed by the community for many years. The Town's 2002 Parks, Recreation and Open Space Plan reflect two recommendations pertaining to the topic. Action Item #7 in the plan states "*Appoint a Tree Committee to replace the existing ad hoc tree committee to expand the effectiveness of the Parks and Recreation Department's efforts in the care and management of the Town's street and park trees*". Action Item #59 states "*Apply for Tree City USA designation*".

SUMMARY

Tree City USA is a national program of the Arbor Day Foundation that offers recognition to communities that exhibit sound and effective management of their public trees. Since its establishment in 1976, more than 3,400 communities have achieved this status (19 in Maine).

For acceptance into the program, a community must meet the following standards:

1. **A municipal entity explicitly responsible for public tree care.** This can be staff, a department, a committee, or some combination thereof.
2. **A tree care ordinance.** This sets the policy and offers guidance for planting, maintaining and removing trees from streets, parks and other public spaces as well as activities that are required or prohibited.

3. **A tree program with a budget of at least \$2 per capita.** This ensures that there are adequate financial resources to care for public trees.
4. **An Arbor Day Proclamation and Observance.** An annual event or ceremony to celebrate the importance of trees in the community.

At this time, Brunswick satisfies the first (#1) and third (#3) standards. However, Tree City USA strongly recommends that communities have a Tree Committee to support staff members in their public tree program responsibilities. Brunswick currently has no such committee.

Many of the requirements of a Tree City USA community are currently being met via the parks and recreation department's normal approach to management of Brunswick's tree resources. Instituting a tree care ordinance would provide clarity and transparency to our current practices and increase public awareness of the town's tree assets. Furthermore, the creation of a Tree Committee could provide additional assistance with tree-related tasks as necessary.

ANTICIPATED COSTS / REVENUES

There is no fee to apply for Tree City USA recognition, nor is there one for annual renewal. There are nominal costs for marketing and publicity materials (signs, flags, etc.). The designation would require the Town, at a minimum, to continue its current level of spending for our tree program to ensure that we annually meet the \$2 per capita expenditure obligation. We currently spend \$2.24 per capita.

The National Arbor Day Foundation offers grants to support the programs of Tree City USA communities, and the National Forest Service and the Maine Forest Service (through Project Canopy) look favorably upon Tree City USA communities when awarding their grants.

REQUEST

The Parks & Recreation Department respectfully requests that should the Town Council wish to further explore the implications of Brunswick achieving Tree City USA status that it recommends a review of the program by the Recreation Commission. With Council authorization, the Commission would report back in November regarding the implications of any additional impacts as they relate to departmental resources that would be required to fully implement the program.

Outstanding tasks to be completed prior to the Town applying for this designation would include review and endorsement by the Recreation Commission and Town Council, assessment of any additional costs associated with fully implementing the program, the creation of a Tree Committee, the adoption of a Tree Care Ordinance, and a Town Council proclamation for an annual observance of Arbor Day. Once these steps have been taken the town would be in a strong position to submit a compelling application for Tree City USA status.

Background information about our existing tree program and Tree City USA is attached.

TOWN OF BRUNSWICK

Parks & Recreation Department

Community Forest & Tree Care Program

Public Tree Program

The Public Tree Program provides for the management and care of the Town's street and park trees. The Parks Department works to maintain and improve Brunswick's community trees through preventative maintenance pruning, planting of new trees, care of existing trees, and removal of tree hazards.

Brunswick completed a street tree inventory in June 2012 with 2,732 trees inventoried within its streetscapes. The study found 89 species representing 43 genera. The genus maple (*Acer*) comprised 26% of the tree population; followed by pine (*Pinus*), 23%; oak (*Quercus*), 15%; elm (*Ulmus*), 4%; spruce (*Picea*), 3%; ash (*Fraxinus*), 3%; arborvitae (*Thuja*), 3%; hemlock (*Tsuga*), 3%; linden (*Tilia*), 3%; and apple (*Malus*), 3%.

Tree Pruning and Tree Removal

The Town Arborist makes periodic inspections of public trees along Town-maintained streets and in public parks. Pruning and removal work is scheduled based upon these inspections, as well as reported public tree concerns.

Although some ground level and low level tree work is performed by Parks maintenance personnel, most aerial pruning and removal work is performed by tree care companies contracted by the Town.

The Town of Brunswick strives to maintain public safety in municipal parks and streets from potentially hazardous trees. The Parks and Recreation Department will strive to eliminate, in a timely fashion, any tree deemed hazardous.

Tree Planting

The Brunswick Parks and Recreation Department has implemented the planting of more than 370 trees since 1999 in various street and park locations throughout Brunswick. Over 200 of these trees were funded by grants from Project Canopy and the Maine Forest Service, and by donations from other sources.

In its selections of trees, the Parks and Recreation Department strives to plant and maintain a diverse mix of tree species. This diversity will bolster the resilience of Brunswick's public trees if faced with insect or disease outbreaks.

TREE CITY USA

Benefits of the Tree City USA Program

- **Reduce costs for energy, stormwater management, and erosion control.** Trees yield 3–5 times their cost in overall benefits to the city.
- **Cut energy consumption by up to 25%.** Studies indicate that as few as three additional trees planted around each building in the United States could save \$2 billion annually in energy costs.
- **Boost property values across your community.** Properly placed trees can increase property values from 7–20%. Buildings in wooded areas rent more quickly, and tenants stay longer.
- **Build stronger ties to your neighborhood and community.** Trees and green spaces directly correlate to greater connections to neighbors.
- **Honor your community and demonstrate your commitment to a healthier environment** through Arbor Day celebrations and Tree City USA recognition.
- **Benefit from a framework for action provided by the four core standards.** Many communities use the Tree City USA standards as a way to begin caring for city trees. Others regularly enhance urban forest management through improved ordinances, innovative programs and increased emphasis on planting and care.
- **Educate people living in your city about the value of trees and the importance of sustainable tree management.** Annual participation as a Tree City USA community provides this opportunity and makes it easier to engage individuals and organizations throughout the city. Tree City USA status can also create a strong working relationship with your state forestry agency and other groups.
- **Improve community pride.** Participation in the Tree City USA program helps residents feel good about the place they live and work. Annual recognition shows visitors and prospective residents that trees, conservation, and the environment are important to your community.
- **More funds to grow your program.** Grants up to \$20,000 are available for Tree City USA communities for projects such as tree planting in low- to mid-income neighborhoods, bicycling watering programs, creation of community fruit orchards, and tree care education programs. The Tree City USA designation also earns critical points with federal and state funding opportunities.

Source: <https://www.arborday.org/programs/treecityusa>

TREE CITY USA

Four Standards for Tree City USA Recognition

Standard 1

A Tree Board or Department

Someone must be legally responsible for the care of all trees on city- or town-owned property. By delegating tree care decisions to a professional forester, arborist, city department, citizen-led tree board or some combination, city leaders determine who will perform necessary tree work. The public will also know who is accountable for decisions that impact community trees. Often, both professional staff and an advisory tree board are established, which is a good goal for most communities.

The formation of a tree board often stems from a group of citizens. In some cases a mayor or city officials have started the process. Either way, the benefits are immense. Involving residents and business owners creates wide awareness of what trees do for the community and provides broad support for better tree care.

Standard 2

A Tree Care Ordinance

A basic public tree care ordinance forms the foundation of a city's tree care program. It provides an opportunity to set good policy and back it with the force of law when necessary.

A key section of a qualifying ordinance is one that establishes the tree board or forestry department—or both—and gives one of them the responsibility for public tree care (as reflected in Standard 1). It should also assign the task of crafting and implementing a plan of work or for documenting annual tree care activities.

Ideally, the ordinance will also provide clear guidance for planting, maintaining and removing trees from streets, parks and other public spaces as well as activities that are required or prohibited. Beyond that, the ordinance should be flexible enough to fit the needs and circumstances of the particular community.

For tips and a checklist of important items to consider in writing or improving a tree ordinance, see Tree City USA Bulletin #9.

Standard 3

A Community Forestry Program with an Annual Budget of at Least \$2 Per Capita

City trees provide many benefits—clean air, clean water, shade and beauty to name a few—but they also require an investment to remain healthy and sustainable. By providing support at or above the \$2 per capita minimum, a community demonstrates its commitment to grow and tend these valuable public assets. Budgets and expenditures require planning and accountability, which are fundamental to the long-term health of the tree canopy and the Tree City USA program.

To meet this standard each year, the community must document at least \$2 per capita toward the planting, care and removal of city trees—and the planning efforts to make those things happen. At first this may seem like an impossible barrier to some communities. However, a little investigation usually reveals that more than this amount is already being spent on tree care. If not, this may signal serious neglect that will cost far more in the long run. In such a case, working toward Tree City USA recognition can be used to reexamine the community's budget priorities and redirect funds to properly care for its tree resources before it is too late.

Standard 4

An Arbor Day Observance and Proclamation

An effective program for community trees would not be complete without an annual Arbor Day ceremony. Citizens join together to celebrate the benefits of community trees and the work accomplished to plant and maintain them. By passing and reciting an official Arbor Day proclamation, public officials demonstrate their support for the community tree program and complete the requirements for becoming a Tree City USA!

This is the least challenging—and probably most enjoyable—standard to meet. An Arbor Day celebration can be simple and brief or an all-day or all-week observation. It can include a tree planting event, tree care activities or an award ceremony that honors leading tree planters. For children, Arbor Day may be their only exposure to the green world or a springboard to discussions about the complex issue of environmental quality.

The benefits of Arbor Day go far beyond the shade and beauty of new trees for the next generation. Arbor Day is a golden opportunity for publicity and to educate homeowners about proper tree care. Utility companies can join in to promote planting small trees beneath power lines or being careful when digging. Fire prevention messaging can also be worked into the event, as can conservation education about soil erosion or the need to protect wildlife habitat.

Source: <https://www.arborday.org/programs/treecityusa>

TREE CITY USA

Sample Ordinance

The sample ordinance was designed for use in Midwestern communities of average population. The ordinance that your community ultimately develops should be designed to fit its specific needs.

SAMPLE CITY TREE ORDINANCE

Be it ordained by the City Commission of the City of:

(City) _____
(State) _____

Section 1. Definitions

Street trees: "Street trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the City.

Park Trees: "Park trees" are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the City, or to which the public has free access as a park.

Section 2. Creation and Establishment of a City Tree Board

There is hereby created and established a City Tree Board for the City of:

(City) _____
(State) _____

which shall consist of five members, citizens and residents of this city, who shall be appointed by the mayor with the approval of the Commission.

Section 3. Term of Office

The term of the five persons to be appointed by the mayor shall be three years except that the term of two of the members appointed to the first board shall be for only one year and the term of two members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term.

Section 4. Compensation

Members of the board shall serve without compensation.

Section 5. Duties and Responsibilities

It shall be the responsibility of the Board to study, investigate, council and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition

of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the City Commission and upon their acceptance and approval shall constitute the official comprehensive city tree plan for the

City of:
(City) _____
(State) _____

The Board, when requested by the City Commission, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.

Section 6. Operation

The Board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

Section 7. Street Tree Species to be Planted

The following list constitutes the official Street Tree species for:

(City) _____
(State) _____

No species other than those included in this list may be planted as Street Trees without written permission of the City Tree Board.

SMALL TREES	MEDIUM TREES	LARGE TREES
Apricot	Ash, Green	Coffeetree,
Crabapple,	Hackberry	Kentucky
Flowering	Honeylocust	Maple, Silver
(sp)	(thornless)	Maple, Sugar
Golden Rain	Linden or	Oak, Bur
Tree	Basswood	Sycamore
Hawthorne (sp.)	(sp.)	Sycamore,
Pear, Bradford	Mulberry, Red	London
Redbud	(fruitless, male)	plantree
Soapberry	Oak, English	Cottonwood
Lilac, Jap. Tree	Oak, Red	(Cottonless,
Peach,	Pagodatree,	male)
Flowering	Japanese	
Plum, Purpleleaf	Pecan	
Serviceberry	Birch, River	
	Osageorange	
	(Male,	
	thornless)	
	Persimmon	
	Poplar, White	
	Sassafras	

** Please note: The above species are offered as size-class examples only and may not be suitable for planting in your area. Please check with local sources to develop a species list for your area.*

Section 8. Spacing

The spacing of Street Trees will be in accordance with the three species size classes listed in Section 7 of this ordinance, and no trees may be planted closer together than the following: Small Trees, 30 feet; Medium Trees, 40 feet; and Large Trees, 50 feet; except in special plantings designed or approved by a landscape architect.

Section 9. Distance from Curb and Sidewalk

The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in Section 7 of this ordinance, and no trees may be planted closer to any curb or sidewalk than the following: Small Trees, 2 feet; Medium Trees, 3 feet; and Large Trees, 4 feet.

Section 10. Distance from Street Corners and Fireplugs

No Street Tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No Street Tree shall be planted closer than 10 feet of any fireplug.

Section 11. Utilities

No Street Trees other than those species listed as Small Trees in Section 7 of this ordinance may be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground water line, sewer line, transmission line or other utility.

Section 12. Public Tree Care

The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

The City Tree Board may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This Section does not prohibit the planting of Street Trees by adjacent property owners providing that the selection and location of said trees is in accordance with Sections 7 through 11 of this ordinance.

Section 13. Tree Topping

It shall be unlawful as a normal practice for any person, firm, or city department to top any Street Tree, Park Tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the City Tree Board.

Section 14. Pruning, Corner Clearance

Every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet (8') above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The City shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign.

Section 15. Dead or Diseased Tree Removal on Private Property

The City shall have the right to cause the removal of any dead or diseased trees on private property within the city, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the city. The City Tree Board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty days after the date of service of notice. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of removal on the owners' property tax notice.

Section 16. Removal of Stumps

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

Section 17. Interference with City Tree Board

It shall be unlawful for any person to prevent, delay or interfere with the City Tree Board, or any of its agents, while engaging in

and about the planting, cultivating, mulching, pruning, spraying, or removing of any Street Trees, Park Trees, or trees on private grounds, as authorized in this ordinance.

Section 18. Arborists License and Bond

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the City without first applying for and procuring a license. The license fee shall be \$25 annually in advance; provided, however, that no license shall be required of any public service company or City employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$50,000 for bodily injury and \$100,000 property damage indemnifying the City or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

Section 19. Review by City Commission

The City Commission shall have the right to review the conduct, acts and decisions of the City Tree Board. Any person may appeal from any ruling or order of the City Tree Board to the City Commission who may hear the matter and make final decision.

Section 20. Penalty

Any person violating any provision of this ordinance shall be, upon conviction or a plea of guilty, subject to a fine not to exceed \$_____.

TOWN OF BRUNSWICK

Parks & Recreation Department

Calculation of Per Capita Spending for Brunswick

Town of Brunswick Community Forest and Tree Care Program

	FY 16-17	Comment
Town Arborist	\$ 14,754	25% of Parks & Facilities Manager's time
Contracted Services	\$ 20,400	Removal, pruning, stump grinding
Maintenance Staff ¹	\$ 8,049	Removal, pruning, planting, relocating, mulching, watering
New Trees	\$ 400	Two new trees
Misc. Tree Expenses	\$ 1,725	Mulch, topsoil, flagging, tools, fertilizer, licensing
TOTAL	\$ 45,328	\$2.24 per capita

Min. Amount Required by Tree City USA **\$ 40,560** 2% per capita, based on Brunswick's population of 20,278 (Census 2010).

¹ Spending amounts are FY 2016-17 Budget figures except Maintenance Staff which is an estimate of annual expenses.

TREE CITY USA

Sample Proclamation of Arbor Day

Whereas, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

Whereas, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

Whereas, Arbor Day is now observed throughout the nation and the world, and

Whereas, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

Whereas, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

Whereas, trees, wherever they are planted, are a source of joy and spiritual renewal.

Now, therefore I, _____, Mayor in the City of _____, do hereby proclaim _____ as Arbor Day in the City of _____, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

Further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Dated this _____ day of _____

Mayor _____

TREE CITY USA

Recognized Maine Communities (19)

CITY	YEARS	POPULATION
Auburn	13	22,990
Augusta	22	18,700
Bangor	11	33,500
Bath	19	8,514
Camden	21	4,850
Castine	7	1,359
Dover-Foxcroft	4	4,213
Farmington	39	7,760
Hallowell	14	2,400
Kennebunkport	39	3,474
Lewiston	13	37,807
Orono	20	10,362
Portland	36	65,000
Saco	6	18,000
South Portland	36	25,002
Veazie	3	2,000
Waterville	18	17,500
Westbrook	39	17,500
Yarmouth	37	8,349

ITEM 130

BACK UP MATERIALS

Town of Brunswick, Maine

OFFICE OF THE TOWN MANAGER

MEMORANDUM

TO: Town Council

FROM: John Eldridge
Town Manager

DATE: November 17, 2016

SUBJECT: Proposals for Regulating Single-Use Carryout Bags

At the September 26, 2016 Town Council workshop with the Recycling and Sustainability Committee, the Town Council reviewed options for an ordinance that would ban, or charge a fee, for single-use carryout bags at retail establishments. Attached are two draft ordinances for the Town Council to consider:

- Plastic Bag Ban –this ordinance would ban single-use carryout plastic bags at most Brunswick retailers. It would allow the continued use of paper bags at no charge.
- Five Cent Fee on Plastic and Paper Bags – this ordinance would impose a five cent fee on single-use carryout bags at most food retailers.

Similar to the plan of public outreach that was followed when the Town adopted the ordinance banning the use of Styrofoam, staff has developed the following plan to alert businesses and the public to the public hearing and to an information session on the proposed ordinance(s).

Activity	Schedule
Town Council sets public hearing	December 19, 2016
Mailing & email communication to the business community with info on the public hearing and business information session	By January 31, 2017
Business Information Session, co-hosted by Town Recycling and Sustainability Committee. (FAQs sheet available for the session)	Target: week of February 13, 2017 week of February 20, 2017 week of February 27, 2017
Public Hearing	March 6, 2017
Ordinance approved (assumes council support)	March 20, 2017
Businesses have opportunity to request temporary exemption based on undue hardship	Available until August 31, 2017
Ordinance enforcement begins	September 1, 2017

Attached are copies of the two proposed ordinances.

Attachments

Plastic Ban.
All stores.

TOWN OF BRUNSWICK, MAINE

AMENDMENT TO MUNICIPAL CODE OF ORDINANCES CHAPTER 6 – SINGLE-USE CARRYOUT **PLASTIC** BAGS

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

Whereas, the use of single-use carryout **plastic** bags has negative environmental impacts on a local and global scale; and

Whereas, despite recycling and voluntary solutions to control pollution from single-use carryout **plastic** bags, few single-use carryout bags are recycled; and

Whereas, studies have documented that single-use carryout **plastic** bags litter the environment, block storm drains, and endanger wildlife; and

Whereas, the Town of Brunswick's taxpayers bear costs associated with the effects of single-use carryout **plastic** bags on the solid waste stream, litter, drainage and wildlife; and

Whereas, 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 Maine's recycling goals; and

Whereas, evidence indicates that the vast majority of single-use carryout **plastic** bags are used for the bagging and carryout of products purchased from stores, as those business are defined in this ordinance; and

Whereas, studies document, and participating municipalities report, that prohibiting the free distribution of single-use carryout **plastic** bags will dramatically reduce the use of those types of bags; and

Whereas, the Town Council of the Town of Brunswick believes that residents and visitors should be encouraged to use reusable bags and that prohibiting the free distribution of single-use carryout bags is appropriate to incentivize the use of reusable bags; and

Whereas, 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 natural resources by reducing the distribution of single-use carryout **plastic** bags and incentivizing the use of reusable bags.

Now therefore, the Town Council of the Town of Brunswick adopts the following ordinance regulating the use of single-use carryout bags.

Article V. Single-Use Carryout Bags

6.1.101. **Definitions.**

As used in this article, the following terms have the following meanings:

Plastic Ban.
All stores.

Single-use Carryout Plastic Bag. Single-use Carryout **Plastic Bag** means a **plastic** 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 **Plastic Bag** includes compostable and biodegradable bags but does not include:

- (a) Produce bags or Product bags, as defined herein;
- (b) Reusable bags, as defined herein;
- (c) bags provided by pharmacists that contain prescription drugs;
- (d) 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) at least 4.0 mil thick if made from plastic;
- (d) has a minimum lifetime of 75 uses; and
- (e) capable of carrying a minimum of 18 pounds.

Store. **Store means any retail establishment, located within the Town of Brunswick, that offers goods or products for retail sale.**

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.

6.1.102. **Single-Use Carryout Bag.**

No Store shall provide a Single-Use Carryout **Plastic 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.

Plastic Ban.
All stores.

6.1.103. Exemptions.

During the first year of this ordinance, a Store may provide a Single-Use Carryout **Plastic** 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.

6.1.104. Violations and enforcement.

The code enforcement officer or his/her designee(s), or other official designated by the town manager, shall have the primary responsibility for enforcement of this article. If the code enforcement officer or his/her designee(s), or other official designated by the town manager, determine(s) that a violation of this article has occurred, he/she shall issue a written warning notice to the Store that a violation has occurred. Penalties for violation of this article shall be as set forth in the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances.¹

6.1.105. Effective Date.

Enforcement of this article shall begin on September 1, 2017.

6.1.106 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.

(a) ¹ A warning for the first violation in a one-year period;

(b) A fine not exceeding \$250 for the second violation in a one-year period.

(c) A fine not exceeding \$500 for each subsequent violation in a one-year period.

Sec. 5-79 30-A MRSA § 4211	3/15/2010	Subsurface wastewater disposal: base fee 150% of state minimum fees as listed in Table 110.2 of the Maine Subsurface Waste Water Disposal Rules	
Chapter 6.1—Environment			
Sec. 6.1-94		First violation in a one-year period	Warning
		Second violation in a one-year period	\$250.00
		Each subsequent violation in a one-year period	\$500.00
Sec. 6.1-104		First violation in a one-year period	Warning
		Second violation in a one-year period	\$250.00
		Each subsequent violation in a one-year period	\$500.00
Chapter 7—Fire Prevention and Protection			
7-27(5)	01/01/2016	Additional compliance inspection/re-inspection (NFPA 1)	\$50.00
7-28(4)	01/01/2016	Additional compliance inspection/re-inspection (NFPA 101)	\$50.00
7-30	01/01/2016	Heating unit installation—Solid fuel	\$35.00
7-30	01/01/2016	Heating unit installation—Oil	\$35.00
7-30	01/01/2016	Heating unit installation—Natural gas	\$35.00
7-30	01/01/2016	Heating unit installation—Propane gas	\$35.00
7-30(E)	01/01/2016	Failure to obtain permit	Double fee
7-31	01/01/2016	Alarm system installation—Commercial	\$70.00

Five cent plastic and paper.
Primarily food stores.

TOWN OF BRUNSWICK, MAINE

AMENDMENT TO MUNICIPAL CODE OF ORDINANCES CHAPTER 6 – SINGLE-USE CARRYOUT BAGS

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

Whereas, the use of single-use carryout bags has negative environmental impacts on a local and global scale; and

Whereas, despite recycling and voluntary solutions to control pollution from single-use carryout bags, few single-use carryout bags are recycled; and

Whereas, studies have documented that single-use carryout bags litter the environment, block storm drains, and endanger wildlife; and

Whereas, the Town of Brunswick's taxpayers bear costs associated with the effects of single-use carryout bags on the solid waste stream, litter, drainage and wildlife; and

Whereas, 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 Maine's recycling goals; and

Whereas, 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 businesses are defined in this ordinance; and

Whereas, 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

Whereas, the Town Council of the Town of Brunswick believes that residents and visitors should be encouraged to use reusable bags and that prohibiting the free distribution of single-use carryout bags is appropriate to incentivize the use of reusable bags; and

Whereas, 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.

Now therefore, the Town Council of the Town of Brunswick adopts the following ordinance regulating the use of single-use carryout bags.

Article V. Single-Use Carryout Bags

6.1.101. **Definitions.**

As used in this article, 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

Five cent plastic and paper.
Primarily food stores.

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) Produce bags or Product bags, as defined herein;
- (b) Reusable bags, as defined herein;
- (c) bags provided by pharmacists that contain prescription drugs;
- (d) 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) at least 4.0 mil thick if made from plastic;
- (d) has a minimum lifetime of 75 uses; and
- (e) capable of carrying a minimum of 18 pounds.

Store. 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.

For the purposes of this article, the term Store does not include 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 two percent (2%) 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

Five cent plastic and paper.
Primarily food stores.

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.

6.1.102. 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).

6.1.103. 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.

6.1.104. 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.

6.1.105. Violations and enforcement.

The code enforcement officer or his/her designee(s), or other official designated by the town manager, shall have the primary responsibility for enforcement of this article. If the code enforcement officer or his/her designee(s), or other official designated by the town manager, determine(s) that a violation of this article has occurred, he/she shall issue a written warning

Five cent plastic and paper.
Primarily food stores.

notice to the Store that a violation has occurred. Penalties for violation of this article shall be as set forth in the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances.¹

6.1.106. **Effective Date.**

Enforcement of this article shall begin on September 1, 2017.

6.1.107 **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.

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

Sec. 5-79 30-A MRSA § 4211	3/15/2010	Subsurface wastewater disposal: base fee 150% of state minimum fees as listed in Table 110.2 of the Maine Subsurface Waste Water Disposal Rules	
Chapter 6.1—Environment			
Sec. 6.1-94		First violation in a one-year period	Warning
		Second violation in a one-year period	\$250.00
		Each subsequent violation in a one-year period	\$500.00
Sec. 6.1-105		First violation in a one-year period	Warning
		Second violation in a one-year period	\$250.00
		Each subsequent violation in a one-year period	\$500.00
Chapter 7—Fire Prevention and Protection			
7-27(5)	01/01/2016	Additional compliance inspection/re-inspection (NFPA 1)	\$50.00
7-28(4)	01/01/2016	Additional compliance inspection/re-inspection (NFPA 101)	\$50.00
7-30	01/01/2016	Heating unit installation—Solid fuel	\$35.00
7-30	01/01/2016	Heating unit installation—Oil	\$35.00
7-30	01/01/2016	Heating unit installation—Natural gas	\$35.00
7-30	01/01/2016	Heating unit installation—Propane gas	\$35.00
7-30(E)	01/01/2016	Failure to obtain permit	Double fee
7-31	01/01/2016	Alarm system installation—Commercial	\$70.00

ITEM 131

BACK UP MATERIALS

Town of Brunswick, Maine

OFFICE OF THE TOWN MANAGER

MEMORANDUM

TO: Town Council

FROM: John Eldridge
Town Manager

DATE: November 17, 2016

SUBJECT: Emergency Moratorium Ordinance
On retail Marijuana Stores, Facilities, and Social Clubs

Although a recount will be conducted, it appears that a ballot initiative to legalize, regulate and tax marijuana for non-medicinal purposes, known as the "Marijuana Legalization Act," (the "Act") was approved by a state-wide referendum election on November 8, 2016. The Act authorizes municipalities to regulate the number of retail marijuana stores and the location and operation of retail marijuana social clubs and retail marijuana establishments. It also allows municipalities to prohibit the operation of retail marijuana social clubs and retail marijuana establishments.

The Town's current ordinances do not address retail marijuana facilities as described in the Act. The attached moratorium is proposed to allow the Town sufficient time to analyze the potential impacts the legalization of retail marijuana could have on Brunswick and its residents. Further, the moratorium would allow the Town time to draft and implement appropriate regulations.

The moratorium is proposed as an emergency ordinance. Under Section 212 of the Town Charter, the moratorium may be enacted and effective immediately. Should the Town Council adopt the moratorium at the November 21st meeting, the Charter provides that it will be automatically repealed on the fiftieth (50th) day following enactment. To extend the moratorium to one hundred eighty (180) days will require the Council to re-adopt it following a public hearing.

In addition to the proposed emergency moratorium, a portion of the Act relating to local regulation and the bill's summary, contained in the Act, are attached.

Attachments

TOWN OF BRUNSWICK

**EMERGENCY MORATORIUM ORDINANCE
ON RETAIL MARIJUANA STORES, FACILITIES, AND SOCIAL CLUBS**

WHEREAS, a ballot initiative to legalize, regulate and tax marijuana for non-medicinal purposes known as the “Marijuana Legalization Act,” (the “Act”) proposed to be codified in the Maine Revised Statutes Annotated (“M.R.S.A.”) in Title 7, chapter 417, was approved by a state-wide referendum election on November 8, 2016; and

WHEREAS, the Act authorizes municipalities to regulate the number of retail marijuana stores and the location and operation of retail marijuana social clubs and retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, as those terms are defined in the Act, as well as to prohibit the operation of retail marijuana social clubs and retail marijuana establishments, including stores, cultivation facilities, manufacturing facilities and testing facilities, within their jurisdiction; and

WHEREAS, the Act will not limit the privileges or rights afforded by the Maine Medical Use of Marijuana Act (22 M.R.S.A. §§ 2421 – 2430-B) (the “Medical Marijuana Act”) to qualifying patients, primary caregivers, or registered dispensaries, including cultivation facilities associated with any of those classifications;

WHEREAS, the Municipal Code of Ordinances (the “Code of Ordinances”) of the Town of Brunswick (the “Town”) does not include any regulations related to retail marijuana establishments or retail marijuana social clubs that may be permitted under the Act; and

WHEREAS, the unregulated location and operation of retail marijuana establishments and retail marijuana social clubs within the Town of Brunswick raises legitimate and substantial questions about the impact of such establishments and social clubs on the Town, including questions about the compatibility of retail marijuana establishments and social clubs with existing uses and development in residential, commercial and industrial zoning districts; the potential adverse health and safety effects of retail marijuana establishments and social clubs on the community if not properly regulated; the possibility of illicit sale and use of marijuana and marijuana products to minors and misuse of marijuana and marijuana products by those who would abuse the uses authorized under the new law; potential criminal activity associated with the cultivation, manufacturing, sale and use of marijuana and marijuana products for non-medicinal purposes and the potential increased burden on the Town’s Police Department and Fire Rescue Department; and the adequacy of the Town’s streets and infrastructure to accommodate the additional traffic and/or population that may result from the presence of retail marijuana establishments or social clubs; and

WHEREAS, the possible effect of the location and operation of retail marijuana establishments and/or retail marijuana social clubs within the Town has potentially serious implications for the health, safety and welfare of the Town and its residents; and

WHEREAS, the Town needs time to review the Act and to review its own Code of Ordinances to determine the implications of future proposed retail marijuana establishments and/or social clubs to develop reasonable ordinances governing the location and operations of such establishments and social clubs to address the concerns cited above; and

WHEREAS, the Town's current ordinances are insufficient to prevent serious public harm that could be caused by the unregulated development of retail marijuana establishments and social clubs and other uses authorized by the Act; and

WHEREAS, a moratorium is necessary to prevent an overburdening of public facilities that is reasonably foreseeable as the result of retail marijuana establishments and social clubs and other uses being located in Town as authorized by the Act; and

WHEREAS, the Town Council, with the professional advice and assistance of the Town Manager, Planning Board, Planning Department and Police Department, shall study the Town's current Code of Ordinances to determine the land use and other regulatory implications of retail marijuana establishments and social clubs and consider what locations, if any, and approval and performance standards, if any, might be appropriate for such uses; and

WHEREAS, it is anticipated that such a study, review, and development of recommended Ordinance, changes will take at least one hundred and eighty (180) days from the date the Town enacts this Moratorium Ordinance on Retail Marijuana Establishments and Retail Marijuana Social Clubs;

NOW, THEREFORE, be it ordained by the Town Council of the Town of Brunswick, that the following Moratorium Ordinance on Retail Marijuana Establishments and Retail Marijuana Social Clubs (the "Moratorium Ordinance") be, and hereby is, enacted, and, in furtherance thereof, the Town Council does hereby declare a moratorium on the location, operation or licensing of any retail marijuana social clubs and any retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, within the Town, such terms being defined as in the Act.

This Moratorium Ordinance shall take effect, once enacted by the Town Council, in accordance with the provisions of the Town Charter, but shall be applicable as of November 8, 2016, as expressly provided below. The moratorium shall remain in effect for one hundred and eighty (180) days from the date of applicability of this Ordinance, unless extended, repealed, or modified by the Town Council, for the express purpose of drafting an amendment or amendments to the Town's current Code of Ordinances to protect the public from health and safety risks including, but not limited to, compatibility of retail marijuana establishments and social clubs with existing and permitted uses in residential, commercial and industrial zoning districts; the correlation of retail marijuana establishments and social clubs with medical marijuana cultivation facilities and dispensaries, all as defined in the "Marijuana Legalization Act;" the potential adverse health and safety effects of retail marijuana establishments and social clubs on the community if not properly regulated; the possibility of illicit sale and use of marijuana and marijuana products to minors and misuse of marijuana and marijuana products by those who would abuse the uses authorized under the new law; criminal activity associated with the cultivation, manufacturing, sale and use of marijuana and marijuana products for non-medicinal purposes and the potential increased burden on the public safety agencies serving the Town in responding to the same; and the adequacy of the Town's infrastructure to accommodate the additional traffic and/or population that may result from the presence of retail marijuana establishments or social clubs in the Town.

BE IT FURTHER ORDAINED, that this Moratorium Ordinance shall apply to retail marijuana social clubs and retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing

facilities, as those terms are defined by the Act, that may be proposed to be located within the Town on or after the November 8, 2016 applicability date of this Ordinance; and

BE IT FURTHER ORDAINED, that notwithstanding the provisions of 1 M.R.S.A. § 302 or any other law to the contrary, this Moratorium Ordinance, when enacted, shall govern any proposed retail marijuana establishments or social clubs for which an application for a building permit, certificate of occupancy, site plan or any other required approval has not been submitted to and granted final approval by the Code Enforcement Officer, Planning Board or other Town official or board prior to November 8, 2016, the applicability date of this Moratorium Ordinance; and

BE IT FURTHER ORDAINED, that no person or organization shall develop or operate a retail marijuana establishment or social club within the Town on or after the November 8, 2016 applicability date of this Moratorium Ordinance without complying with whatever ordinance amendment or amendments the Town Council may enact as a result of this Moratorium Ordinance; and

BE IT FURTHER ORDAINED, that during the time this Moratorium Ordinance is in effect, no officer, official, employee, office, administrative board or agency of the Town shall accept, process, approve, deny, or in any other way act upon any application for a license, building permit or any other type of land use approval or permit and/or any other permits or licenses related to a retail marijuana establishment or retail marijuana social club; and

BE IT FURTHER ORDAINED, that those provisions of the Town's current Code of Ordinances that are inconsistent or conflicting with the provisions of this Ordinance, are hereby repealed to the extent that they are applicable for the duration of the moratorium hereby ordained, and as it may be extended as permitted by law, but not otherwise; and

BE IT FURTHER ORDAINED, that if retail marijuana establishments or retail marijuana social clubs are established in violation of this Moratorium Ordinance, each day of any continuing violation shall constitute a separate violation of this Moratorium Ordinance, and the Town shall be entitled to all rights available to it in law and equity, including, but not limited to, fines and penalties, injunctive relief, and its reasonable attorney's fees and costs in prosecuting any such violations; and

BE IT FURTHER ORDAINED, that should any section or provision of this Moratorium Ordinance be declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.

Emergency Declaration¹

The Town Council declares the existence of an emergency because the Code of Ordinances is insufficient to prevent serious public harm that could be caused by the unregulated development of retail marijuana establishments and social clubs and other uses authorized by the “Marijuana Legalization Act” approved at the November 8, 2016 referendum election, thereby necessitating a moratorium to provide an opportunity for the Town to review the Act’s potential impacts and harm, and to amend its Code of Ordinances to mitigate the potential impact and harm on the Town and its residents.

In accordance with Section 212 of the Town Charter, this Moratorium shall be enacted as both an emergency and a regular ordinance. It shall be effective immediately upon enactment and shall remain in effect for fifty (50) days from the date of enactment.

Proposed: November 21, 2016
Approved: _____ (EMERGENCY)

¹ Section 212. - Emergency ordinances.

- (a) To meet a public emergency affecting life, health, property or the public peace, the council may enact one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, or authorize the borrowing of money.
- (b) An emergency ordinance shall be plainly designated an emergency ordinance and, after the enacting clause, it shall contain a declaration stating the existence of an emergency, which shall be described in clear and specific terms.
- (c) An emergency ordinance may be enacted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least 6 councilors shall be required for enactment. After its enactment the text of the ordinance shall be published and printed in a newspaper having a general circulation in the community, where it is reasonable to do so in the opinion of the council, and posted in at least 2 public places. Otherwise, the notice must contain a reasonable summary of the enacted ordinance. It shall become effective upon enactment, but it shall automatically stand repealed as of the 50th day following the date on which it was enacted unless it had been enacted as a regular ordinance according to sections 210 and 211 of this article at the time it was adopted as an emergency ordinance.
- (d) An emergency ordinance may be repealed by the enactment of a repealing ordinance in the same manner specified in this section for the enactment of emergency ordinances. An emergency ordinance may become a regular ordinance by its reenactment according to sections 210 and 211 of this article.

§2449. Local licensing¹

1. Municipality may regulate retail marijuana establishments and retail marijuana social clubs. A municipality may regulate the location and operation of retail marijuana establishments and retail marijuana social clubs pursuant to Title 30-A, chapter 187, subchapter 3. A municipality may adopt and enforce regulations for retail marijuana establishments and retail marijuana social clubs that are at least as restrictive as the provisions of this chapter and any rule adopted pursuant to this chapter. Nothing in this chapter prohibits the registered voters of a municipality from calling for a vote on any regulations adopted by a municipal legislative body.

2. Municipal approval required. A retail marijuana establishment or retail marijuana social club may not operate until it is licensed by the state licensing authority pursuant to this chapter and approved by the municipality in which it is located. If an application is denied by the municipality, the licensee has 90 days to locate and obtain legal interest in another property in a municipality that approves of the retail marijuana establishment or retail marijuana social club before the license is revoked.

3. Notice and portion of fee must be given to municipality. When the state licensing authority receives an application for original licensing, or renewal of an existing license, for any retail marijuana establishment or retail marijuana social club, the state licensing authority shall, within 7 business days, provide a copy of the application and 50% of the licensing fee to the municipality in which the establishment or club is to be located. The municipality shall determine whether the application complies with the local land use ordinance and any other restrictions on time, place, manner and the number of marijuana businesses within the municipality. The municipality shall inform the state licensing authority whether the application complies with the local land use ordinance and other local restrictions.

4. Municipality may impose licensing requirement. A municipality may impose a separate local licensing requirement as a part of its restrictions on time, place, manner and the number of marijuana businesses. A municipality may decline to impose any local licensing requirements, but a municipality shall notify the state licensing authority that it either approves or denies each application forwarded to it within 14 business days.

5. Public hearing notice. The following provisions govern local public hearings and notice.

A. If a municipality issues local licenses for a retail marijuana establishment or retail marijuana social club, a public hearing on the application may be scheduled. If the municipality schedules such a hearing, it shall post and publish public notice of the hearing not less than 10 days prior to the hearing. The municipality shall give public notice by posting a sign in a conspicuous place on the premises identified in a local license application and by publication in a newspaper of general circulation in the county in which the premises are located.

B. If a municipality does not issue local licenses, the municipality may give public notice of the state application by posting a sign in a conspicuous place on the premises identified in the application and by publication in a newspaper of general circulation in the county in which the premises are located.

¹ This is only a portion of the Act

BILL SUMMARY²

This initiated bill allows the possession and use of marijuana by a person 21 years of age or older. It provides for the licensure of retail marijuana facilities including retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, retail marijuana testing facilities and retail marijuana stores. It also provides for the licensure of retail marijuana social clubs where retail marijuana products may be sold to consumers for consumption on the licensed premises. It provides for regulation and control of the cultivation, manufacture, distribution and sale of marijuana by the Department of Agriculture, Conservation and Forestry. It allows the department to establish limitations on retail marijuana cultivation. It allows a municipality to regulate the number of retail marijuana stores and the location and operation of retail marijuana establishments and to prohibit the operation of retail marijuana establishments in the municipality. It also allows a municipality to require separate local licensing of retail marijuana establishments.

The initiated bill allows a person 21 years of age or older to use, possess or transport marijuana accessories and up to 2 1/2 ounces of prepared marijuana; transfer or furnish, without remuneration, up to 2 1/2 ounces of marijuana and up to 6 immature plants or seedlings to a person who is 21 years of age or older; possess, grow, cultivate, process or transport up to 6 flowering marijuana plants, 12 immature marijuana plants and unlimited seedlings, and possess all the marijuana produced by the marijuana plants at that person's residence; purchase up to 2 1/2 ounces of marijuana and marijuana accessories from a retail marijuana store; and purchase up to 12 marijuana seedlings or immature marijuana plants from a retail marijuana cultivator. It allows the home cultivation of marijuana for personal use of up to 6 flowering marijuana plants by a person 21 years of age or older.

The initiated bill allows a person to consume marijuana in a nonpublic place including a private residence. It provides that the prohibitions and limitations on smoking tobacco products in specified areas as provided by law apply to smoking marijuana and that a person who smokes marijuana in a public place other than as governed by law commits a civil violation for which a fine of not more than \$100 may be adjudged.

The initiated bill places a sales tax of 10% on retail marijuana and retail marijuana products.

² This is the bill summary that accompanied the Act