

BRUNSWICK TOWN COUNCIL
Agenda
December 19, 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 December 5, 2016
- b) Approval of a card/cribbage license for 2017 for Elks Lodge #2043
- c) Approval of a Quitclaim Deed for a parcel of land depicted as Map 037 Lot 102 Sub 000 Typ 000

Public Comments

Correspondence

COMMITTEE REPORTS

- Master Plan Implementation Committee
- Recycling & Sustainability Committee
- Solid Waste Task Force
- Teen Center Advisory Committee

MANAGER'S REPORT

- a) Financial update
- b) Report on holiday trash and recycling pick-up schedule
- c) Report on Council 2017 Meeting Schedule
- d) Brunswick-Topsham Frank J. Wood Design Advisory Committee update
- e) Gurnet Road to Admiral Fitch Road Project update

PUBLIC HEARING

137. The Town Council will hear public comments on an Emergency Moratorium Ordinance on Retail Marijuana Stores, Facilities, and Social Clubs, and will take any appropriate action. (This ordinance will be considered on both an emergency and a regular basis.) (Councilor Jane Millett)

HEARING/ACTION

138. The Town Council will hear public comments regarding a proposed Tree Care Ordinance, to be included in Chapter 14 of the Municipal Code of Ordinances, and will take any appropriate action. (Chair Sarah Brayman)

HEARING/ACTION

139. The Town Council will hear public comments on proposed ordinance amendments to the Master Fee Schedule regarding fee increases for use of public sidewalks and vendors on the mall, and for taxi driver and company licenses, and will take any appropriate action. (Manager)

HEARING/ACTION

NEW BUSINESS

140. The Town Council will consider setting a public hearing for January 17, 2017 on “An Ordinance Authorizing the Planning, Design and Construction of a New Elementary School on the Site of the Former Jordan Acres School, with Total Project Costs Not to Exceed Twenty-eight Million Dollars, (\$28,000,000) Plus Other Authorized Costs, And the Planning, Design and Completion of Repairs to the Brunswick Junior High School, with Total Project Costs Not to Exceed Five Million, Seven Hundred Thousand Dollars (\$5,700,000) Plus Other Authorized Costs, And Further Authorizing Issuance of Bonds and Notes in an Amount Not to Exceed Thirty-three Million, Seven Hundred Thousand Dollars (\$33,700,000) Plus Other Authorized Costs”, and will take any appropriate action. (Manager)

ACTION

141. The Town Council will consider setting a public hearing regarding the proposed ordinance banning single-use plastic bags, and will take any appropriate action. (Councilor Stephen Walker and Councilor Kathy Wilson)

ACTION

142. The Town Council will receive a proposed new Zoning Ordinance from the Planning Board, and will determine any future action. (Manager)

DISCUSSION

143. The Town Council will consider adopting “A Resolution Authorizing the Town Manager to Negotiate and Execute Documents Related to the Accelerated Closure of the Graham Road Landfill”, and will take any appropriate action. (Manager)

ACTION

144. The Town Council will consider authorizing the Town Manager to submit a Letter of Intent (LOI) to the Maine Department of Economic and Community Development (DECD) regarding a Community Development Block Grant (CDBG) application for partial funding of a second story addition to the People Plus Center to accommodate an expansion of the Teen Center, and will take any appropriate action. (Manager)

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
December 19, 2016
Council Notes and Suggested Motions

CONSENT AGENDA

- a) Approval of the Minutes of December 5, 2016: A copy of the minutes is included in your packet.
- b) Approval of a card/cribbage license for 2017 for the Elks Lodge #2043: The Elks Lodge #2043 is requesting a card/cribbage license for calendar year 2017. A copy of their application is included in your packet.
- c) Approval of a Quitclaim Deed for a parcel of land depicted as Map 037 Lot 102 Sub 000 Typ 000: This item deeds back this property to the owner, who has paid owed taxes. A copy of the deed 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

- Master Plan Implementation Committee
- Recycling & Sustainability Committee
- Solid Waste Task Force
- Teen Center Advisory Committee

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

MANAGER'S REPORT:

A copy of a memo from Manager Eldridge providing an overview of the Manager's Report is included in your packet.

- a) Financial Update: Manager Eldridge will update the Council on the Town's financial picture to date for the current fiscal year. Copies of financial reports are included in your packet.
- b) Report on holiday trash and recycling pick-up schedule: The curbside trash and recycling collection will be done as usual; no missed day or make up day needed. However, the landfill will be closed on Saturday, 12/24 and Saturday, 12/31.

- c) Report on Council 2017 Meeting Schedule: Manager Eldridge will update the Council on the current status of this item.
- d) Brunswick-Topsham Frank J. Wood Design Advisory Committee update: Business Development Manager Linda Smith has been attending these meetings. A memo from Ms. Smith is included in your packet.
- e) Gurnet Road to Admiral Fitch Road Project: Milone & MacBroom of Portland, Maine has been selected to complete the connector road study authorized by the Town Council. A kick-off meeting involving the Town, abutting property owners, utilities and stakeholders was held on December 14th.

PUBLIC HEARING

137. This is the required public hearing on an extension of an Emergency Moratorium Ordinance on Retail Marijuana Stores, Facilities, and Social Clubs. The extension of this ordinance on both an emergency and a regular basis assures no lapse of coverage while these issues are reviewed. Copies of a memo from Manager Eldridge, as well as a copy of the proposed ordinance and the marijuana bill summary are 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 an extension of the Emergency Moratorium Ordinance on Retail Marijuana Stores, Facilities, and Social Clubs on an emergency and regular basis.

138. This item is the required public hearing regarding a proposed Tree Care Ordinance, to be included in Chapter 14 of the Municipal Code of Ordinances. During discussion at the December 5, 2016 Council meeting, Council members recommended three edits for inclusion into the original draft ordinance. The revised draft of the ordinance now contains additional language addressing these points, and both Tom Farrell, Parks & Recreation Manager, and Jay Astle, Parks & Recreation Facilities Director, will be available at the meeting to answer questions. Copies of a memo from the Parks & Recreation Director and the revised ordinance are 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 the proposed Tree Care Ordinance, to be included in Chapter 14 of the Municipal Code of Ordinances.

139. This item is the required public hearing on proposed ordinance amendments to the Master Fee Schedule regarding fee increases for use of public sidewalks and vendors on the mall, and for taxi driver and company licenses. Copies of a memo from Julie Henze on behalf of the Finance Committee, as well as the Master Fee Schedule amendments and an estimate on new revenue are 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 ordinance amendments to the Master Fee Schedule regarding fee increases for use of public sidewalks and vendors on the mall, and for taxi driver and company licenses.

NEW BUSINESS

140. This item is for the Council to consider setting a public hearing for January 17, 2017 on “An Ordinance Authorizing the Planning, Design and Construction of a New Elementary School on the Site of the Former Jordan Acres School, with Total Project Costs Not to Exceed Twenty-eight Million Dollars, (\$28,000,000) Plus Other Authorized Costs, And the Planning, Design and Completion of Repairs to the Brunswick Junior High School, with Total Project Costs Not to Exceed Five Million, Seven Hundred Thousand Dollars (\$5,700,000) Plus Other Authorized Costs, And Further Authorizing Issuance of Bonds and Notes in an Amount Not to Exceed Thirty-three Million, Seven Hundred Thousand Dollars (\$33,700,000) Plus Other Authorized Costs.” Copies of the draft bond ordinance and the Public Hearing Notice are included in your packet.

Suggested motion:

Motion to set a public hearing for January 17, 2017 on “An Ordinance Authorizing the Planning, Design and Construction of a New Elementary School on the Site of the Former Jordan Acres School, with Total Project Costs Not to Exceed Twenty-eight Million Dollars, (\$28,000,000) Plus Other Authorized Costs, And the Planning, Design and Completion of Repairs to the Brunswick Junior High School, with Total Project Costs Not to Exceed Five Million, Seven Hundred Thousand Dollars (\$5,700,000) Plus Other Authorized Costs, And Further Authorizing Issuance of Bonds and Notes in an Amount Not to Exceed Thirty-three Million, Seven Hundred Thousand Dollars (\$33,700,000) Plus Other Authorized Costs.”

141. This item is for the Council to consider setting a public hearing for March 6, 2017, regarding the proposed ordinance banning single-use plastic bags. A copy of the draft ordinance is included in your packet.

Suggested motion:

Motion to set a public hearing for March 6, 2017, concerning the proposed ordinance banning single-use plastic bags.

142. This item is for the Council to receive the proposed new Zoning Ordinance from the Planning Board. The Zoning Ordinance Executive Summary is available on the town's website on the Planning and Development page. Copies of a memo from Planning & Development Director Anna Breinich and her presentation are included in your packet.

Suggested Motion:

This is a discussion item, so there is no suggested motion.

143. This item is for the Council to consider "A Resolution Authorizing the Town Manager to Negotiate and Execute Documents Related to the Accelerated Closure of the Graham Road Landfill". A copy of a memo from Manager Eldridge is included in your packet.

Suggested motion:

Motion to adopt "A Resolution Authorizing the Town Manager to Negotiate and Execute Documents Related to the Accelerated Closure of the Graham Road Landfill".

144. This item is for the Council to consider authorizing the Town Manager to submit a Letter of Intent (LOI) to the Maine Department of Economic and Community Development (DECD) regarding a Community Development Block Grant (CDBG) application for partial funding of a second story addition to the People Plus Center to accommodate an expansion of the Teen Center. Linda Smith, Business Development Manager, a representative from People Plus, and the Town Manager will speak to this item. People Plus is seeking foundation, grant and private funding to support the project. Community Development Block Grant (CDBG) Public Facilities program funds have been identified as a potential source of funding. As with most CDBG requests, a Letter of Intent (LOI) is required in order for the Town to be invited to apply for funds on behalf of the applicant, in this case, People Plus. The LOI for the Public Facilities grant program is on January 13, 2016. A memo from Manager Eldridge is included in your packet.

Suggested motion:

Motion to authorize the Town Manager to submit a Letter of Intent (LOI) to the Maine Department of Economic and Community Development (DECD) regarding a Community Development Block Grant (CDBG) application for partial funding of a second story addition to the People Plus Center to accommodate an expansion of the Teen Center.

Suggested Motion:

Motion to adjourn the meeting.

CONSENT AGENDA - A BACK UP MATERIALS

Draft
BRUNSWICK TOWN COUNCIL
Minutes
December 5, 2016
Regular Meeting – 7:00 P.M.
Council Chamber
Town Hall
85 Union Street

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

Councilors Absent: None

Town Staff Present: John S. Eldridge, III, Town Manager; Fran Smith, Town Clerk; Derek Scrapchansky, Assistant Town Manager; Linda Smith, Business Development Manager; Julie Henze, Finance Director; Anna Breinich, Director of Planning and Development; Paul Perzanoski, Superintendent of Schools; Pender Makin, Assistant Superintendent of Schools; several school staff and School Board members; Tom Farrell, Parks and Recreation Director; Jay Astle, Parks and Recreation Facilities Manager; and TV video crew

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

Adjustments to Agenda

Chair Sarah Brayman requested to address item 134 before item 133; Councilor John Perreault objected so the Council took a vote. The adjustment passed with eight (8) yeas. Councilor John Perreault was opposed.

CONSENT AGENDA *(This item was discussed at 7:04 p.m.)*

- a) **Approval of the minutes of November 21, 2016**
- b) **Approval of an abatement for personal property taxes paid in error for the year 2015 for Providence Maine of 14 Maine Street**

Councilor Jane Millett moved, Councilor Daniel Harris seconded, to approve the Consent Agenda. The motion carried with nine (9) yeas.

(A copy of the abatement for item CA-b will be attached to the official minutes.)

Public Comments *(This item was discussed at 7:05 p.m.)*

There were no comments from the public.

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Correspondence *(This item was discussed at 7:06 p.m.)*

Councilor Kathy Wilson said a citizen commented that they were happy with the tree work done at the end of Cumberland Street.

Chair Sarah Brayman spoke about citizen concerns with the browntail moth issue and said there is an educational process going on and fliers are available. There will be a meeting on December 20th at Town Hall.

Councilor John Perreault said a citizen commented to him about the browntail moth webs around Town Hall. He also spoke about comments from the Bouchard Drive neighborhood on the noise from the trains at the train yard in the middle of the night.

Manager Eldridge spoke about a quiet zone for trains and the possibility of looking into it again, but he is not sure that a quiet zone will have an effect on the train yard.

COMMITTEE REPORTS *(This item was discussed at 7:10 p.m.)*

- **Finance Committee**
- **Master Plan Implementation Committee**

Reports were given on the above committees.

Chair Brayman appointed Councilor Alison Harris as the Council member to the Brunswick Explorer Committee, and Councilor Kathy Wilson as the alternate.

MANAGER'S REPORT

a) People Plus/Teen Center update *(This item was discussed at 7:12 p.m.)*

Stacy Frizzle, Executive Director of People Plus, provided this update.

Linda Smith, Business Development Manager, spoke regarding a CBDG Letter of Intent process for a possible addition to the building.

Councilor Jane Millett spoke regarding this item.

Don Kniseley, Chair of People Plus, spoke regarding this item.

Councilor Stephen Walker and Chair Sarah Brayman spoke regarding this item.

b) Customer service training session *(This item was discussed at 7:28 p.m.)*

Manager Eldridge provided a report on this item.

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c) 946 Mere Point Road *(This item was discussed at 7:28 p.m.)*

Manager Eldridge provided a report on this item.

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

Councilor Stephen Walker spoke regarding this item.

d) Zoning Ordinance Rewrite Update *(This item was discussed at 7:33 p.m.)*

Manager Eldridge provided this update.

e) (ADDED) Council Retreat on January 7, 2017 *(This item was discussed at 7:34 p.m.)*

Manager Eldridge spoke regarding this item.

f) (ADDED) Moving Council meetings to 2nd and 4th Mondays *(This item was discussed at 7:35 p.m.)*

Manager Eldridge spoke regarding this item.

Councilor Suzan Wilson and Chair Sarah Brayman spoke regarding this item.

g) (ADDED) Solid Waste Task Force meeting *(This item was discussed at 7:36 p.m.)*

Manager Eldridge spoke regarding this item.

NEW BUSINESS

132. The Town Council will hear a presentation from Portland Metro about the possibility of extending service to Brunswick, and will take any appropriate action. (Chair Brayman) *(This item was discussed at 7:39 p.m.)*

Chair Sarah Brayman introduced this item.

Greg Jordan, Executive Director of Portland Metro, made a presentation on this item. He responded to questions from Chair Sarah Brayman, Councilor Stephen Walker, Councilor Daniel Harris, Councilor John Perreault, and Councilor Suzan Wilson.

Councilor Alison Harris spoke regarding this item.

Craig Zurhorst, Community Service Director for Western Maine Transportation, spoke regarding this item and the Explorer's role and their upcoming transportation study.

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- 133. The Town Council will receive a report from the School Board regarding the proposed new elementary school at the Jordan Acres site and renovations to the Brunswick Junior High School, and will take any appropriate action. (Manager)**
(This item was discussed at 8:24 p.m.)

Presentations were made by Paul Perzanoski, School Superintendent, William Thompson, School Board Chair; and Lyndon Keck of PDT Architects.

Mr. Keck, Mr. Thompson, and Mr. Perzanoski responded to questions from Councilor Stephen Walker, Chair Sarah Brayman, Councilor Kathy Wilson, Councilor Jane Millett, Councilor Daniel Harris, Councilor Alison Harris, Councilor Suzan Wilson, and Councilor John Perreault.

Councilor John Perreault, Councilor Jane Millett, Councilor Alison Harris, Chair Sarah Brayman, and Councilor Suzan Wilson spoke regarding this information.

Richard Fisco, 2 Lincoln Street, asked questions of Mr. Keck and Mr. Perzanoski, to which they responded.

Julie Henze, Finance Director, made a presentation on the financial piece of the project. She responded to questions from Councilor Suzan Wilson and Councilor Jane Millett.

Manager Eldridge spoke regarding this item.

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

Richard Ellis, School Board member, spoke regarding this item and asked questions, to which Chair Sarah Brayman and Manager Eldridge responded.

Graydon Foye, Oak Street, spoke regarding this item.

Sara Branch, High Street, spoke regarding this item.

Council had a discussion on this item.

Councilor Jane Millett, Councilor David Watson, Councilor John Perreault, Chair Sarah Brayman, and Councilor Alison Harris spoke during this discussion period.

Ms. Henze spoke regarding this item.

No Council action was taken at this meeting.

- 134. The Town Council will consider setting a public hearing for December 19, 2016, regarding a proposed Tree City USA Ordinance, and will take any appropriate action. (Chair Brayman)** *(This item was discussed at 8:17 p.m.)*

This item was taken up prior to item 133.

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Chair Sarah Brayman introduced this item.

Tom Farrell, Director of Parks and Recreation, and Jay Astle, Parks and Recreation Facilities Manager, spoke regarding this item.

Councilor Stephen Walker and Councilor John Perreault spoke regarding this item.

Councilor Jane Millett moved, Councilor Kathy Wilson seconded, to set a public hearing for December 19, 2016, for a proposed Tree Care Ordinance, to be included in Chapter 14 of the Municipal Code of Ordinances. The motion carried with nine (9) yeas.

135. **The Town Council will consider setting a public hearing for December 19, 2016, regarding the proposed ordinance amendments to the Master Fee Schedule regarding fee increases for use of public sidewalks and vendors on the mall, and for taxi driver and company licenses, and will take any appropriate action. (Finance Committee) (This item was discussed at 10:26 p.m.)**

Manager Eldridge and Fran Smith, Town Clerk, introduced this item, and responded to questions from Councilor Stephen Walker and Councilor Jane Millett.

Councilor Watson, Chair Sarah Brayman, Councilor John Perreault and Councilor Kathy Wilson spoke regarding this item.

Councilor Daniel Harris moved, Councilor Kathy Wilson seconded, to set a public hearing for December 19, 2016, on proposed ordinance amendments to the Master Fee Schedule regarding fee increases for use of public sidewalks and vendors on the mall, and for taxi driver and company licenses. The motion carried with nine (9) yeas.

136. **The Town Council will consider appointments to the Town's Boards and Committees, and will take any appropriate action. (Appointments Committee) (This item was discussed at 10:37 p.m.)**

Councilor Kathy Wilson made the following nominations:

Assessment Review Board:

Richard McInnes – reappointment for a three-year term to expire on 01/12/2020

Tyler Zamore – reappointment for a three-year term to expire on 01/12/2020

Bicycle & Pedestrian Advisory Committee

Gloria Peterson – appointment for a balance of a three year term to expire 06/01/2019

Fair Hearing Authority

Maryanne Gottman – appointment for a balance of a three year term to expire on 10/01/2018

The Council voted nine (9) yeas to appoint those nominated.

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

The meeting adjourned at 10:40 p.m.

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

Frances M. Smith

Town Clerk

December 7, 2016

December 19, 2016

Date of Approval

Council Chair

CONSENT AGENDA - B 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:
 Name of Game: Cards (Cribbage)
 Number of Games: _____
 Open to Public? Yes No

2. Organization Name: BPOE 2043
 Organization Number: 1219
 Federal Tax ID # (EIN): 01-020240
 Business Address: 179 Park Row Brunswick, Me 04011
 Mailing Address: Same Phone: 7299572

3. Current Officers:

NAME & TITLE	ADDRESS	CITY/ZIP	PHONE	DATE TERM EXPIRES
<u>Bob Bouch</u>	<u>40 Kann Lane</u>	<u>Brunswick 04011</u>	<u>837-4307</u>	<u>3-31-17</u>
<u>Robert Thibault</u>	<u>43 Barrows Dr</u>	<u>Topsfield 0486</u>	<u>729-4388</u>	<u>3-31-17</u>
<u>Kevin Keenan</u>	<u>23 Windst Blvd</u>	<u>Topsfield 0486</u>	<u>837-5052</u>	<u>3-31-17</u>
<u>Collette Cullen</u>	<u>22 Birchford Drive</u>	<u>Topsfield 0486</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

5. Person responsible for operation of Beano or Games of Chance:
Sharon L. Belanger 729-8328 514-0929
 NAME DAYTIME PHONE & EVENING PHONE
 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? M-F 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.
Card license (Cribbage) Jan-Dec-2017

FOR OFFICE USE ONLY
 Check # _____
 Amount \$ _____

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:

0. 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:

1. 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-----

2. 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: GOL Chairman Date: 12-12-16
(Please print - must be duly authorized officer of this organization - title is required)

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

3. 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

CONSENT AGENDA - C BACK UP MATERIALS

MUNICIPAL QUITCLAIM DEED

The Town of Brunswick, a body corporate, located at 85 Union Street, Brunswick, Maine, by and through its Town Manager duly authorized by its Town Council, on December 19, 2016 for consideration paid, release to **Kathy J. Hutchins**, of Brunswick, ME any interest the Town of Brunswick may have acquired in real estate by virtue of Tax Lien Certificates filed in the Cumberland County Registry of Deeds as follows:

Book	Page	Date Recorded	For Tax Year
31725	191	August 22, 2014	2013
32536	139	August 24, 2015	2014

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

A certain parcel of land with any buildings depicted as Map U37 Lot 102 Sub 000 Typ 000 as shown on the Tax Maps and further described in the records of the Tax Assessor of the Town of Brunswick, Maine. Said maps and records dated, April 1, 2013 and April 1, 2014.

The Town of Brunswick has caused this instrument to be signed in its corporate name by its duly authorized Town Manager this **19th** day of **December 2016**.

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

TOWN OF BRUNSWICK

Witness

John S. Eldridge, III
Town Manager

STATE OF MAINE
Cumberland, ss.

December 19, 2016

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

Before me,

Frances M. Smith
Notary Public
Commission expires – January 23, 2022

MANAGER'S REPORT MEMO

Town of Brunswick, Maine

OFFICE OF THE TOWN MANAGER

MEMORANDUM

TO: Town Council

FROM: John Eldridge
Town Manager

DATE: December 13, 2016

SUBJECT: Town Manager's Report (a) – (e)
for the December 19th Town Council Meeting

Below is a brief summary of items included in the December 19, 2016 Manager's Report.

Financial Update (a)

The budget-to-actual reports for revenues and expenditures through November 30, 2016 are included in your packets. Julie Henze, Finance Director, and I will make a brief presentation and respond to questions.

Holiday Trash Collection and Landfill Schedule (b)

Since both the Christmas and New Year's Day holidays occur on Sunday, the curbside collection of trash and recycling materials by Pine Tree Waste will run as usual during the week. All curbside collection will be done on the normal day and there is no change in service this year since both the holidays are on Sunday.

The Graham Road Landfill will be closed on Saturday, December 24th and on Saturday, December 31st. The landfill will be open as usual Tuesday thru Friday, December 27th through December 30th, from 8:00AM to 3:30 PM.

Town Council 2017 Meeting Schedule (c)

Based on the feedback, we will be proposing that the Town Council schedule its regular meetings for the first and third Mondays of each month. When a holiday is on a Monday, the meeting will be held on Tuesday. We will also propose that the Town Council omit the meeting that would be held on Monday, July 3rd. This is essentially the same schedule that was adopted for 2016. The Council will consider its schedule at the January 3, 2017 inaugural meeting. The proposed schedule is included in your packet.

Frank Wood Bridge – Design Advisory Committee (DAC) Report (d)

Linda Smith, Business Development Manager, has been attending the meetings of the Frank J. Wood Design Advisory Committee (DAC). A memo from Ms. Smith, describing some of the DAC activities is attached.

Gurnet Road to Admiral Fitch Road (e)

The Town Council approved an appropriation of up to \$50,000 in TIF funds to complete preliminary planning and engineering of a new road from Gurnet Road (Route 24) to Admiral Fitch Road on Brunswick Landing. The Town received four engineering proposals and selected Milone & MacBroom of Portland, Maine to complete the study. A kick-off meeting involving the Town, abutting property owners, utilities and stakeholders is scheduled for December 14th. Town staff has been exploring opportunities, including grants and TIF financing, to fund construction of the road. Of course, additional funding would need to be authorized by the Town Council before proceeding to final design and construction.

MANAGER'S REPORT - A BACK UP MATERIALS

FOR 2017 05

			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	39,499,107.89	815.93	-487,529.89	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	-199,074.01	-1,444.03	124,074.01	265.4%
111190	41105	Interest on Taxes	65,000	65,000	28,503.84	2,851.53	36,496.16	43.9%
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	.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	1,471,764.99	246,153.01	1,493,235.01	49.6%
111191	41111	Excise Tax Boat/ATV/S	25,000	25,000	2,430.85	-240.40	22,569.15	9.7%
111191	41112	Excise Tax - Airplane	3,000	3,000	.00	.00	3,000.00	.0%
		TOTAL Taxes	43,297,499	43,297,499	41,381,163.38	248,136.04	1,916,335.62	95.6%
		TOTAL REVENUES	43,297,499	43,297,499	41,381,163.38	248,136.04	1,916,335.62	
20 Licenses & Fees								
121111	42207	Passport Fees	11,000	11,000	5,550.00	725.00	5,450.00	50.5%
121111	42209	Passport Picture Reve	4,000	4,000	1,905.00	330.00	2,095.00	47.6%
121411	42100	Building Permits	145,000	145,000	68,155.03	11,719.85	76,844.97	47.0%
121411	42101	Electrical Permits	34,000	34,000	16,422.59	2,327.40	17,577.41	48.3%
121411	42102	Plumbing Permits	23,000	23,000	13,545.00	1,507.50	9,455.00	58.9%
121611	42200	Hunting & Fishing Lic	1,200	1,200	246.00	35.25	954.00	20.5%
121611	42201	Dog License Fee	2,550	2,550	304.00	105.00	2,246.00	11.9%
121611	42202	Vital Statistics	48,000	48,000	21,978.40	2,656.80	26,021.60	45.8%
121611	42203	General Licenses	20,770	20,770	2,545.00	135.00	18,225.00	12.3%
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	525.00	50.00	17,425.00	2.9%
121611	42206	Neutered/Spayed Dog L	4,670	4,670	476.00	180.00	4,194.00	10.2%
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	8,656.28	320.00	16,343.72	34.6%
122121	42400	Fire Permits	2,000	2,000	890.00	.00	1,110.00	44.5%
122221	42500	Conc Weapons Permits	400	400	250.00	50.00	150.00	62.5%
122221	42501	Parking Permit fee	425	425	125.00	.00	300.00	29.4%
123131	42600	Public Works Opening	6,000	6,000	9,045.00	.00	-3,045.00	150.8%
		TOTAL Licenses & Fees	387,090	387,090	154,268.30	20,141.80	232,821.70	39.9%
		TOTAL REVENUES	387,090	387,090	154,268.30	20,141.80	232,821.70	

FOR 2017 05

			ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
30 Intergovernmental								
131122	43505	FD EMPG grant	15,000	15,000	3,143.39	.00	11,856.61	21.0%
131132	43103	Highway Grant Fund	199,000	199,000	199,388.00	199,388.00	-388.00	100.2%
131142	43104	State General Assista	35,000	35,000	3,715.59	.00	31,284.41	10.6%
131190	43102	State Tax Exemption R	42,000	42,000	9,967.88	9,967.88	32,032.12	23.7%
131192	43101	State Revenue Sharing	1,109,837	1,109,837	474,514.02	89,067.06	635,322.98	42.8%
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	5,150,283.67	802,040.86	5,825,779.33	46.9%
TOTAL Intergovernmental			12,378,300	12,378,300	5,841,012.55	1,100,463.80	6,537,287.45	47.2%
TOTAL REVENUES			12,378,300	12,378,300	5,841,012.55	1,100,463.80	6,537,287.45	
40 Charges for services								
141111	44110	Agent Fee Auto Reg	50,000	50,000	22,267.00	3,359.00	27,733.00	44.5%
141111	44111	Agent Fee Boat/ATV/Sn	1,500	1,500	379.00	29.00	1,121.00	25.3%
141211	44121	Rental of Property	1,200	1,200	600.00	200.00	600.00	50.0%
141611	44131	Advertising Fees	0	0	727.13	122.55	-727.13	100.0%
142121	44155	Ambulance Service Fee	850,000	850,000	440,320.58	58,727.21	409,679.42	51.8%
142121	44166	Special Detail - Fire	1,000	1,000	4,581.28	888.80	-3,581.28	458.1%
142221	44161	Witness Fees	1,000	1,000	416.16	100.00	583.84	41.6%
142221	44162	Police Reports	4,500	4,500	1,158.29	.00	3,341.71	25.7%
142221	44163	School Resource Offic	86,000	86,000	86,000.00	86,000.00	.00	100.0%
142221	44165	Special Detail - Poli	3,000	3,000	12,913.00	2,249.00	-9,913.00	430.4%
142221	44167	Dispatch Services fee	143,760	143,760	67,229.71	11,500.00	76,530.29	46.8%
143431	44175	Recycling Revenue	20,000	20,000	9,305.40	3,087.00	10,694.60	46.5%
144545	44100	School Tuition, etc	83,339	83,339	3,066.19	.00	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	650,413.74	166,262.56	595,885.26	52.2%
TOTAL REVENUES			1,246,299	1,246,299	650,413.74	166,262.56	595,885.26	
50 Fines & Penalties								
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 05

	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	.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	289.00	243.00	311.00	48.2%
152221 45101 Parking Tickets	30,000	30,000	10,869.00	2,490.00	19,131.00	36.2%
152221 45102 Leash Law Fines	200	200	475.00	325.00	-275.00	237.5%
152221 45105 False Alarm Police	10	10	45.00	.00	-35.00	450.0%
152221 45106 Restitution	0	0	349.24	.00	-349.24	100.0%
TOTAL Fines & Penalties	40,060	40,060	13,677.24	3,058.00	26,382.76	34.1%
TOTAL REVENUES	40,060	40,060	13,677.24	3,058.00	26,382.76	
<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	.00	-1,522.50	100.0%

FOR 2017 05

			ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
191111	49000	Finance Miscellaneous	4,000	4,000	557.60	166.60	3,442.40	13.9%
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	.00	-2.00	100.0%
191111	49106	W/C Proceeds	0	0	2,181.37	737.86	-2,181.37	100.0%
191192	49100	Cable Television	245,000	245,000	68,354.87	68,354.87	176,645.13	27.9%
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	772.11	180.36	577.89	57.2%
191911	49000	Planning Miscellaneou	1,000	1,000	52.00	23.00	948.00	5.2%
192121	49000	Fire Miscellaneous	1,000	1,000	131.76	.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	.00	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	5,881.31	4,749.04	57,118.69	9.3%
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	143,146.78	74,211.73	694,203.22	17.1%
TOTAL REVENUES			837,350	837,350	143,146.78	74,211.73	694,203.22	
GRAND TOTAL			61,475,961	61,475,961	48,189,410.03	1,612,273.93	13,286,550.97	78.4%

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

FOR 2017 05

	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	227,775.28	50,576.53	5,000.00	373,285.72	38.4%
11100 Finance Department	733,405	733,405	281,725.41	53,516.85	389.20	451,290.39	38.5%
11150 Technology Services Dept	371,032	371,032	162,464.97	40,935.76	16,815.48	191,751.55	48.3%
11200 Municipal Officers	90,665	90,665	29,382.41	24,079.02	.00	61,282.59	32.4%
11210 Munic Bldg - 85 Union	212,281	212,281	67,283.05	13,810.23	8,019.99	136,977.96	35.5%
11230 Risk Management	529,827	529,827	188,548.00	-4.16	.00	341,279.00	35.6%
11240 Employee benefits	0	0	-93,643.60	-22,093.71	.00	93,643.60	100.0%
11250 Cable TV	67,269	67,269	25,952.21	4,390.10	-1,519.11	42,835.90	36.3%
11300 Assessing	315,863	315,863	118,723.26	22,342.95	2,717.00	194,422.74	38.4%
11600 Town Clerk & Elections	347,453	347,453	148,775.89	46,191.15	5,336.00	193,341.11	44.4%
11900 Planning Department	498,664	498,664	190,120.96	39,008.15	-500.00	309,043.04	38.0%
11950 Economic Development Dept	120,071	120,071	41,858.82	8,322.18	395.63	77,816.55	35.2%
TOTAL General Government	3,892,591	3,892,591	1,388,966.66	281,075.05	36,654.19	2,466,970.15	36.6%
<u>20 Public Safety</u>							
12100 Fire Department	3,238,027	3,238,027	1,296,527.36	244,803.11	12,909.35	1,928,590.29	40.4%
12150 Central Fire Station	41,258	41,258	16,489.65	5,009.40	-2,081.45	26,849.80	34.9%
12160 Emerson Fire Station	51,200	51,200	20,345.32	2,499.98	6,810.50	24,044.18	53.0%
12200 Police Department	3,745,376	3,745,376	1,441,768.68	286,690.73	18,515.39	2,285,091.93	39.0%
12210 Police Special Detail	0	0	10,928.93	2,087.21	.00	-10,928.93	100.0%
12220 Emergency Services Dispatch	817,420	817,420	298,441.10	62,230.98	.00	518,978.90	36.5%
12250 Police Station Building	104,892	104,892	37,012.62	7,182.78	2,228.90	65,650.48	37.4%
12280 Marine Resources	189,911	189,911	69,656.82	14,777.55	.00	120,254.18	36.7%
12310 Streetlights	215,000	215,000	84,602.62	18,637.40	.00	130,397.38	39.4%
12320 Traffic Signals	31,600	31,600	2,820.66	739.15	.00	28,779.34	8.9%
12330 Hydrants	465,000	465,000	117,565.28	.00	.00	347,434.72	25.3%
12340 Civil Emergency Preparedness	2,000	2,000	360.00	.00	.00	1,640.00	18.0%
TOTAL Public Safety	8,901,684	8,901,684	3,396,519.04	644,658.29	38,382.69	5,466,782.27	38.6%

FOR 2017 05

30	Public Works	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
<hr/>								
30	Public Works							
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13100	Public Works Administration	492,640	492,640	171,719.83	34,033.66	5,000.00	315,920.17	35.9%
13110	PW General Maintenance	1,720,179	1,720,179	538,528.46	130,932.70	121,178.15	1,060,472.39	38.4%
13130	Refuse Collection	629,847	629,847	214,593.94	49,955.23	237,897.79	177,355.27	71.8%
13140	Recycling	331,644	331,644	100,571.29	20,013.04	215,272.81	15,799.90	95.2%
13150	PW Central Garage	724,456	724,456	237,438.58	78,018.39	14,390.48	472,626.94	34.8%
	TOTAL Public Works	3,898,766	3,898,766	1,262,852.10	312,953.02	593,739.23	2,042,174.67	47.6%
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40	Human Services							
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14100	General Assistance	173,351	173,351	48,393.24	8,393.35	5,605.40	119,352.36	31.1%
14120	Health & Social Services	2,766	2,766	1,381.07	676.44	.00	1,384.93	49.9%
	TOTAL Human Services	176,117	176,117	49,774.31	9,069.79	5,605.40	120,737.29	31.4%
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45	Education							
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14500	School Department	37,695,535	37,695,535	10,308,559.41	2,642,868.85	.00	27,386,975.59	27.3%
	TOTAL Education	37,695,535	37,695,535	10,308,559.41	2,642,868.85	.00	27,386,975.59	27.3%
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50	Recreation and Culture							
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15000	Recreation Administration	431,115	431,115	187,193.91	36,053.53	-1,080.00	245,001.09	43.2%
15050	Rec Buildings and Grounds	723,726	723,726	269,712.96	45,731.65	-2,983.31	456,996.35	36.9%
15250	Rec Building 211	175,585	175,585	36,438.63	15,560.58	-19,907.53	159,053.90	9.4%
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	.00	.00	5,307.07	95.7%
15400	Curtis Memorial Library	1,373,500	1,373,500	566,041.69	113,208.33	.00	807,458.31	41.2%
	TOTAL Recreation and Culture	2,843,126	2,843,126	1,193,280.12	210,554.09	-23,970.84	1,673,816.72	41.1%
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60	Intergovernmental							
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FOR 2017 05

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	.00	.00	.00	100.0%
	TOTAL Intergovernmental	1,410,855	1,410,855	1,410,855.00	.00	.00	.00	100.0%
70	Unclassified							
17000	Promotion and Development	171,699	171,699	127,162.98	630.37	.00	44,536.02	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	.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	131,412.98	630.37	.00	215,286.02	37.9%
80	Debt Service							
18020	2006 CIP G/O Bonds	236,000	236,000	220,000.00	.00	.00	16,000.00	93.2%
18030	2011 GO CIP Bonds	226,135	226,135	211,935.00	.00	.00	14,200.00	93.7%
18040	Police Station Bond	394,625	394,625	336,187.51	.00	.00	58,437.49	85.2%
18050	2010 Elementary School Bond	0	0	1,302,057.50	.00	.00	-1,302,057.50	100.0%
	TOTAL Debt Service	856,760	856,760	2,070,180.01	.00	.00	-1,213,420.01	241.6%
	GRAND TOTAL	61,475,961	61,475,961	22,706,227.63	4,101,809.46	650,410.67	38,119,322.70	38.0%

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

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

MANAGER'S REPORT - C BACK UP MATERIALS

Town of Brunswick, Maine

2017 Town Council Schedule

<u>1st and 3rd Mondays</u>
<u>January</u>
January 3 rd (Tuesday - New Year's Inauguration)
January 17 th (Tuesday – Martin Luther King Day on Monday)
<u>February</u>
February 6 th
February 21 st (Tuesday – President's Day on Monday)
<u>March</u>
March 6 th
March 20 th
<u>April</u>
April 3 rd
April 18 th (Tuesday – Patriot's Day on Monday)
<u>May</u>
May 1 st
May 15 th
<u>June</u> (Election Tuesday, June 13 th)
June 5 th
June 19 th
June 28 th (Year end – last date in Month)
<u>July</u>
July 3 rd (Holiday on Tuesday, July 4 th) Omit Meeting?
July 17 th
<u>August</u>
August 7 th
August 21st
<u>September</u>
September 5 th (Tuesday – Labor Day on Monday)
September 18 th
<u>October</u>
October 2 nd
October 16 th
<u>November</u> (Election Day, Tuesday, November 7 th)
November 6 th
November 20 th
<u>December</u>
December 4 th
December 18 th

MANAGER'S REPORT - D BACK UP MATERIALS



Town of Brunswick, Maine

INCORPORATED 1739

ECONOMIC AND COMMUNITY

DEVELOPMENT

85 UNION STREET

BRUNSWICK, MAINE 04011-1583

TELEPHONE 207-721-0292

FAX 207-725-6663

MEMORANDUM

TO: Town Council Members
FROM: Linda Smith, Business Development Manager
RE: Update on the Frank J. Wood Bridge Design Advisory Committee
DATE: December 14, 2016

From April until September 2016, the Town Council held several sessions to hear information on and discuss the Frank J. Wood Bridge proposals as outlined by the Federal Highway Administration, the Maine Department of Transportation (MDOT) and other interested parties such as the Friends of the Frank J. Wood Bridge. As a part of that learning and listening, the Towns of Topsham and Brunswick discussed appointing members to a Design Advisory Committee. In June 2016, the Town of Topsham moved forward with a motion supporting the preliminary upstream alignment alternative preferred by MDOT as well as appointing Topsham members to the Design Advisory Committee (DAC). In August, the Town Council members voted to appoint Brunswick members to the joint Topsham-Brunswick Design Advisory Committee (DAC). Concurrent with this DAC process is the National Historic Preservation Act's Section 106 process. The anticipated timeframe for the DAC group's recommendations was that they should be prepared prior to the Federal Highway Administration's Section 106 decision point, now anticipated to be the end of March 2017.

Charge: As referenced above, on June 2, 2016, Topsham Board of Selectman voted to approve a Resolution which supported the new bridge upstream alignment and created the joint Brunswick-Topsham Design Advisory Committee (DAC). The Resolution reads:

BE IT FURTHER RESOLVED: To ensure that the final design of the new bridge best meets both the State's responsibility to meet the public's transportation needs, and incorporates, to the degree that is financially feasible, the aesthetic and functional needs and preferences of Topsham and Brunswick, we will appoint, jointly with Brunswick, a Design Advisory Committee to work with the Maine Department of Transportation to optimize the final design for the new bridge.

In accordance with the Selectmen's Resolution, DAC Chair Bruce Van Note states at the start of every DAC meeting that the DAC's focus and discussions will be limited to issues regarding the design of a new bridge, and always notes that no final decision regarding the replacement or rehabilitation of the existing bridge will be made until the conclusion of the US-DOT §106 process.

Membership: There are seventeen (17) members total; eight (8) from Topsham; eight (8) from Brunswick and 1 member representing the Riverwalk project which impacts both communities. A list of members is attached.

Meetings: The DAC has met monthly since July 2016, as follows:

Topsham Members only: June 27, 2016; July 20, 2016

Brunswick and Topsham members: August 22, 2016; September 14, 2014; October 19, 2014; November 9, 2014; and, December 7, 2016.

Proposed meetings are: January 11, 2017 and February 8, 2017.

The DAC minutes are currently available on the Town of Topsham website (right side of home page - <http://www.topshammaine.com/>) and additional supporting materials are being uploaded to a more robust site. Once that occurs, the new website link will be posted on the Town of Brunswick website, too.

Resources: The two Towns have committed staff resources to the Design Advisory Committee – John Shattuck, Town of Topsham and Linda Smith, Town of Brunswick. The Maine Department of Transportation has also committed staffing resources to the DAC, as represented by: William Pulver, PE, MDOT Director of Project Development; Joel Kittredge, MDOT Project Manager; and, Norman Baker, TY Lin International Senior Project Manager.

Outreach Phase: At each meeting after the initial June 2016 meeting, the DAC invited members of the general public as well as specific groups to attend and provide comments. These groups included: the Topsham Summer Street neighborhood residents; the Brunswick Water Street residents; Topsham and Brunswick bike and pedestrian groups; Topsham and Brunswick Public Works, Police and Fire Department representatives; Topsham and Brunswick businesses; and, any individual or group wishing to comment on aesthetic considerations.

Decision making Phase: At the end of the November 9, 2016 meeting, the DAC members reviewed a possible decision-making tool that they could use for their next phase of work. They agreed that they wanted a broad mission statement as well as supporting an expanded version of the decision-making tool. At the December 7th meeting, the group began to engage in the decision points that will inform their recommendations / report to the Topsham Town of Selectman and the Brunswick Town Council. The DAC is not assuming that any municipal funds will be available for this project if it should move forward. However, if the DAC members identify an item they think warrants recommendation which may not be supported by MDOT funding, they will include it and the projected costs with the recognition that it may not garner support. (NOTE: The MDOT – Local Cost - Sharing Policy memo is attached as an FYI.)

Report: The DAC intends to complete its work and provide a report to the Topsham Board of Selectmen and the Brunswick Town Council in March 2017 (coinciding with US-DOT §106 wrap-up)

Attachments/

Cc: John Eldridge, Town Manager

Attachment 1. Design Advisory Committee Members

- Bennett, Doug – Topsham - Lower Village Development Committee
- Carroll, Ann - Topsham - Summer Street representative
- Darcy, Larissa - Brunswick - Brunswick Development Corporation
- Goldman, Natasha - Brunswick - Brunswick Public Art
- Howard, Jim - Topsham - Lower Village Development Committee
- King, Deb - Brunswick - Brunswick Downtown Association
- Knight, Margo - Brunswick - Master Plan Implementation Committee
- Lamb, Cathy - Both Towns At Large - Riverwalk Committee
- Langelo, Victor - Topsham - Topsham Community Fund
- Lyne, Mike - Brunswick - Recreation Commission
- Massanek, Gary - Brunswick - Village Review Board
- Randolph, Nancy - Topsham - Swinging Bridge Committee
- Smart, Gary - Topsham - Historical District Commission
- Spann, Don - Topsham - Topsham Development, Inc.
- Updegraph, Sande - Brunswick - Planning Board
- Van Note, Bruce - Topsham - Topsham Planning Board
- Wilkoff, Will - Brunswick - Bike-Ped Advisory Committee

Attachment 2. MDOT – Local Cost Sharing Policy

MaineDOT - Local Cost-Sharing Policy (June 18, 2014)

A. Purpose and Applicability

1. **Purpose** - The purpose of this policy is to create fair and consistent basis for sharing the cost of major investments to the state highway and bridge system.

2. Applicability

a. **Projects Selected through the MaineDOT Work Plan Process** - This policy applies to Major Treatments funded in a MaineDOT Work Plan, except those projects located within a Metropolitan Planning Organization (MPO) Capital Management Area, or those subject to an alternative cost-sharing arrangement that has been negotiated and executed by MaineDOT and the municipality prior to the effective date of this policy. An MPO may apply this match policy at its discretion, provided that it is outlined in the MaineDOT/MPO/Municipal three-party agreement.

b. **Project Requests Outside of MaineDOT's Work Plan Process** - If a municipality or other public entity seeks to develop a new project outside the MaineDOT Work Plan process, prior to considering the project, MaineDOT may require a project-funding commitment of 20% to 50% for project planning, design and construction,. *[This municipal commitment is required because accelerating new projects may delay projects that have been in the planning or design phase for years, waiting for scarce transportation funding. The increased local share may also create an incentive for MaineDOT to invest on highways of more local significance, (as opposed to statewide or regional significance)—investments that MaineDOT would not otherwise make, given other transportation needs across the state.]* MaineDOT's decisions regarding project approval and percentage of local match will be subject to available state and federal transportation funding, Highway Corridor Priority, Customer Service Levels, potential statewide and regional transportation benefits, and other possible considerations.

B. Cost-Sharing Policies

1. **Highway Portion of a Project** - MaineDOT will pay 100% of the costs necessary to improve the Highway Portion of the Project, as determined by MaineDOT.

2. Highway Sidewalks

a) **Existing Sidewalks** - Except as otherwise provided in this policy, the municipality will be responsible for 20% of the cost of replacing or rehabilitating Existing Sidewalks. No local share will be required for Existing Sidewalk replacement or rehabilitation when the sole reason for the work is due to the Highway Portion of the Project, as determined by MaineDOT. ADA compliance and feasibility must be determined pursuant to 28 CFR 35.150 and ADAAG sec.4.1.6(j).

b) New Sidewalks –

If a New Sidewalk is located within a Compact Area or Qualifying Pedestrian Area, the municipality will be responsible for 20% of the cost of New Sidewalks. If the New Sidewalk is located outside of a Compact Area or Qualifying Pedestrian Area, the sidewalk will be considered a Local-Interest Element.

c) **Scope of Sidewalk Costs** - Sidewalk costs include all costs associated with the construction of the sidewalk, including necessary drainage improvements (including underground storm drainage systems) and property acquisition that are directly related to the existence or installation of the sidewalk.

d) **Sidewalk Maintenance** - Municipalities will be responsible for year-round maintenance of new or replaced/rehabilitated pedestrian facilities, as necessary, MaineDOT reserves the right to perform

maintenance and invoice the municipality if appropriate maintenance is not satisfactorily performed by the municipality.

3. **Bridge Portion of a Project** - MaineDOT will pay 100% of the costs necessary to improve the Bridge Portion of the Project, as determined by MaineDOT.

4. **Bridge Sidewalks**

a. If a bridge is located within a Compact Area or Qualifying Pedestrian Area, there will be no local share for the cost of replacement or new sidewalks or multi-use shoulders on the bridge.

b. If a bridge is located outside a Compact Area or Qualifying Pedestrian Area, sidewalks including replacement sidewalks or multi-use shoulder will be considered Local-Interest Elements.

5. **Local-Interest Elements** - Subject to available funding and to the extent of monetary contributions from local sources, MaineDOT, at its discretion, may contribute up to 50% of the cost of Local-Interest Elements that are eligible for state Highway Fund and Federal Highway Administration funding, provided that MaineDOT's share of such costs will not exceed 10% of the overall project cost.

C. **Definitions**

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

ADAAG - ADA Accessibility Guidelines, 28 CFR § 36.406.

Compact Area - (State Urban Compact Area) - An area where structures are nearer than 200 feet apart for a distance of one-quarter mile or more, as defined in 23 MRSA §2.

CFR - Code of Federal Regulations.

Highway Portion of a Project - That portion of a project located from curb to curb, including existing curbing and related drainage, or between highway ditches, and structures necessary to sustain or improve that portion of the highway carrying vehicular travel.

Bridge Portion of a Project - That portion of a project that is necessary to sustain or improve vehicular travel, including highway approach work, foundations, abutments, piers, superstructure and bridge railing.

Local-Interest Elements - Project elements outside the scope of the Highway Portion or Bridge Portion of the Project that have more local (as opposed to statewide) benefit, as determined by MaineDOT. Local-Interest Elements include pedestrian lighting, landscaping, plantings, streetscape furniture (benches, bike racks, trash cans, etc.), alternative pavement treatments, shoulder surface treatments or modified striping, additional or modified parking, granite curbing, concrete pavement, architectural treatments on bridges or other structures, and auxiliary lanes, jug handles, frontage roads, etc. that are primarily for local community-development purposes. Local-Interest Elements also include planning, design, or public input processes that are not approved by MaineDOT in advance.

MPO - Metropolitan Planning Organization as provided by 23 U.S.C. § 134.

MaineDOT - The Maine Department of Transportation.

Major State Highways - Arterial highways, major collector highways, and urban collector highways that are part of a highway corridor that would be classified as a major collector outside of the federal urbanized area.

Major Treatment - Any new-alignment project, or substantial improvement or rehabilitation of the structural base and drainage structures of the highway. Regarding bridge projects, Major Treatment means full replacement, superstructure replacement, or widening. Major Treatments do not include safety or system preservation activities such as hazard elimination projects, rail crossing upgrades, maintenance paving projects, pavement preservation projects, bridge painting, and bridge deck replacements.

Multi-Use Shoulder - A shoulder designed to accommodate bicycle and pedestrian activity and/or motorized recreational vehicle use, including ATVs and snowmobiles.

Qualifying Pedestrian Area - An area that MaineDOT determines will have substantive pedestrian activity or use during the expected life-cycle of the project. In making this determination, MaineDOT will be guided by existing, planned, or forecasted sidewalks and/or pedestrian generators (including neighborhoods, businesses, government buildings, village areas, schools, recreational facilities, etc.),

directly adjacent or within reasonable walking distance. Other factors include whether the existing or future pedestrian activity is consistent with the municipal transportation plan, comprehensive plans, capital plans, zoning, and/or other longer-term planning and investment (including documented funding implementation) documents that have been adopted by the legislative body of the municipality.

Sidewalks - Paved areas for pedestrians, usually on the side of a street or roadway, separated from vehicular traffic by either a curb or esplanade. Existing Sidewalks are sidewalks that are existing and maintained in a usable condition at the time the project is being programmed. “New Sidewalks” mean all sidewalks that are not already existing and maintained.

D. Implementation

1. **Prior Written Agreement** - For projects to which this policy applies, written Local Cost-Sharing Agreements consistent with this policy will be developed during the project scoping process and executed prior to programming the project in a MaineDOT Work Plan for design or construction. In the absence of such an agreement, the municipality shall be responsible for 10% of the total project cost (including the Highway or Bridge Portion).

2. **Municipally Funded Items** - Upon mutual agreement between MaineDOT and the municipality, items that are funded entirely by the municipality may be added to the project. Such items may include highway treatments or project elements that are beyond the scope of the Highway or Bridge Portion of the Project, certain Sidewalks, and Local Interest Elements.

E. Appeal Process

Municipalities may appeal decisions made by MaineDOT under this policy to the Director of the Maine Bureau of Planning. The letter of appeal should be submitted to:

Director, Bureau of Planning
Maine Department of Transportation
16 State House Station
Augusta, Maine 04333-0016

F. Effective Date

The policy is effective as of June 18, 2014.

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

ITEM 137

BACK UP MATERIALS

Town of Brunswick, Maine

OFFICE OF THE TOWN MANAGER

MEMORANDUM

TO: Town Council

FROM: John Eldridge
Town Manager

DATE: December 13, 2016

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

At your November 21st meeting you adopted an “EMERGENCY MORATORIUM ORDINANCE ON RETAIL MARIJUANA STORES, FACILITIES, AND SOCIAL CLUBS” on an emergency basis. In accordance with the Town Charter, that ordinance will stand repealed on the fiftieth (50th) day following enactment, meaning that the moratorium will expire on January 10, 2017.

The action proposed for your December 19th meeting is to adopt an extension of the moratorium on an emergency and regular basis. We have proposed extending the moratorium to one hundred-eighty (180) days. Adopting the extension on an emergency basis is necessary in order to avoid a lapse in coverage.

When the moratorium was passed on November 21st, Councilors asked staff to begin addressing the issues of siting retail stores and social clubs. Planning staff has begun that research and gathered information, some of which was shared with the Planning Board at its most recent meeting. The Police Department has also begun researching the issues.

Attached is a proposed ordinance that would extend the moratorium. We look forward to discussing this with you.

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 until **May 20, 2017**.

Proposed: December 19, 2016

Approved:

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

ITEM 138

BACK UP MATERIALS

Memo

To: Members of the Brunswick Town Council
From: Thomas M. Farrell, Director 
Date: December 13, 2016
Re: *Proposed Tree Care Ordinance*

At the December 5, 2016 meeting of the Brunswick Town Council Parks and Facilities Manager Jay Astle and I presented a proposed draft of a tree care ordinance intended to guide the town in the care of its public tree resources. Additionally, adoption of a tree care ordinance is one of the requirements necessary for the town to submit an application for consideration by the Arbor Day Foundation for Brunswick's possible designation as a Tree City USA community.

During the discussion at the recent Town Council meeting there were three recommended edits requested for inclusion into the original draft ordinance. These included the addition of a Town Council member to serve as an ex-officio non-voting member of the tree committee; stressing the strong preference for native species in terms of new plantings and clearly identifying that there should be no trees permitted that are considered invasive species.

The revised draft of the ordinance now contains additional language addressing these three points and both Jay and I will be in attendance at the December 19, 2016 Town Council meeting to answer questions you or the public may have regarding the revised ordinance draft.

CHAPTER 14 – STREETS, SIDEWALKS, AND OTHER PUBLIC SPACES
ARTICLE VII – TREE CARE ORDINANCE

Sec. 14-201. – Definitions.

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

Abutter is one whose property touches or adjoins along a boundary or with a projecting part of the property of another.

Person is any individual, firm, partnership, association, corporation, company, organization, or legally organized entity of any kind.

Property Owner shall mean the person owning such property as shown by the Town of Brunswick tax assessor's records, unless proof to contrary is available and presented.

Public Hazard is a condition of any public tree or any other non-public tree, shrub or plant or any portion of a public tree or any other non-public tree, shrub or other plant which constitutes a hazard to natural persons or property or harbors insects or disease which constitutes a potential threat to other public trees or any other non-public trees, shrubs, or plants within the Town.

Public Property shall include all property owned, leased, or occupied by the Town of Brunswick. *Public Trees* shall include all shade and ornamental trees or shrubs now or hereafter growing on public property, including Town rights-of-way.

Street or Highway is the entire width of every public way or right-of-way when all or any part thereof is open to the use of the public, as a matter of right.

Topping is 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.

Town Arborist is the designated official of the Town assigned to carry out the enforcement of this article.

Tree Sizes are defined as follows:

Large Trees are designated as those tree species that habitually attain a mature height of forty-five feet (45') or more.

Medium Trees are designated as those tree species that habitually attain a mature height of thirty (30) to forty-five feet (45').

Small Trees are designated as those tree species that habitually attain a mature height of thirty feet (30') or less.

Sec. 14-202. – Creation and Establishment of a Tree Committee.

There is hereby created a Tree Committee consisting of five (5) public members who must be residents of the Town of Brunswick. The Town Arborist and a Town Council member shall serve as ex officio non-voting members of the Tree Committee.

A. Membership, terms and appointments.

- (1) A member of the Tree Committee, other than the ex officio member(s), shall serve a term of three years, except as provided in this subsection. Appointments shall be made by the Town Council. The five (5) voting members of the Tree Committee shall appoint from their membership a Chairperson to serve for a one- year term. In the case of a vacancy, the Town Council shall fill said vacancy for the remaining term of the member who created the vacancy. All voting members of the Tree Committee shall serve until their successors are duly appointed and qualified.
- (2) The Town Council shall appoint the first five (5) voting members appointed after the effective date of this section to one-, two- or three-year terms so that, upon the completion of those initial five (5) appointments, only a portion of the terms of the members expire each year.

B. Duties.

The Tree Committee shall:

- (1) Assist the Town and its citizens in the dissemination of news and information regarding the selection, planting, and maintenance of trees and shrubs;
- (2) Study and determine, with input from the Town Arborist, the needs of the Town in connection with its public tree care program;
- (3) Plan, coordinate, and administer an annual Arbor Day celebration.
- (4) Compensation. All members of the Tree Committee shall serve without compensation.

Sec. 14-203. – Town Arborist

A. Qualifications.

- (1) The Town Arborist shall be a person skilled and trained in the arts and sciences of municipal arboriculture. In Maine where there is a state arborist examining board, the Town Arborist shall have passed the state examination and shall hold a current regular arborist's license from the State of Maine.

B. Authority.

- (1) The Town Arborist shall have the authority to enforce the rules and regulations of the arboricultural specifications and standards of practice governing the planting, maintenance, removal, fertilization, pruning, and bracing of trees on the streets or other public property and shall direct, regulate, and control the planting, maintenance, and removal of all trees growing now or hereafter in any public area of the town. He or she shall cause the provision of this article to be enforced. In his or her absence these duties shall be the responsibility of a qualified alternate designated by the Director of the Parks and Recreation Department.
- (2) Prior to the maintenance or removal of any public tree, an initial determination of whether the tree is located on public or private property will be made by the Town Arborist. In the event

that the tree is located on a property line, the Town Arborist shall determine the amount, if any, of cost-sharing between the Town and the private property owner for the proposed work.

- (3) The Town Arborist shall have the authority to order the trimming, spraying, preservation or removal of trees or plants upon private property when he or she shall find such action necessary to ensure public safety, protect public assets, or to prevent the spread of disease or insects to public trees and places.

C. General duties.

- (1) The Town Arborist shall carry out the arboricultural specifications and standards of practice governing the planting, maintenance, removal, fertilization, pruning, and bracing of trees on the streets or other public sites in the municipality and shall direct, regulate, and control the planting, maintenance, and removal of all trees growing now or hereafter on public property in the Town of Brunswick.

Sec. 14-204. – Specifications and standards.

American National Standards Institute (ANSI) standards, or any amendments or substitutes therefore, shall be followed and enforced as a minimum standard for the care and maintenance of trees. The Town Arborist may also establish additional policies and procedures, as necessary, which shall be followed.

Sec. 14-205. – Tree planting, maintenance, and removal.

A. Authority to plant, maintain, or remove trees on public property.

No person shall plant, fertilize, preserve, prune, spray, cut above ground, remove, or otherwise disturb any tree on public property without written permission from the Town Arborist or, in his or her absence, the Director of the Parks and Recreation Department. The person receiving permission shall abide by the arboricultural specifications and standards of practice set forth in this section.

Notification shall be made to the Town Arborist and written approval given prior to any tree planting, maintenance, or removal.

The Town Arborist shall issue permission if, in his judgement, the proposed work is desirable and the proposed method and workmanship thereof are of a satisfactory nature.

Requests for pruning and removal of trees on public property will be reviewed based upon tree health, public safety, threat to public and/or private property, preservation or enhancement of scenic beauty, or other reasonable considerations as determined by the Town Arborist or, in his or her absence, the Director of the Parks and Recreation Department.

B. Tree species to be planted on public property.

The following is the recommended tree species list for plantings on public property in the Town of Brunswick. The trees on this list have been specifically chosen for their ability to adapt to a wide range of conditions found in an urban environment. Special preference shall be given to native species. No species, other than those included here, may be planted without written permission from the Town Arborist, or, in his or her absence, the Director of the Parks and

Recreation Department. Under no circumstances shall a tree species considered invasive by the Maine Natural Areas Program, or its successor program, be planted on public property.

SMALL TREES	MEDIUM TREES	LARGE TREES
Cherry, <i>Prunus</i> Flowering Crabapple, <i>Malus x varieties</i> Dogwood, <i>Cornus kousa</i> Hawthorns, <i>Crataegus</i> American Hophornbeam, <i>Ostrya virginiana</i> Tree Lilac, <i>Syringa reticulata</i> Hedge Maple, <i>Acer campestre*</i> Paperbark Maple, <i>Acer griseum</i> Korean Maple, <i>Acer sieboldianum</i> ‘Three-flowered’ Maple*, <i>Acer triflorum</i> Magnolias Shadbush, <i>Amelanchier – tree form</i> Sourwood, <i>Oxydendrum arboretum</i> Stewartia, <i>Stewartia pseudocamellia and koreana</i> White Fringe Tree, <i>Chionanthus</i>	River Birch*, <i>Betula nigra</i> American or European Hornbeam* <i>Carpinus caroliniana & Carpinus betulus,</i> Katsuratrete*, <i>Cercidiphyllum</i> American Yellowwood, <i>Cladrastis</i> Turkish Filbert, <i>Corylus colurna</i> Honeylocust, <i>Gleditsia</i> Tupelo*, <i>Nyssa sylvatica</i> Korean Mountainash, <i>Sorbus alnifolia</i>	Red Maple, <i>Acer rubrum</i> Catalpa, <i>Catalpa</i> Beech, <i>Fagus</i> Ginkgo*, <i>Ginkgo biloba</i> Tuliptree, <i>Liriodendron</i> Cucumber Magnolia, <i>Magnolia acuminata</i> Oak, <i>Quercus</i> Elm, <i>Ulmus</i> Zelkova Pine, <i>Pinus</i> Spruce, <i>Picea</i> Fir, <i>Abie</i>

C. Spacing for planting on public property.

Except in special plantings designed or approved by the Town Arborist or, in his or her absence, the Director of the Parks and Recreation Department, the spacing of Town-owned trees shall be in accordance with the species sizes listed under Section 14-201 of this ordinance, and no trees may be planted closer together than the following:

SPECIES SIZE	SPACING (Not less than...)
Small Trees	20 ft.
Medium Trees	30 ft
Large Trees	40 ft

D. Utilities and Hydrants

No public tree shall be planted within ten feet (10') of any hydrant or any underground utilities. Only small trees may be planted under or within 10 feet (10') of any overhead utility wire.

E. Public Tree Care

- (1) The Town Arborist shall have the right to prune, spray, maintain, and remove public trees as may be necessary to ensure public safety or to preserve or enhance the beauty of public places. Spraying shall be undertaken in accordance with Town and State laws. Notice of intent to remove, extensively prune, or spray any public shall be made in writing to abutters.
- (2) The Town Arborist shall have the right to prune any public tree if, in the opinion of the Town Arborist and/or his designee, it interferes with visibility of any traffic control device or intersection, or interferes with pedestrian or vehicular traffic. A clearance of fourteen feet (14') above street surface or eight feet (8') above the sidewalk surface shall be maintained. If such obstructing public tree is on private property, the Town Arborist shall notify the property owner of the intent to prune.
- (3) The Town Arborist may remove any public tree or part thereof which by reason of its nature damages or otherwise impairs sewers, electric power lines, gas lines, water lines, or other services, or is affected by an injurious fungus, disease, insect, or other pest. In each case, the abutters will be notified twenty-four (24) hours in advance.
- (4) In case of an emergency as determined by the Town Arborist or, in his or her absence, the Director of the Parks and Recreation Department, work may be performed without written notification.

F. Tree Topping

It shall be unlawful for any person or the Town to top any tree on public property. Trees severely damaged by storms or other causes may be exempted from this prohibition at the determination of the Town Arborist or, in his or her absence, the Director of the Parks and Recreation Department. In lieu of topping, public trees under utility wires or other obstructions where other pruning practices are impractical or not considered aboriculturally sound may be removed by the Town Arborist and/or his designee.

Sec. 14-206. – Protection of trees on public property.

A. During excavation or construction.

All trees near any excavation or construction of any building, structure, or street work shall be guarded with a substantial fence, frame, or box centered around the tree not less than four feet (4') high and enclosing an area of sixty-four square feet (64 sq. ft.), or at a distance in feet from the tree equal to the diameter of the trunk in diameter breast height (D.B.H.), whichever is greater, and all building material, dirt, or other debris shall be kept outside the barrier.

No person shall excavate any ditches, tunnels, trenches, or lay any drive within the radius of ten feet (10') from any town-owned tree except with written permission from the Town Arborist.

B. Placing materials on public property.

No person shall deposit, place, store, or maintain upon any public property anything which may impede the free passage of water, air or fertilizer to the roots of any tree growing therein, except with written permission from the Town Arborist.

C. Abuse or mutilation of trees on public property.

Under no circumstance shall any person cut, carve, transplant, or remove any public tree; attach any rope, wire, nails, advertising posters, or other contrivance to any public tree; allow any gaseous, liquid or solid substance which is harmful to trees to come in contact with any public tree; or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any public tree.

D. Destruction of Trees on Public Property

Any public tree deemed a public hazard or destroyed as a consequence of a person's negligence, gross negligence, or intentional acts shall be valued by the Town Arborist as the sum of any removal and disposal costs, plus the replacement costs of a minimum two inch (2") caliper tree, its installation, care and maintenance, including watering, for the first three (3) years after planting. If the location of the destroyed tree does not meet the planting requirements of Section 14-205, the Town Arborist may replace the public tree at another location of his or her choosing.

Sec. 14-207. – Interference with the Town Arborist.

No person shall hinder, prevent, delay, or interfere with the Town Arborist or any other Town staff while engaged in carrying out the execution or enforcement of this ordinance; provided, however, that nothing herein shall be construed as an attempt to prohibit the pursuit of any remedy, legal or equitable, in any court of competent jurisdiction for the protection of property rights by the owner of any property within the Town.

Sec. 14-208. – Violations.

Any failure to comply with the terms, conditions, provisions, or any notice issued pursuant to this ordinance, shall constitute a violation.

Sec. 14-209. – Penalties.

Any person who violates this division shall forfeit a civil penalty in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances for the first and second offenses and for subsequent offenses.

Sec. 14-210. – Severability.

Should any section, clause, or provision of this ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the ordinance as a whole, or parts thereof, other than the part so declared to be invalid.

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

ITEM 139

BACK UP MATERIALS

MEMORANDUM

TO: John Eldridge, Town Manager

FROM: Julie Henze, Finance Director
on behalf of the Finance Committee

DATE: November 30, 2016

SUBJECT: Update of certain business license fees

As part of the ongoing review and update of fees and revenues, we have begun review of the Town of Brunswick's business license fees. On November 17, 2016, Fran Smith, the Town Clerk, presented information and recommended fee increases to the Finance Committee. Based on questions and input received at that meeting, the Finance Committee is proposing the following to the Town Council.

The majority of the Town's business license fees were last updated in 2006, and at this time the Finance Committee is recommending increases to certain of the fees. These fees are more time sensitive than the other business license fees, as the applications are due in February and March.

Sellers of prepared food on a public way	from \$25 to \$100, increase \$75
Sellers of prepared food at the Mall	from \$1,500 to 2,000, increase \$500
Sellers of prepared food at the Farmer's Market	from \$3,000 to 3,500, increase \$500
Operation of horse-drawn carriage or taxicab (each), <u>owner</u>	from \$65 to \$80, increase \$15
Issued between October 1 and March 31	from \$33 to \$40, increase \$7
Operation of horse-drawn carriage or taxicab, <u>operator</u>	from \$30 to \$40, increase \$10
Issued between October 1 and March 31	from \$15 to \$20, increase \$5

Attached, for your information in the discussion, is a copy of the relevant sections of the Master Schedule of Revenues, Charges, Fee and Fines, Appendix B of the Code of Ordinances, with the recommended changes noted. Also attached is an estimate of the increase in total revenue which would be realized by the increase of these fees, based on the number of licenses issued in 2016.

Fran Smith, Town Clerk, will be available at the Council meeting to provide more information and to answer questions.

Increases to these fees will require an amendment of the Municipal Code of Ordinances Appendix B – Master Schedule of Revenues, Charges, Fees and Fines, and will require a public hearing. The Finance Committee requests that the Council set a public hearing for December 19, 2016 on this ordinance change.

Master Fee Schedule amendments

Proposed Fees Chapter 10 - Licenses and Business Regulations			
Sec. 10-26 (6)	06/18/2008	License fee for sellers of prepared food on a public way	\$25 <u>\$100</u>
	02/9/2005	License fee for sellers of prepared food at the Mall	\$1,500 <u>\$2000</u>
	02/9/2005	License fee for sellers of prepared food at the Farmer's Market	\$3,000 <u>\$3,500</u>
Sec. 10-99	11/1/2006	License for operation of horse-drawn carriage or taxicab, owner	\$65 <u>\$80 each</u>
		License for above issued between October 1 and March 31	\$33 <u>\$40 each</u>
Sec. 10-104	11/1/2006	License for operation of horse-drawn carriage or taxicab, operator	\$30 <u>\$40</u>
		License for above issued between October 1 and March 31	\$15 <u>\$20</u>

Estimate of new revenue - based on number of licenses issued in 2016

Description	Proposed fee	Increase amount	# sold per year	Total Increase in revenue
License fee for sellers of prepared food on a public way	\$100	\$75	9	\$675
License fee for sellers of prepared food at the Mall	\$2,000	\$500	5	\$2,500
License fee for sellers of prepared food at the Farmer's Market	\$3,500	\$500	1	\$500
License for operation of horse-drawn carriage or taxicab, owner	\$80 each	\$15	8	\$120
License for above issued between October 1 and March 31	\$40 each	\$7	30	\$210
License for operation of horse-drawn carriage or taxicab, operator	\$40	\$10	0	0
License for above issued between October 1 and March 31	\$20	\$5	0	0
		Est new revenue		\$4,005

ITEM 140

BACK UP MATERIALS

Town of Brunswick, Maine

OFFICE OF THE TOWN MANAGER

MEMORANDUM

TO: Town Council

FROM: John Eldridge
Town Manager

DATE: December 14, 2016

SUBJECT: Elementary School Construction and
Junior High School Renovations
Bond Ordinance

At your December 5th meeting, the School Board presented its recommendations for: a) construction of an elementary school at the site of the former Jordan Acres Elementary School, and b) renovations to the Brunswick Junior High School. As you know, both projects would be financed through the issuance of general obligation bonds of the Town. The Town Charter requires the adoption of an ordinance to authorize the making of contracts for capital improvements or capital acquisitions, to be financed solely or partly by the issuance of bonds or notes.¹ Before an ordinance is enacted, amended or repealed, Town Council is required to hold a public hearing.² With few exceptions, adoption of a bond ordinance may be accomplished by the Town Council, or by submission to the voters for approval at a municipal election.³ Bond counsel had advised that the bond ordinance contemplated for these projects may be adopted by the Town Council or the voters.

Attached is a bond ordinance that would authorize and fund both projects. The ordinance would also authorize the issuance of debt to fund the projects. As the scenario most often mentioned for adoption of the ordinance is via a municipal election held on June 13, 2017, the following schedule illustrates the **latest dates** by which certain events must occur in order for the ordinance to be voted on at the June 13th election.

<u>Date</u>	<u>Action</u>
April 3	Public hearing on bond ordinance
April 18	Public hearing; council vote to call election
April 19	Ballots to printer
May 12	Absentee ballots available.
June 13	Election

Paul Perzanoski, Superintendent of Schools, and Julie Henze, Finance Director, will be available at your December 19th meeting to answer your questions.

Attachments

Cc: Paul Perzanoski

¹ Section 512 Charter, Town of Brunswick

² Section 211 Charter, Town of Brunswick

³ Section 1104 Charter, Town of Brunswick

TOWN OF BRUNSWICK, MAINE

An Ordinance Authorizing the Planning, Design and Construction of a New Elementary School on the Site of the Former Jordan Acres School, with Total Project Costs Not to Exceed Twenty-eight Million Dollars, (\$28,000,000) Plus Other Authorized Costs,

And the Planning, Design and Completion of Repairs to the Brunswick Junior High School, with Total Project Costs Not to Exceed Five Million, Seven Hundred Thousand Dollars (\$5,700,000) Plus Other Authorized Costs,

And Further Authorizing Issuance of Bonds and Notes in an Amount Not to Exceed Thirty-three Million, Seven Hundred Thousand Dollars (\$33,700,000) Plus Other Authorized Costs.

WHEREAS, beginning in 2012, the School Department of the Town of Brunswick (the “Town”) engaged PDT Architects in the development of a Facilities Master Plan (the “Plan”); and

WHEREAS, in consultation with PDT, the Brunswick School Board has developed and approved, a project for the planning, design and construction of a new elementary school at the site of the former Jordan Acres School, and the planning, design and completion of repairs to the Brunswick Junior High School (the “Project”); and

WHEREAS, the based on information provided by PDT Architects, the Town has estimated the total cost of the Project to be \$33,700,000, which is expected to be financed through the issuance of general obligation bonds; and

WHEREAS, the Charter of the Town of Brunswick, Maine (the “Charter”) requires that any capital acquisition to be financed solely or partly by the issuance of bonds or notes to be authorized by ordinance;

NOW THEREFORE, THE TOWN COUNCIL SUBMITS THE FOLLOWING ORDINANCE TO THE VOTERS OF THE TOWN OF BRUNSWICK FOR APPROVAL.

Section 1. Funding Sources and Appropriations.

- a. A total of thirty-three million, seven hundred thousand dollars (\$33,700,000) plus any additional amounts authorized under this ordinance, are appropriated to finance the cost of the planning, design and construction of a new elementary school at the site of the former Jordan Acres School, and the planning, design and completion of repairs to the Brunswick Junior High School (the “Project”), consistent with the Project as defined in proposal presented by the School Board to the Town Council on December 17, 2016.
- b. The issue and sale of the Town’s general obligation bonds or notes (and notes in anticipation thereof) is authorized in an aggregate principal amount not to exceed thirty-three million, seven hundred thousand dollars (\$33,700,000) plus other authorized costs. The proceeds of the bonds and notes are appropriated to finance the costs of the Project. The bonds and notes may also be used to reimburse the Town for any prior expenditures on the Project, or to refinance notes or advances as authorized herein.

Section 2. Authorization to Develop, Construct, and Equip the Project. The Town Manager is authorized to negotiate, execute, and deliver, in the name of and on behalf of the Town, such contracts, agreements, and other documents and certificates as the Town Manager may determine to be necessary or appropriate in connection with the Project. The aforementioned items shall be in such form and contain such terms and conditions as may be approved by the Town Manager. Such approval shall be conclusively evidenced by the Town Manager's execution thereof, provided however, that the Town Manager may delegate the authority granted hereunder as the Town Manager deems appropriate.

Section 3. Project Costs Defined. The term "cost" or "costs" as used herein and applied to the Project, or any portion thereof, includes:

- a. the cost of planning, engineering, architectural, surveying, feasibility studies, environmental studies and assessments, legal, accounting, and any other professional services associated with the Project;
- b. the costs related to applying for and obtaining all permits, licenses, franchises, and the costs related to regulatory and judicial reviews;
- c. the cost of land, structures, real property interests, rights, easements, and franchises acquired in connection with the Project;
- d. the cost of any site work the Town Manager, or his designee, determines is necessary to prepare the site for its intended Project use, including but not limited to the cost of demolition and removal of any structures appurtenance thereto, pipes, drains, underground tanks, boxes, manholes, footings, foundations, hazardous materials, and any other item(s);
- e. the cost of constructing the Project, and all costs determined by the Town Manager, or his designee, to be necessary to place the Project in service and ready for its intended use, including but not limited to the cost of all appurtenances and other facilities either on, above, or under the ground, the cost of landscaping and site preparation, the cost of off-site improvements, the cost of all utility extensions and related improvements, the cost of renovating or remodeling any existing structure, the cost of all labor, materials, building systems, machinery and equipment, inspection and certification costs;
- f. the costs of equipping the Project for its intended use including all furniture and fixtures, all fixed or mobile equipment, and leasehold improvements;
- g. the cost of insuring the Project while under construction and for a reasonable period upon substantial completion of the project, including builders risk, general liability, product liability, workers compensation and any other insurance costs the Town Manager, or his designee, determines is related to the Project;
- h. the costs of financing the Project including but not limited to financing charges and issuance costs, underwriters' fees and costs, legal and accounting fees and costs, application fees, and other fees and expenses related to financing the Project;
- i. interest costs prior to and during construction and for a period not to exceed three years from the issue date of the bonds, underwriters' fees and costs, legal and accounting fees and costs, application fees, and other fees and expenses related to the financing transaction;
- j. any other costs identified in the Project budget, and the cost of any other items or services deemed to be cost under generally accepted accounting principles ("GAAP") as determined by the Town's Finance Director.

Section 4. Details of the Bonds or Notes.

- a. Execution and Delivery of Bonds and Notes. The bonds and notes issued hereunder, and any issued as the result of exchanges or transfers, shall be signed by the Treasurer and be countersigned by the Chair of the Town Council. The bonds and notes shall have the seal of the Town affixed thereon, and be attested by the Town Clerk. The Treasurer and Chair of the Town Council, from time to time, shall execute such bonds and notes as may be required to provide for exchanges or transfers of bonds and notes hereinbefore authorized.
- b. Book Entry Certificates In lieu of physical certificates of the bonds and notes, the Treasurer be and hereby is authorized to undertake all acts necessary to provide for the issuance and transfer of such bonds and notes in book-entry form pursuant to the Depository Trust Company Book-Entry Only System. As an alternative to the provisions herein regarding physical transfer of bonds, and the Treasurer is authorized and empowered to enter into a Letter of Representation or any other contract, agreement or understanding necessary or, in the Treasurer's opinion, appropriate in order to qualify the bonds for and participate in the Depository Trust Company Book-Entry Only System.
- c. Tax Exempt Bonds. The Treasurer and Chair of the Town Council are individually authorized to determine whether to issue the bonds and notes authorized herein as taxable bonds and notes or tax-exempt bonds and notes. To the extent such bonds and notes are issued as tax-exempt bonds, the Treasurer and Chair of the Town Council are individually authorized to covenant and agree, on behalf of the Town and for the benefit of the holders of such bonds and notes, that the Town will file any required reports and take any other action that may be necessary to ensure that interest on the bonds and notes will remain exempt from federal income taxation and that the Town will refrain from any action that would cause interest on the bonds and notes to be subject to federal income taxation.
- d. No Arbitrage Certification. The Treasurer and Chair of the Town Council are individually authorized to covenant and certify on behalf of the Town that no part of the proceeds of the bonds and notes shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause such bonds or notes to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended.
- e. Qualified Tax Exempt Obligations. The Treasurer is hereby authorized and empowered to take all such action as may be necessary to designate such bonds and/or notes as qualified tax-exempt obligations for purposes of Section 265(b) of the Code; it being the Town's intention that the Treasurer, with advice of bond counsel, to make the required Section 265(b) election with respect to such bonds and notes, but only to the extent the election may be available and advisable as determined by the Treasurer.
- f. Principal Denominations. The principal amount of the bonds of the same maturity shall be such minimum denomination as the Treasurer, in the Treasurer's discretion, may approve.

- g. Maturities and Interest Rates. The maturity(ies), interest rate(s) and sale price of the bonds or notes issued hereunder shall be either sent out to bid or negotiated by the Treasurer in such manner as the Treasurer deems appropriate and in the best interest of the Town and the financing of the above-referenced Project. The Treasurer be and hereby is authorized to provide that any of the bonds or notes hereinbefore authorized may be made callable, with or without premium, prior to their stated dates of maturity. The bonds or notes hereby authorized shall be in such form and to otherwise contain such other terms and provisions as the Treasurer may approve, his or her approval to be conclusively evidenced by his/her execution thereof.
- h. Consolidation of Bond or Notes. Any or all of the bonds or notes issued hereunder may be consolidated with and become a part of any other issue of bonds or notes authorized to be issued by any previous or subsequent ordinance of the Town Council of the Town of Brunswick.
- i. Other Authorized Officials. If the Treasurer, Chair of the Town Council or Town Clerk are for any reason unavailable to approve and execute the bonds hereinbefore authorized or any other documents necessary or convenient to the issuance, execution and delivery of the bonds, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had performed such act.
- j. Absence of Officials Prior to Delivery. If any of the officials of the Town who have signed or sealed the bonds or notes shall cease to be such officials before the bonds or notes signed and sealed shall have been actually authenticated or delivered by the Town, such bonds and notes nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such bonds or notes had not ceased to be such officer or official; and also any such bonds and notes may be signed and sealed on behalf of the Town by those persons who, at the actual date of the execution of such bonds and notes, shall be the proper officials of the Town, although at the nominal date of such bonds and notes any such person shall not have been such officer or official.

Section 5. Sale of Bonds or Notes and Registrar, Paying Agent and Transfer Agent

- a. Official Statement. The Treasurer is authorized to prepare, or cause to be prepared, a Preliminary Official Statement and an Official Statement for use in the offering and sale of the bonds or notes. The Preliminary Official Statement and Official Statement shall be in such form and contain such information as may be approved by the Treasurer, with the advice of the underwriter for the bonds or notes and bond counsel for the Town. The distribution of the Preliminary Official Statement and the Official Statement in the name of and on behalf of the Town in connection with offering the bonds or notes is approved.
- b. Counsel. The Treasurer is authorized to select Issuer Counsel, Bond Counsel and any other counsel the Treasurer deems necessary in connection with the planning, sale and issuance of the notes or bonds, and to execute and deliver such contracts or agreements as may be necessary or appropriate in connection therewith.

- c. Underwriter. The Treasurer is authorized to select the underwriter for the bonds and notes, and to execute and deliver such contracts or agreements as may be necessary or appropriate in connection therewith.
- d. Registrar, Paying Agent and Transfer Agent. The Treasurer is authorized to select the registrar, paying agent, and transfer agent for the bonds or notes and to execute and deliver such contracts and agreements as may be necessary or appropriate to secure their services. The bonds and notes shall be transferable only on the registration books of the Town kept by the transfer agent. Upon surrender of the bonds or notes with an accompanying written instrument of exchange or transfer, executed by the registered owner or the owner's attorney, duly authorized in writing and satisfactory to the transfer agent, the Town and the transfer agent shall make a charge sufficient to cover any tax, fee or any other governmental charge required to be payable with respect to such exchange or transfer. Subsequent to the first exchange or transfer, the cost of preparing new bonds or notes upon exchanges or transfer thereof shall be paid by the person requesting the same.

Section 6. Refunding. The Treasurer and Chair of the Town Council be and hereby are authorized to execute a refunding of general obligation bonds and notes herein authorized when the Treasurer and the Chair of the Town Council determine that such refunding is in the best interest of the Town. All delegated authority provided pursuant to this ordinance shall also apply to a refunding bond and note issue relating to the general obligation bonds and notes herein authorized.

Section 7. Continuing Disclosure. The Treasurer and Chair of the Town Council be and hereby are individually authorized to covenant, certify, and agree, on behalf of the Town, for the benefit of the holders of such bonds and notes, that the Town will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to ensure that the disclosure requirements imposed by Rule 15c12-12 of the Securities and Exchange Commission are met.

Section 8. Investment Earnings and Other Bond Proceeds. Any investment earnings on the proceeds of the bonds and notes and any other unexpended proceeds thereof are appropriated for the following purposes:

- a. To any costs of the Project in excess of the amounts authorized herein;
- b. In accordance with the applicable terms and conditions of the Town's Arbitrage and Use of Proceeds Certificate delivered in connection with the sale of the bonds or notes including, to the extent permitted thereunder, to interest on the bonds or notes, or to the Town's general fund;
- c. To any other qualified costs approved by the Town Council and not prohibited by the Town Charter or Ordinances, Maine law or the Internal Revenue Code.

Section 9. Authority to Levy Tax for Debt Service. In each of the years during which any of the bonds or notes are outstanding, there shall be levied a tax in an amount which, with other revenues, if any, available for that purpose, shall be sufficient to pay the interest on said bonds or notes, payable in such year, and the principal of such bonds maturing in such year.

Section 10. Authority to Accept Grants and Contributions. The Town Manager is authorized to accept contributions and make applications for federal and state grant funds, said contributions and grants to be used in lieu of or in addition to bond proceeds authorized hereunder. The Town Manager is

authorized to accept contributions and grants on behalf of the Town and said amounts are hereby appropriated to fund any portion of the Project. The total amount appropriated under this Ordinance shall not be greater than the amount of bond proceeds plus any contributions and grants, and plus any other amounts appropriated herein.

Section 11. Advances to Fund Project. The Town is authorized to make advances, from the Town's general fund to a capital projects fund, in anticipation of the issuance of bonds or notes, or for the purpose of financing any part of the Project. Advances used in lieu of bonds or notes authorized hereunder, are appropriated to finance the cost, or any part thereof, of the Project. The Treasurer is authorized to establish and amend all details of any advances including, but not limited to the term, interest rates, and payment schedule. The authority to issue the bonds and notes authorized herein shall remain and continue in full force and effect during the entire term of the advance(s). The proceeds of the bonds and notes issued hereunder may be used to repay the advance(s) of any portion thereof.

Section 12. Declaration of Official Intent. Advances from the Town's general fund may finance the original expenditures related to the Project. It is expected that those advances will be reimbursed in part or in whole by the issuance of bonds or notes authorized hereunder. It is the intent of the Town Council that this Ordinance shall constitute the Town's declaration of official intent within the meaning of Treasury Regulation 1.150-2.

Section 13. Abandonment of Borrowing Authority. The Treasurer is empowered to declare abandoned, the authority to issue any bonds or notes the Treasurer deems to be in excess of the amount necessary to complete the Project. Such a declaration once made may not be reversed other than by ordinance.

Proposed to Town Council: December 19, 2016
Public Hearing:
Sent to Referendum:
Approved by Voters:

**TOWN OF BRUNSWICK
NOTICE OF PUBLIC HEARING**

The Town Council will hold a public hearing on January 17, at 7:00 p.m. in the Town Council Chambers of the Brunswick Town Hall, 85 Union Street to consider the following:

An Ordinance Authorizing the Planning, Design and Construction of a New Elementary School on the Site of the Former Jordan Acres School, with Total Project Costs Not to Exceed Twenty-eight Million Dollars, (\$28,000,000) Plus Other Authorized Costs,

And the Planning, Design and Completion of Repairs to the Brunswick Junior High School, with Total Project Costs Not to Exceed Five Million, Seven Hundred Thousand Dollars (\$5,700,000) Plus Other Authorized Costs,

And Further Authorizing Issuance of Bonds and Notes in an Amount Not to Exceed Thirty-three Million, Seven Hundred Thousand Dollars (\$33,700,000) Plus Other Authorized Costs.

All interested person are invited to attend the public hearing and will be given the opportunity to be heard.

The text of the proposed ordinance is too extensive to be included with this notice. Anyone having questions about the proposed ordinance or wishing to obtain copies of it should contact the Brunswick Town Clerk's or Town Manager's Office during regular office hours Monday through Friday from 8:30 a.m. to 4:30 p.m.

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

Frances M. Smith
Town Clerk of Brunswick, Maine

December ____, 2016

Printed in the *Times Record* on December ____, 2016

ITEM 141

BACK UP MATERIALS

Town of Brunswick, Maine

OFFICE OF THE TOWN MANAGER

MEMORANDUM

TO: Town Council

FROM: John Eldridge
Town Manager

DATE: December 13, 2016

SUBJECT: Proposals for Regulating Single-Use Carryout Bags

At your December 5th meeting, you directed staff to develop an ordinance that would ban single use plastic bags at most Brunswick retailers. Attached is an ordinance that I believe meets the Council's directive. The proposed ordinance considers elements of the proposal submitted by Bring Your Own Bag (BYOB), other municipal ordinances, and the Council's December 5th directive. The proposed ordinance has been reviewed by the Town Attorney.

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

We recommend that the Town Council set a public hearing on the proposed ordinance and direct staff to conduct the business outreach as outlined above.

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 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 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.

Retail. Retail means the sale of goods to the public in relatively small quantities for use or consumption rather than for resale.

Store. Store means any retail establishment, located within the Town of Brunswick, that engages in the retail sale of goods, products, clothing, or merchandise.

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 at a cost, or at no cost, 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

Plastic Ban.
All stores.

purpose of transporting food or merchandise out of the establishment except as provided in this Section.

6.1.103. Exemptions.

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.

APPENDIX B MASTER SCHEDULE OF REVENUES, CHARGES, FEES AND FINES

Sec. 14-209	Violation of this division, first and second offense	\$100.00 maximum fine
	Violation of this division, subsequent offenses	\$500.00 maximum fine

ITEM 142

BACK UP MATERIALS



Town of Brunswick, Maine

PLANNING BOARD

85 UNION STREET, BRUNSWICK, ME 04011

December 15, 2016

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

Dear Ms. Brayman:

It is our pleasure to submit to Town Council the Planning Board's recommended Draft Zoning Ordinance for Council's consideration. The Planning Board completed a thorough review of the draft ordinance prepared by the Zoning Ordinance Rewrite Committee and incorporated several revisions. Two public hearings were held by Planning Board, November 1, 2016 and November 29, 2016 at which time, the Board unanimously voted to forward the November 8th Planning Board Draft Zoning Ordinance to Town Council.

The Planning Board is aware of Council's desire to hold five additional public forums during their review of the Ordinance. The Board offers its support and assistance in holding the forums scheduled to take place in January 2017.

We look forward to your consideration of the Board's recommended draft Zoning Ordinance and are available to answer any questions.

Sincerely,

Charlie Frizzle
Chair

cc: John Eldridge
Anna Breinich



Brunswick, Maine

Comprehensive Zoning Ordinance Rewrite

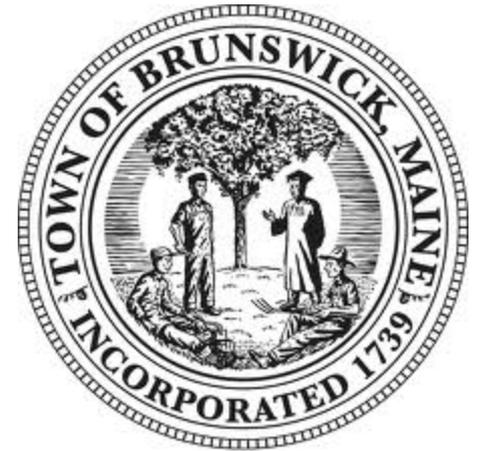
**Planning Board Recommended Zoning Ordinance Draft to
Town Council – December 19, 2016**

Brunswick Zoning Ordinance Rewrite

1. Review of Structure

2. Major Changes

3. Discussion



Brunswick Zoning Ordinance Rewrite

- **Implement the 2008 Comprehensive Plan**
- **Simplify the Zoning District Structure**
- **Integrate Brunswick Landing Standards**
- **Improve User-Friendliness**
- **Revise the Zoning Map to Match**

Town of Brunswick Zoning Ordinance



Adopted by the Brunswick Town Council April 7, 1997
Last Revision Effective: July 30, 2013

Work Completed/Remaining

	2013		2014				2015	2016				2017		
	Nov.	Dec.	Jan.	May	July/Aug	Sept/Oct	July	May	June	Oct.	Nov	Dec	Jan	
Initial Scoping, Analysis and Direction	SI PF													
Staff Draft of Revised Zoning Ordinance				SI										
Public Draft #1 of Zoning Ordinance					PF	PF								
Public Draft #2 of Zoning Ordinance/ZORC Review Sessions														
Planning Board Draft/Review Sessions														
Planning Board Public Hearings/Recommendation to Town Council											PH	★		
5 Public Forums by Town Council/ZORC													PF	
Final Draft and Adoption (TBD by Town Council)														
SI = Stakeholder Interviews PF = Public Forum PH = Public Hearing														



Table of Contents

Current Ordinance	New Ordinance
1. General Provisions	1. General Provisions
2. Zoning Districts and Overlay Zones	2. Zoning Districts and Overlay Zones
3. Specific Dimensional and Use Provisions	3. Property Use Standards
4. Development Review	4. Property Development Standards
5. Development Review Plan Standards	5. Administration
6. Sign Regulations	
7. Administration and Enforcement	

Major Changes – Chapter 2

Zoning District Consolidations

- **50 Districts down to 32!**
 - Maps shows consolidated district boundaries.
- Town Center Districts combined from 3 to 1
- College Use Districts combined from 8 to 4
- Combined Water Street and Jordan Avenue residential districts
- Several residential districts in Growth Area combined
- FF3 and CPI combined
- More Mixed Use Districts



Major Changes – Chapter 2

Zoning Overlays

- Complete rewrite of Shoreland Protection Overlay
 - Two new subdistricts (Resource Protection and Stream Protection)
 - Application review thresholds included in Chapter 5
- Rural Brunswick Smart Growth Overlays Renamed to Wildlife Protection Overlay
- Flight Path Overlays Adjusted for General Aviation Airport
- Expanded Village Review Overlay per 2008 Comprehensive Plan Recommendation
- All Aquifer Protection Overlays allow for Solar Farms

Major Changes – Chapter 3

Permitted Use Tables

- All uses consolidated into two use tables – one for Growth Area Districts and one for Rural Area Districts
- All use-specific standards consolidated and cross-referenced in the Permitted Use Table
- “Conditional Use” means listed but subject to Planning Board approval based on additional criteria
- “Special Permit Use” now applies to unlisted uses subject to Planning Board approval with Town Council jurisdictional option
- Tables by current zoning districts available online showing use comparisons to proposed districts



Major Changes – Chapter 4

Property Development Standards

- Includes all Development Review Criteria as well as standards for development not requiring review.
- Standards in Chapter 4 applying to all applications – not just those going through Development Review.
 - Dimensional and Density Standards, including supplemental standards
 - Sewer (public and on-site standards)
 - Water (public and on-site standards)
 - Solid Waste Requirements **NEW**
 - Residential Recreation Requirements **NEW**
 - Cooks Corner Design Standards **NEW**
 - Neighborhood Protection Standards **NEW**
 - Driveway Curb Cuts
 - Signs
 - Performance Standards

Major Changes – Chapter 4

Property Development Standards

- Dimensional and Density Standards (District comparison sheets available)
- Natural and Historic Areas
- Basic Services (Water/Sewer/Solid Waste)
- Stormwater Management, Landscaping and Open Space
- Circulation and Access
- Parking and Loading
- Outdoor Lighting
- Architectural Compatibility **NEW**
- Neighborhood Protection Standards **NEW**
- Signs
- Performance and Maintenance Standards
- Administrative Adjustments/Alternative Compliance **NEW**



Major Changes – Chapter 4

Dimensional and Density Standards

- All dimensional and density standards consolidated into two tables – one for Growth Area Districts and one for Rural Area Districts
- Growth Area:
 - Minimum lot area for residential uses is eliminated
 - Minimum lot area of 7,000 for non-residential uses
 - All other dimensional and density requirements must be met
- Rural Area:
 - Minimum lot areas unchanged to current district standards
- Current and proposed district comparisons now available on line



Major Changes – Chapter 4

Other Significant Changes

- **Density Bonuses** for Open Space Developments, Wildlife Habitat Block/Corridor Protection, and Affordable Housing are consolidated into one table – and combinations capped at 35% increase
- **New Neighborhood Protection Standards** require lower heights, more screening, no outdoor speakers when adjacent to occupied 1 and 2 family dwellings in Growth area
- **Cooks Corner Design Standards** apply to all applications in new Growth-Mixed Use 4 District (Cooks Corner) not just those subject to Development Review
- **Basic Architectural Compatibility Standards** apply for commercial development/redevelopment over 10,000 square feet Townwide.

Major Changes – Chapter 5

Administration

- **Streamlined Major Review**
process available for Growth Area development
- **Common Development Plan**
process allows Planning Board and developer to negotiate dimensional standards up to 20% if within or next to a Growth District
- Consolidated table of **Development Review thresholds**, including detailed listing for Shoreland Protection Overlay



Major Changes – Chapter 5

Administration

- **New Conditional Use Permit** process added with approval criteria
- **Special Permit** uses are now limited to Unclassified and Omitted Uses with approval by Town Council.
- **Expansions of nonconforming building footprints** allowed by Special Permit with approval by Town Council.

January Public Forums Scheduled

- 1/9 - Cooks Corner Area – SMCC (LL Bean Learning Commons and Health Sciences Center)
- 1/12 - New Meadows Area – SMCC
- 1/18 - Greater Downtown Area – Morrell Meeting Room, Curtis Memorial Library
- 1/26 - College Neighbors Area – Council Chambers
- 1/30 - Townwide – Council Chambers

Public Comments Accepted Until Adopted by Town Council

Any Questions?



Zoning Districts - Residential

Old Zone Districts		New Zone Districts	
Growth Area Base Districts			
R-R	BNAS Reuse - Residential	GR1	Growth Residential 1
R1	Residential Extended 1	GR2	Growth Residential 2
R2	Residential Extended 2	GR3	Growth Residential 3
R3	Residential Extended 3	GR4	Growth Residential 4
R4	Residential Extended 4		
R5	Residential Extended 5		
R6	Residential Extended 6		
CR2	Country Residential 2 (Old Bath Road Area Within Growth Area)		

Zoning Districts - Residential

Old Zone Districts		New Zone Districts	
Growth Area Base Districts			
R7	Residential Extended 7	GR5	Growth Residential 5
R8	Residential Extended 8	GR10	Growth Residential 10
TR1	Intown Residential 1	GR6	Growth Residential 6
TR2	Intown Residential 2	GR7	Growth Residential 7
TR3	Intown Residential 3	GR8	Growth Residential 8
TR4	Intown Residential 4		
TR5	Intown Residential 5	GR9	Growth Residential 9

Zoning Districts – Mixed Use

Old Zone Districts		New Zone Districts	
Growth Area Base Districts			
MU2	Mixed Use 2	GM1	Growth Mixed-Use 1
MU3	Mixed Use 3	GM2	Growth Mixed-Use 2
MU6	Mixed Use 6		
MU4	Mixed Use 4	GM3	Growth Mixed-Use 3
I1	Large Scale Business, Ind., & Inst. I		
I4	Large Business, Ind., & Inst. I		
CC	Commercial	GM4	Growth Mixed-Use 4
MU1	Mixed Use 1 (Growth area)		

Zoning Districts – Mixed Use

Old Zone Districts		New Zone Districts	
Growth Area Base Districts			
HCI	Highway Commercial 1	GM5	Growth Mixed-Use 5
HC2	Highway Commercial 2		
TC1	Town Center 1	GM6	Growth Mixed-Use 6
TC2	Town Center 2		
TC3	Town Center 3		
R-CMU	BNAS Reuse - Community MU	GM7	Growth Mixed-Use 7
R-PO	BNAS Reuse – Office Was combined with R-CMU earlier		
MUOZ	Medical Use Overlay Zone	GM8	Growth Mixed-Use 8

Zoning Districts – Special Purpose

Old Zone Districts		New Zone Districts	
Growth Area Base Districts			
CU1	College Use 1	GCI	Growth College 1
CU2	College Use 2		
CU3	College Use 3		
CU5	College Use 5	GC2	Growth College 2
CU6	College Use 6		
CU4	College Use 4	GC3	Growth College 3
CU7	College Use 7		
CU/TC	College Use/Town Conservation	GC4	Growth College 4
R-AR	BNAS Reuse – Aviation Related	GA	Growth Aviation
I2	Large Business, Ind. & Inst. 2	GI	Growth Industrial
I3	Large Business, Ind. & Inst. 3		
R-B&TI	BNAS Reuse – Business & Tech.		
R-R&OS	BNAS Reuse – Rec. & Open Space	GO	Growth Recreation
BCN	BNAS Conservation (growth area)	GN	Growth Resources

Zoning Districts – Rural

Old Zone Districts		New Zone Districts	
Rural Area Base Districts			
BCN	BNAS Conservation (Rural area)	RN	Rural Natural Resources
FFI	Farm and Forest 1	RF	Rural Farm and Forest
CRI	Country Residential 1		
CR2	Country Residential 2	RR	Rural Residential
MUI	Mixed Use 1 (Rural area)		
CPI	Coastal Protection 1	RPI	Rural Protection 1
FF3	Farm and Forest 3		
CP2	Coastal Protection 2	RP2	Rural Protection 2
MU5	Mixed Use 5 (Portland Rd.Area)	RP3	Rural Protection 3

Zoning Districts – Overlays

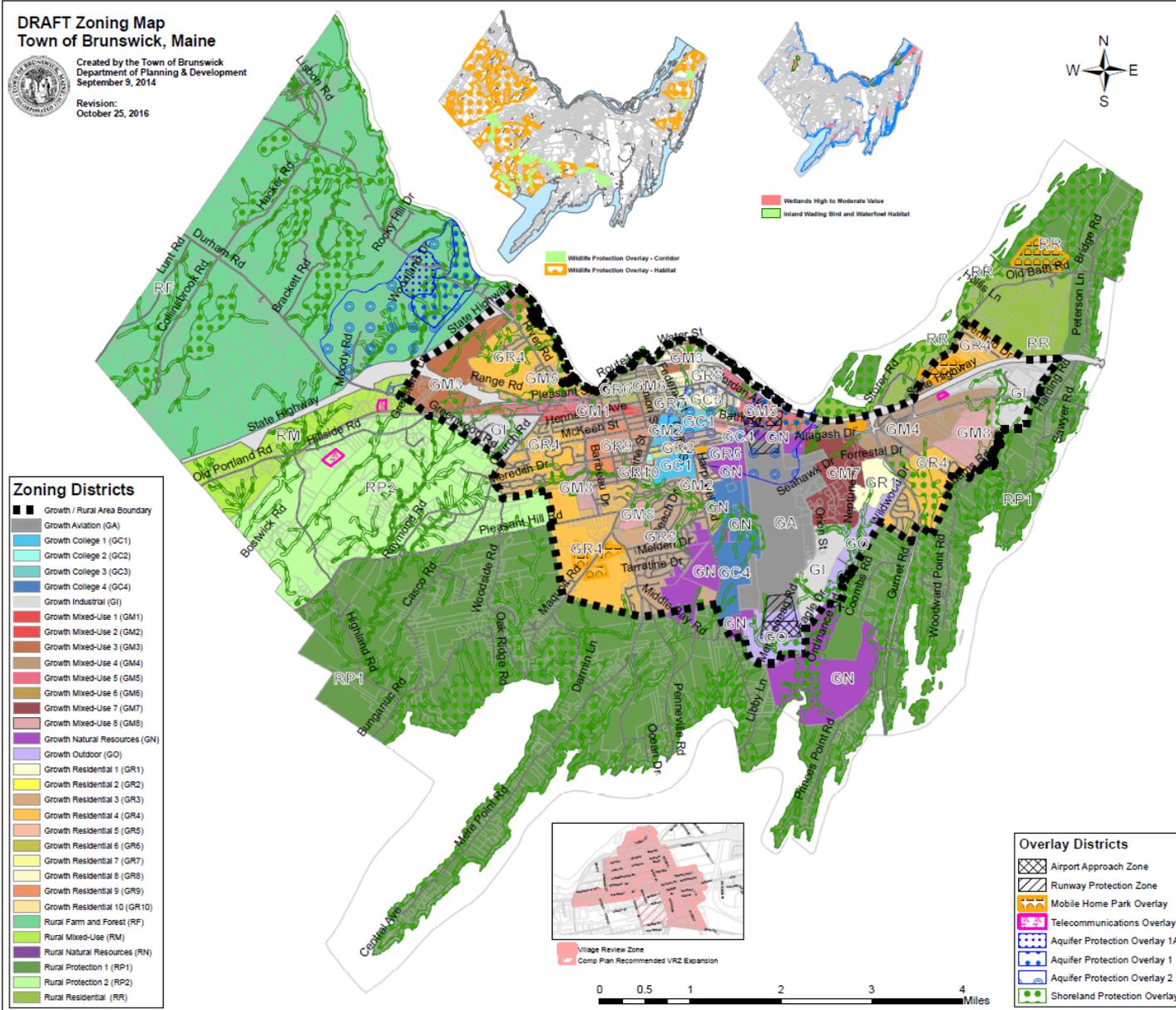
Old Zone Districts		New Zone Districts	
Overlay Zoning Districts			
APZ1	Aquifer Protection Zone 1	APO1	Aquifer Protection 1
APZ2	Aquifer Protection Zone 2	APO2	Aquifer Protection 2
APZ3	Aquifer Protection Zone 3	APO3	Aquifer Protection 3
NRPZ	Natural Resource Protection (Shoreland)	SPO	Shoreland Protection w/2 subdistricts
NRPZ	Natural Resource Protection (Flood)	FPO	Flood Protection
RBSG	Rural Smart Growth–Wildlife Habitat	WPO	Wildlife Protection
RBSG	Rural Smart Growth–Wildlife Corridor		
MHZ	Mobile Home Park Zone	MHO	Mobile Home Park
FPZ1	Flight Path Zone 1 (Clear)	AAO	Airport Approach
FPZ2	Flight Path Zone 2 (Noise/Accident)		
TCZ1	Telecommunication Zone 1	TCO	Telecom
TCZ2	Telecommunication Zone 2		
VRZ	Village Review Zone	VRO	Village Review

DRAFT Zoning Map Town of Brunswick, Maine



Created by the Town of Brunswick
Department of Planning & Development
September 9, 2014

Revision:
October 25, 2016



Zoning Districts

- Growth / Rural Area Boundary
- Growth Aviation (GA)
- Growth College 1 (GC1)
- Growth College 2 (GC2)
- Growth College 3 (GC3)
- Growth College 4 (GC4)
- Growth Industrial (GI)
- Growth Mixed-Use 1 (GM1)
- Growth Mixed-Use 2 (GM2)
- Growth Mixed-Use 3 (GM3)
- Growth Mixed-Use 4 (GM4)
- Growth Mixed-Use 5 (GM5)
- Growth Mixed-Use 6 (GM6)
- Growth Mixed-Use 7 (GM7)
- Growth Mixed-Use 8 (GM8)
- Growth Natural Resources (GN)
- Growth Outdoor (GO)
- Growth Residential 1 (GR1)
- Growth Residential 2 (GR2)
- Growth Residential 3 (GR3)
- Growth Residential 4 (GR4)
- Growth Residential 5 (GR5)
- Growth Residential 6 (GR6)
- Growth Residential 7 (GR7)
- Growth Residential 8 (GR8)
- Growth Residential 9 (GR9)
- Growth Residential 10 (GR10)
- Rural Farm and Forest (RF)
- Rural Mixed-Use (RM)
- Rural Natural Resources (RN)
- Rural Protection 1 (RP1)
- Rural Protection 2 (RP2)
- Rural Residential (RR)

Overlay Districts

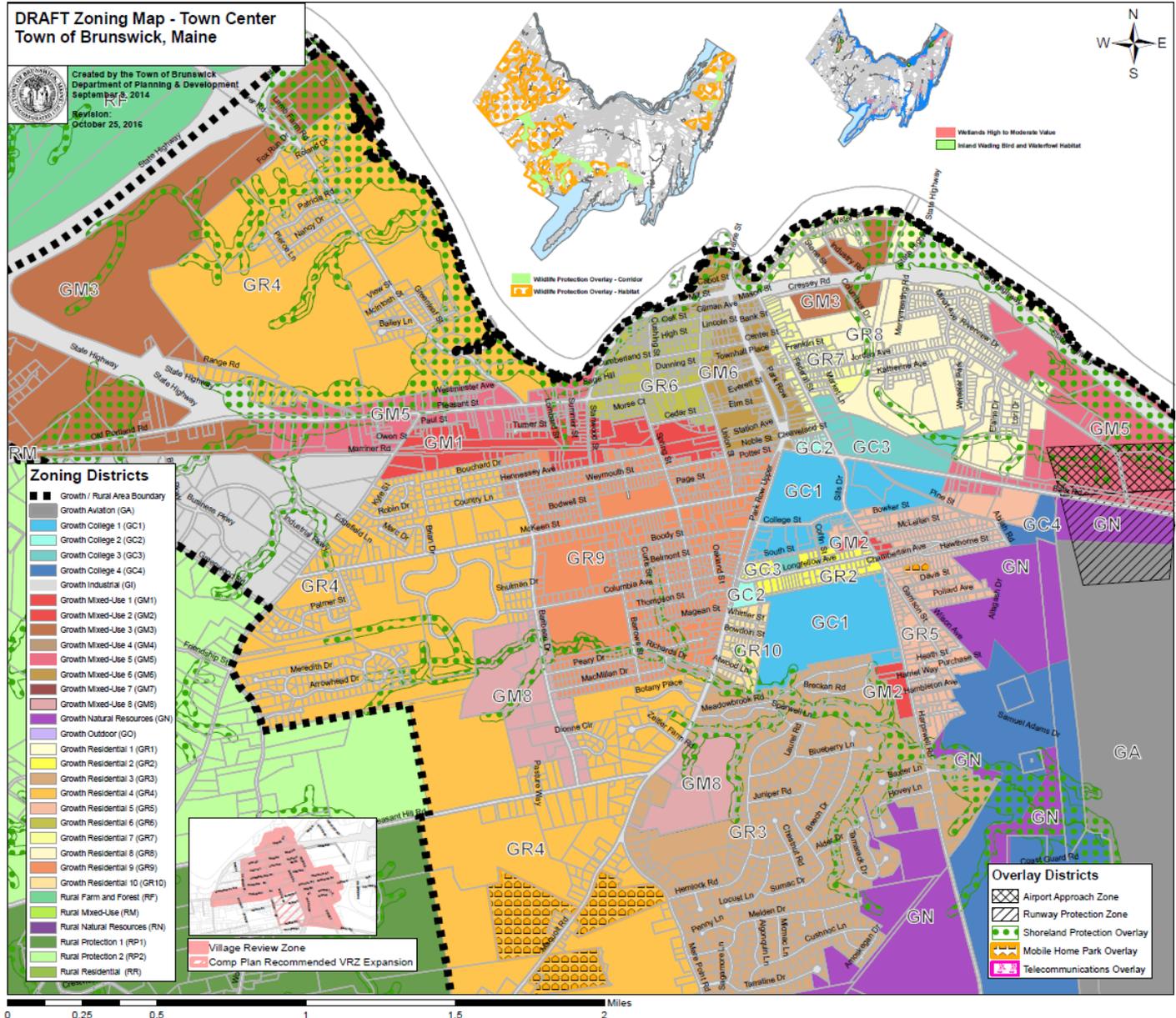
- Airport Approach Zone
- Runway Protection Zone
- Mobile Home Park Overlay
- Telecommunications Overlay
- Aquifer Protection Overlay 1A
- Aquifer Protection Overlay 1
- Aquifer Protection Overlay 2
- Shoreland Protection Overlay



DRAFT Zoning Map - Town Center Town of Brunswick, Maine



Created by the Town of Brunswick
Department of Planning & Development
September 2, 2014
Revised
October 25, 2016



- Zoning Districts**
- Growth / Rural Area Boundary
 - Growth Aviation (GA)
 - Growth College 1 (GC1)
 - Growth College 2 (GC2)
 - Growth College 3 (GC3)
 - Growth College 4 (GC4)
 - Growth Industrial (GI)
 - Growth Mixed-Use 1 (GM1)
 - Growth Mixed-Use 2 (GM2)
 - Growth Mixed-Use 3 (GM3)
 - Growth Mixed-Use 4 (GM4)
 - Growth Mixed-Use 5 (GM5)
 - Growth Mixed-Use 6 (GM6)
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 - Growth Mixed-Use 8 (GM8)
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 - Rural Protection 2 (RP2)
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Wetlands High to Moderate Value
Inland Wetland Bird and Waterfowl Habitat

Wildlife Protection Overlay - Contour
Wildlife Protection Overlay - Habitat

- Overlay Districts**
- Airport Approach Zone
 - Runway Protection Zone
 - Shoreland Protection Overlay
 - Mobile Home Park Overlay
 - Telecommunications Overlay



ITEM 143

BACK UP MATERIALS

Town of Brunswick, Maine

OFFICE OF THE TOWN MANAGER

MEMORANDUM

TO: Town Council

FROM: John Eldridge
Town Manager

DATE: December 12, 2016

SUBJECT: Graham Road Landfill
Recommendation for Closure

The Town of Brunswick has operated a solid waste landfill at Graham Road (the "Graham Road Landfill" or "Landfill") since 1984. The Landfill is licensed by the Maine Department of Environmental Protection ("MDEP") and operates under a variety of laws and regulations. Continued operation of the Landfill requires compliance with those licenses and existing and future regulations.

Since 2004, the Town has been aware that, under the wastewater discharge license issued by MDEP, the Town would be required to comply with more stringent limits on ammonia and other compounds contained in the wastewater being discharged from the effluent treatment lagoons to the Androscoggin River. For several reasons, including that fact that no one considered the ammonia discharge to be a water quality issue, the Town believed that it would be eligible for a waiver from the ammonia discharge standards. Such a waiver was suggested in the Town's 2004 wastewater discharge license. Despite several requests, the Town was advised by both the MDEP and the United States Environmental Protection Agency ("EPA"), that it would not be eligible for a waiver. In fact, the EPA told the Town that the window of eligibility had closed in 2001. From 2012 to 2013 the Town and MDEP cooperated in testing a small treatment plant at the Landfill in an effort to determine whether ammonia could cost-effectively be treated in cold weather months. Those efforts concluded that, while improved, the method of treatment did not bring the ammonia levels into compliance with the required limits.

In 2014, MDEP advised the Town that it had concerns about ground-water contamination trends at the Landfill. Essentially, contamination is defined as a "statistically significant" increase in contaminants as measured between the downgradient groundwater monitoring wells and the levels measured in the background wells. That is, an increase in the levels of contamination as measured by the groundwater flowing into the Landfill versus the groundwater flowing out of the Landfill. The term "statistically significant" is important, as in 2013 the tested groundwater exceeded drinking water standards in only three parameters, (arsenic, iron and magnesium).

Woodard and Curran was asked to assess options to address both the wastewater and groundwater issues and concluded that, given the remaining life expectancy of the Landfill and other solid waste disposal alternatives, there were no cost effective treatment methods. In September 2016, representatives of the Town met with MDEP Commissioner Paul Mercer and others at MDEP to discuss closure of the Landfill as the most cost effective solution to the groundwater issue. Closure would also help solve the wastewater discharge issue. Because of legislation that was passed in 2015, the Town is expected to be eligible for a seventy-five percent (75%) reimbursement from

MDEP should the Town choose to close the Landfill due to groundwater contamination. The opportunity to avoid expensive treatment options, coupled with the eligibility for reimbursement, make closure an attractive option.

In November, Woodard and Curran delivered a "Solid Waste Analysis Alternatives" report to the Town. That report reviewed the solid waste disposal alternatives available should the Town close the Landfill. Naturally, the Town will need to pursue moving to these solid waste disposal options while simultaneously planning to, and closing, the Landfill. This is where the Solid Waste Task Force should focus its efforts.

Also attached is a history of the major events at the Landfill. This has been updated to reflect the most recent correspondence and discussions with MDEP regarding the wastewater and groundwater issues.

Finally, attached is a proposed resolution that, if adopted, would authorize the Town Manager and Town Attorney to negotiate a Schedule of Compliance ("SOC") with MDEP. The SOC would establish the timeline for the Landfill's closure. MDEP has indicated that the Town could have up to five (5) years to close the Landfill. This would allow the Town time to sell some of the air space it has already paid to provide, by allowing out-of-town trash to be disposed of at the Landfill. This is a step the Town Council recently authorized in an amendment to the Solid Waste Chapter of the Municipal Code of Ordinances. Accepting additional waste will allow the Town to earn revenue while also using the trash to shape the contours of the Landfill in preparation for final cover. Further, the five (5) year timeline would allow the Town time to transition to another solid waste disposal alternative.

We recommend that the Town Council adopt the proposed resolution and look forward to discussing these issues with you.

Attachments

Graham Road Landfill

Brief History of Major Events at Site

JAF, BPWD

Print Date: December 11, 2016

<i>Date</i>	<i>Event</i>
1984 - January 09	Graham Road Landfill opens and begins accepting refuse in Phase 1
1992 - November 17	Phase 2 opens and begins receiving refuse
1993 - June 14	Lagoon 1 drained and sediment cleaned from bottom, work finished on 7/1/1992
1993 - July 07	Cleaned Lagoon 2, finished on 7/9/1993
1994 - May 26	EPA Issues NPDES permit (Permit #ME0102113) for lagoon waste discharge
1995 - July 01	Phase 1 Interim HDPE Cover installed, completed Sept 1995
1996 - June 11	Lagoon 3 cleaned, finished on 7/5/1996
1997 - August 21	Northeast Scale replaces entire vehicle scale weighing system
1998 - July 01	Construction of Phase 3 begins, HC Crooker Genl Contractor
1999 - December 15	Application for Renewal of 1994 Discharge License Submitted by Town to EPA
2000 - April 01	Phase 3A begins accepting refuse
2000 - September 01	Phase 2 Interim HDPE Cover installed, completed October 2000, Bridgecorp
2000 - October 11	Pond 3 drained for cleanng, completed by 10/20/2000
2004 - November 17	DEP Issues MEPDES (Permit #ME0102113), Tier 1 Limits thru 12/31/2007. Tier 2 Limits as of 1/1/2008 adds Ammonia and other compounds to discharge permit limits
2005 - July 26	Public Works crews construct new laydown area for wood waste, masonry, shingles, sheetrock
2005 - October 01	Laydown area open and accepting waste wood, shingles, etc.
2005 - September 29	1,000 gallon holding tank installed for sanitary waste eliminating such discharge to Lagoon 1
2005 - October 01	HDPE Liners of all 3 Lagoons replaced due to some seam failures above waterline in the original liner system
2005 - October 31	Separate Wood & Masonry Landfill on River Road closed, all material to GRL
2007 - January 22	Town institutes new single sort recycling program and pay by the bag program for curbside collection
2007 - December 19	DEP Revised MEPDES Permit to extend deadline for Ammonia compliance to November 15, 2009, report only from 1/1/2008 thru 11/15/2009
2009 - January 01	Phase 3B begins accepting refuse
2009 - July 29	Public Works install SulfaTreat™ odor control barrels (five) on top of Phase 3A to treat gases from leachate piping
2009 - August 27	Replaced 1989 Cat 816 Compactor with new 2009 Cat 816F2, Cost: \$354,933
2009 - November 06	Woodard & Curran submits a Fundamentally Different Factor Variance Request to EPA
2009 - December 03	Woodard & Curran submits MEPDES Permit renewal application, should have been submitted by 11/16/2009
2010 - January 08	Woodard & Curran applies for Solid Waste Project Minor Revision to approve construction of Tablet Chlorinator between Lagoon 2 and 3.
2010 - March 07	Installation of new Tablet Chlorinator begins between Lagoon 2 and 3, HC Crooker contractor
2011 - May 09	Notice of Violations letter from John Glowa, DEP with 10 pages of violations that occurred at landfill since 11/16/2004 and requiring the town to take corrective action and to respond in writing within 30 days.
2011 - June 17	W&C responds to John Glowa, DEP with additional information and explanation of how violations have been partially addressed
2011 - July 15	DEP letter from Bill Hinkel formally denying W&C request for Fundamentally Different Factors Variance.
2011 - August 01	Interim Closure of Phase 3A work begins, also installed interim closure on a section of Phase 3B not in active use.

2011 - August 01	Letter from Bill Hinkel, DEP issuing finalized permit for Maine Pollutant Discharge Elimination System (MEPDES) Permit (#ME0102113) and Maine Waste Discharge License (WDL) Application #W004308-5L-D-R (Expires in 5 years)
2011 - August 12	DEP Issue Date for New MEPDES (Permit #ME0102113), expires in 5 years
2012 - April 12	Letter from Brian Kavanah, DEP to Gary Brown agreeing to move forward with Town by doing a pilot plant study to address ammonia permit violations.
2012 - November 01	In October, Town constructs pilot wastewater treatment plant in cooperation with DEP Technical Services and plant becomes operational on this date.
2013 - August 26	EPA Letter to Gary Brown advising Town not eligible for fundamentally different factor variance and recommends town work with DEP to find a treatment alternative.
2014 - April 25	Letter from Linda Butler, DEP w/Dick Behr memo requiring all 12 groundwater wells be put in assessment monitoring. Suggests Brunswick pursue closure w/75% DEP reimburse.
2014 - June 13	Letter from Paula Clark, DEP to Manager Eldridge indicating letter from Linda Butler of 4/25 indicating landfill closure is a suggestion and not a requirement or order and DEP is willing work with town to pursue all options.
2014 - August 22	Minutes of Town Meeting with DEP by Nancy McBrady, Preti-Flaherty
2014 - November 21	Graham Road Landfill Cold Weather Nitrification Pilot Study finalized by Matt Hight and sent to town for consideration.
2015 - February 05	W&C response to DEP Pilot Plant Study Report recommending to Town that other treatment options be pursued as they do not believe the method used in the pilot plant will provide a cost effective and compliant treatment option.
2016 - May 05	Letter from Linda Butler, DEP requesting the town provide an evaluation of potential corrective actions and a schedule to initiate and implement the selected corrective action(s) within 90 days.
2016 - June 06	Letter from Brian Kavanah, DEP to JF advising Town to either plan to close the landfill in 5 years as agreed to at a meeting on August 22, 2014 with DEP or to develop a plan to address ammonia violations by August 4, 2016.
2016 - September 01	Letter from Gregg Wood, DEP issuing finalized permit for Maine Pollutant Discharge Elimination System (MEPDES) Permit (#ME0102113) and Maine Waste Discharge License (WDL) Application #W004308-5L-D-R (Expires in 5 years)
2016 - September 13	Meeting at DEP with Commission Paul Mercer and Town to agree on closure timetable and steps to be taken.
2016 - September 30	Letter from Randy Tome, W&C to Brian K, DEP in response to 6/6 letter and 9/13 meeting at DEP where a preliminary timetable was presented and agreed in concept to allow waste placement through April 2021 in order to assist in both final landfill contouring and collection of funds to defray closure costs, with actual landfill closure taking place during the 2021 construction season. Next steps are for town to discuss developing an Administrative Consent Order and Schedule of Compliance for closure of landfill with DEP.
2016 - October 31	Letter From Brian Beneski, DEP to JE agreeing with conclusion of W&C that closure of landfill to address groundwater contamination is the most cost effective option and project will be eligible for 75% reimbursement closure grant funds after town enters into an acceptable Schedule of Compliance with DEP. Included with the letter is a preliminary schedule for closure
2016 - November 03	DEP, W&C and Town staff meet to discuss schedule of compliance (revised draft presented by Linda Butler) and DEP agrees to develop an updated draft for Town Review and Brian Kavanah indicates he will separately start drafting a ACO.
2016 - November 21	Town Council Approves Amendment to Chapter 13 - Solid Waste to allow Town Manager to contract for additional solid waste to be accepted at the landfill at a negotiated fee. Effective 12/21/2016.
2016 - December 07	Meeting of Town Solid Waste Task Force to Receive Final Solid Waste Alternatives Report by W&C and to discuss landfill closure process and schedule

**TOWN OF BRUNSWICK, MAINE
TOWN COUNCIL**

**A Resolution Authorizing the Town Manager to Negotiate and Execute Documents Related to
the Accelerated Closure of the Graham Road Landfill**

WHEREAS, the Town of Brunswick (the "Town") has operated a solid waste landfill located at Graham Road (the "Graham Road Landfill" or "Landfill") since January 1984; and

WHEREAS, the continued operation of the Landfill requires continued compliance with existing and future environmental regulations established by the US Environmental Protection Agency ("EPA") and the Maine Department of Environment Protection ("MDEP") and

WHEREAS, the Town has not been able to meet certain parameters for the wastewater it is licensed to discharge to the Androscoggin River; and

WHEREAS, in 2014 the Town learned that MDEP expressed concerns about possible groundwater contamination detected by the monitoring wells located at the Landfill; and

WHEREAS, Woodard and Curran, the Town's engineering consultant, has determined that the remediation efforts for both the wastewater and groundwater issues would be extremely costly to implement and operate; and

WHEREAS, Woodard and Curran concluded, and MDEP concurs, that the most cost effective measure for addressing the groundwater contamination is closure of the Landfill; and

WHEREAS, the Town and MDEP have had discussions about a Schedule of Closure ("SOC") that would result in the closure of the Landfill; and

WHEREAS, MDEP has indicated that provided the Town is in agreement with the requirements for closure outlined in the SOC, the Town will be eligible for 75% cost share of closure costs under 38 MRSA § 1310.

WHEREAS, the Town Manager recommends that the Town Council authorize the Town Manager and Town Attorney to negotiate and execute the details of the SOC and any other documents necessary to accomplish the closure of the Landfill, while retaining the Town's eligibility for the 75% cost share; and

NOW THEREFORE, BE IT RESOLVED, that the Town Manager in consultation with the Town Attorney is authorized to negotiate and execute with MDEP, an SOC, and other agreements and documents on terms the Town Manager and Town Attorney deem advisable in order to accomplish closure of the Landfill.

Proposed to Town Council: December 19, 2016

Adopted by Town Council:

ITEM 144

BACK UP MATERIALS

Town of Brunswick, Maine

OFFICE OF THE TOWN MANAGER

MEMORANDUM

TO: Town Council

FROM: John Eldridge
Town Manager

DATE: December 13, 2016

SUBJECT: People Plus/Teen Center Expansion

At the December 5, 2016 Town Council meeting, Stacy Frizzle, People Plus Executive Director, and Don Kniseley, People Plus Board Chair, presented an overview on the proposed People Plus/Teen Center expansion at 35 Union Street in Brunswick. This project has been in discussion for several months at the organizational level. The Town owns the building and leases it to People Plus.

Due to the high volume of youth who use the Teen Center, People Plus is considering a second story addition as follows:

- Increase the second story by building out over the section of the building that is a single story;
- Add bathrooms on the second floor;
- Add a kitchenette with hot and cold running water and a sanitizing dishwasher.

The People Plus Board supported a small contract to obtain a feasibility study on the project's design and costs. People Plus has contracted with Lincoln-Haney and anticipates having a report by the end of December 2016. At this time, they only have broad estimates of \$600,000 to \$800,000 total costs for the project, for an addition of approximately 4,000 square feet.

People Plus is seeking foundation, grant, and private funding to support the project. Community Development Block Grant (CDBG) Public Facilities program funds have been identified as a potential source of funding. As with most CDBG requests, a Letter of Intent (LOI) is required in order for the Town to be invited to apply for funds on behalf of the applicant, in this case, People Plus. The LOI for the Public Facilities grant program is due on January 13, 2016.

Despite the best efforts of Stacy Frizzle, People Plus Executive Director, and Linda Smith, Town of Brunswick Economic Development Director, the data needed to adequately complete the CDBG LOI is not going to be available for the December 19, 2016 Town Council meeting. The missing elements include the Feasibility Study report and the demographics data necessary to qualify for the Low Moderate Income (LMI) requirements for the project.

People Plus anticipates that the Feasibility Study report will be available by the end of December 2016. The LMI demographics data is being compiled and can be finalized by the January 13, 2016 deadline.

While there is no surety that there will be funding available through the Public Facilities grant in

2017, the People Plus project cannot even compete without a Letter of Intent, and the deadline for submitting it is January 13, 2017. This precedes the Town Council's first anticipated 2017 regular session, tentatively scheduled for January 17, 2017.

We recommend the Town Council authorize the Town Manager to review the final Letter of Intent and submit the LOI by the January 13, 2017 deadline, provided the proposal meets the DECD criteria for project scope and eligibility. No obligation is incurred by the Town with the submittal of this Letter of Intent. A full application, if the Town is invited to apply on People Plus's behalf, would come before the Town Council for its comprehensive review and approval, prior to submission to DECD.

Linda Smith and Don Kniseley will be available at the December 19, 2016 Town Council meeting to answer any questions that Council members may have.