

**BRUNSWICK TOWN COUNCIL**  
**Agenda**  
**February 18, 2020**  
**Regular Meeting - 6:30 P.M.**  
**Council Chambers**  
**Town Hall**  
**85 Union Street**

Roll Call of Members/Acknowledgement Notice

Pledge of Allegiance

Adjustments to Agenda

Public Comments/Announcements

**MANAGER'S REPORT**

- a) Financial update
- b) Election update
- c) Council Workshop on Village Review Guidelines

**PUBLIC HEARING**

- 20. The Town Council will hear comments regarding proposed changes to the parking ordinance for Farmers' Market and food vendors, and will take any appropriate action. (Town Manager Eldridge)

**HEARING/ACTION**

- 21. The Town Council will hear comments regarding Special Amusement applications, and will take any appropriate action. (Town Manager Eldridge)

**Special Amusement**

Vessel and Vine, LLC  
D/B/A: Vessel and Vine  
4 Pleasant Street, #1

Nikaline Iacono

O'Donoghue Corp.  
D/B/A: O'Donoghue's  
103 Pleasant Street

Patrick & John O'Donoghue

**HEARING/ACTION**

**TABLED**

- 16. The Town Council will consider setting a public hearing for March 2, 2020 regarding proposed zoning ordinance text amendments to define and allow Environmental Resource

Center as a conditional use in the Growth Outdoor (GO) Zoning District, and will take any appropriate action. (Planning Board)

**ACTION**

**NEW BUSINESS**

22. The Town Council will consider adopting “A Resolution Authorizing an Appropriation of \$47,000 from Recreation Impact Fees for the Purpose of Funding Costs of the Development and Construction of a Shared-Use Path Connecting Merriconeag Road to the Kate Furbish Preserve”, and will take any appropriate action. (Town Manager Eldridge)

**ACTION**

23. The Town Council will consider setting a public hearing for a future meeting date regarding a proposed Impact Fee ordinance, and will take any appropriate action. (Town Manager Eldridge)

**ACTION**

24. The Town Council will consider “A Resolution Authorizing a Transit Service Study and Re-Design of Local Bus Service, and Authorizing an Appropriation of up to \$20,000 from Available TIF Revenues for the Purpose of Funding the Transit Service Study and Re-Design”, and will take any appropriate action. (Town Manager Eldridge)

**ACTION**

25. The Town Council will consider ratifying the appointment of Taylor Burns as Assessor, and will take any appropriate action. (Town Manager Eldridge)

**ACTION**

26. The Town Council will consider sending a letter of opposition to the Legislature of the State of Maine and to the Governor, regarding bills LD 900 and LD 2090, and will take any appropriate action. (Town Manager Eldridge)

**ACTION**

**CORRESPONDENCE /COMMITTEE REPORTS**

**CONSENT AGENDA**

- a) Approval of the minutes of February 3, 2020
- b) Approval of a quitclaim deed for real estate depicted as Map 045 Lot 043 Sub 000 Typ 000

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

Emails to Town Council - [towncouncil@brunswickme.org](mailto:towncouncil@brunswickme.org)

**Brunswick Town  
Council Agenda  
February 18, 2020  
Council Notes and Suggested Motions**

**MANAGER’S REPORT**

*A memo from the Manager addressing items in the manager’s report is included in your packet.*

- a) **Financial update:** A copy of the financial reports is included in the packet.
- b) **Election update:** Town Clerk Fran Smith will give this report.
- c) **Council Workshop on Village Review Guidelines:** The Town Council has scheduled a workshop for Monday, February 24, 2020 regarding Village Review Guidelines.

**PUBLIC HEARING**

- 20. **Notes:** The Town Council set this evening’s public hearing for comments regarding amendments to portions of the Municipal Code of Ordinances, Chapter 15 – Traffic and Vehicles, for parking ordinance changes to allow for extended parking along Park Row for vendors. The Police Department have added permits, available for Farmers Market and Mall Food Vendors, which will make Farmers’ Market parking in the portion of Park Row between Green Street and Fitch Place not subject to the 2-hour limit on Farmers’ Market days, and food vendors parking in the portion of Park Row between Green Street and Fitch Place not subject to the 2-hour limit for the hours they are present. A copy of a memo from Commander Mark Waltz and the proposed changes highlighted in Chapter 15 – Traffic and Vehicles are included in the 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 changes to the Municipal Code of Ordinances, Chapter 15 – Traffic and Vehicles to allow for permits by fee for Farmers’ Market and Mall Vendors, which allow extended parking along Park Row from Green Street to Fitch Place for the duration of the Farmers’ Market on Farmers’ Market days, and for food vendors for the hours they are present.

- 21. **Notes:** Vessel and Vine, 4 Pleasant Street, #1, and O’Donoghue’s, 103 Pleasant Street, are applying for Special Amusement licenses. Vessel and Vine, applying for a new license, would like to have musicians playing jazz, acoustic and folk in the dining area from 4:00 p.m. until 12:00 a.m. O’Donoghue’s, a renewal, would like to have bands in the restaurant and bar space from 8:00 p.m. to 12:00 p.m. Copies of their applications and the public hearing notice are included in the packet.

**Suggested motion:**

Motion to approve Special Amusement licenses for Vessel and Vine, 4 Pleasant Street, #1, and O'Donoghue's, 103 Pleasant Street.

**TABLED**

16. **Notes:** The Planning Board is requesting that the Town Council set a public hearing for March 2, 2020 regarding proposed zoning ordinance text amendments to allow for a new conditional use in the Growth Outdoor (GO) Zoning District. The use would allow for a broad scope of activities related to agriculture, aquaculture, environmental studies, land and water conservation and wildlife organizations. The Planning Board deemed the use to be appropriate for the entire GO District, and confirmed that the amendments were consistent with the Town's 2008 Comprehensive Plan and the BNAS Reuse Master Plan. A copy of a memo from Matt Panfil, Director of Planning and Development, as well as the proposed Zoning Ordinance Text Amendment, staff memos to the Planning Board from November 2019 through January 2020, a letter from the Brunswick-Topsham Land Trust, and correspondence concerning this amendment are included in the packet.

**Suggested Motion:**

Motion to set a public hearing for March 2, 2020 regarding proposed zoning ordinance text amendments allowing for a new conditional use in the Growth Outdoor (GO) district.

**NEW BUSINESS**

22. **Notes:** The Recreation Commission has recommended that the Town appropriate \$47,000 from recreation impact fees to re-align a 200-foot section of the shared-use path connecting Merriconeag Road with the Kate Furbish Preserve on Brunswick Landing. In accordance with the Army Corps of Engineers and Maine Department of Environmental Protection permits, tree removal will need to be completed this winter. The Recreation Commission, the Director of Parks and Recreation, and the Town Manager have determined that the use of Recreation Impact Fees to fund the development and construction of the Trail is an appropriate use of the fees, and are asking the Town Council to appropriate the Recreation Impact Fees in order to utilize those funds. A copy of a memo from Tom Farrell, Director of Parks and Recreation, the resolution, a cost estimate and a map are included in the packet.

**Suggested Motion:**

Motion to adopt "A Resolution Authorizing an Appropriation of \$47,000 from Recreation Impact Fees for the Purpose of Funding Costs of the Development and Construction of a Shared-Use Path Connecting Merriconeag Road to the Kate Furbish Preserve".

23. **Notes:** The Town of Brunswick has levied impact fees on projects subject to site development or subdivision review since the 1980's, but has long recognized the need to have a more comprehensive and cohesive approach to the calculation and imposition of these fees. The draft proposal establishes a uniform framework for the calculation, assessment and use of impact fees going forward. Ultimately, all impact fees would be placed in the impact fee ordinance. A new fee related to development in the Cook's Corner area is also proposed with this ordinance. It would be used to finance

infrastructure and other improvements. If the Council deems it appropriate, we would ask them to set a public hearing regarding the ordinance for a future date. A copy of a memo from Town Manager Eldridge and the draft ordinance are included in the packet.

**Suggested Motion:**

Motion to set a public hearing for \_\_\_\_\_ regarding a proposed impact fee ordinance.

24. **Notes:** The Maine Department of Transportation (MDOT) has invited the Town to develop a scope of work for a transit study with a cost estimate for a service re-design of the Brunswick Explorer service. With the growth at, and diverse population of, Brunswick Landing, it has become important to expand the service and add stops. The Town Engineer has developed a scope of work with an estimated total cost of \$98,180, and the Town would be responsible for 20% of that cost, with an MDOT funding grant picking up 80%. Tax Increment Financing (TIF) revenues would be allowed for this purpose. A copy of a memo from Assistant Town Manager Ryan Leighton explaining the project, a copy of a letter from the Assistant Town Manager to MDOT requesting the study, the funding resolution, the scope of services, and the cost proposal are included in the packet.

**Suggested Motion:**

Motion to adopt “A Resolution Authorizing a Transit Service Study and Re-Design of Local Bus Service, and Authorizing an Appropriation of up to \$20,000 from Available TIF Revenues for the Purpose of Funding the Transit Service Study and Re-Design”

25. **Notes:** The Town Manager is requesting that the Town Council consent to his appointment of Taylor Burns as the Town Assessor. A copy of a memo from Town Manager Eldridge and the job description are included in the packet.

**Suggested Motion:**

Motion to consent to the appointment of Taylor Burns as the Town Assessor.

26. **Notes:** LD 900 would allow public employees, except for public safety employees, to strike. This bill, with amendments, has received an “ought to pass” recommendation. LD 2090 would allow binding arbitration on all negotiation issues, including salaries, pensions and insurance. It would also allow public employees, except public safety, to strike if an employer failed to implement the arbitrator’s decision. Governor Mills vetoed a similar bill last year. In her veto message, Governor Mills said that local governments, elected officials, and their appointees should make the final decisions on these issues. If the Town Council agrees, the Town Manager would like to send a letter of opposition to both of these bills, and one to the Governor. A copy of a memo from Town Manager Eldridge, the veto letter from the Governor to the legislature regarding LD 1177, and the text of bills LD 900 and LD 2090 are included in the packet.

**Suggested Motion:**

Motion to send a letter in opposition to bills LD 900 and LD 2090 to the Legislature and to the Governor.

## **CONSENT AGENDA**

- a) **Approval of the minutes of February 3, 2020:** A copy of the minutes is included in your packet.
- b) **Approval of a quitclaim deed for real estate depicted as Map 045 Lot 043 Sub 000 Typ 000:** The town will deed this property back to the owner, who has paid owed taxes. A copy of the deed is included in your packet.

**Suggested motion:**

Motion to approve the Consent Agenda

**Suggested motion:**

Motion to adjourn the meeting.

# MANAGER'S REPORT - A BACK UP MATERIALS

FOR 2020 07

	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
<u>00 Fill</u>							
19000 General Fund Transfers Out	2,193,000	3,100,000	3,100,000.00	.00	.00	.00	100.0%
TOTAL Fill	2,193,000	3,100,000	3,100,000.00	.00	.00	.00	100.0%
<u>10 General Government</u>							
11000 Administration	595,913	595,913	374,601.07	74,038.93	146.95	221,164.98	62.9%
11100 Finance Department	774,536	774,536	435,569.00	77,220.14	1,254.00	337,713.00	56.4%
11150 Technology Services Dept	355,386	372,248	224,296.48	18,471.77	20,929.19	127,022.79	65.9%
11200 Municipal Officers	237,915	237,915	91,272.26	5,305.51	65.54	146,577.20	38.4%
11210 Munic Bldg - 85 Union	177,899	177,899	109,133.61	11,236.71	2,836.01	65,929.38	62.9%
11230 Risk Management	505,005	505,005	416,898.00	230,653.14	.00	88,107.00	82.6%
11240 Employee benefits	0	0	-229,553.58	-21,482.00	.00	229,553.58	100.0%
11250 Cable TV	92,001	92,001	46,784.88	9,652.23	599.90	44,616.22	51.5%
11300 Assessing	299,905	300,453	147,960.52	19,207.10	.00	152,492.48	49.2%
11600 Town Clerk & Elections	401,760	401,760	194,993.68	35,336.35	8,127.92	198,638.40	50.6%
11800 Engineering	256,566	256,566	132,242.27	25,510.70	.00	124,323.73	51.5%
11900 Planning Department	627,392	654,592	337,297.57	62,286.73	20,294.30	297,000.13	54.6%
11950 Economic Development Dept	129,906	129,906	60,320.36	12,511.02	.00	69,585.64	46.4%
TOTAL General Government	4,454,184	4,498,794	2,341,816.12	559,948.33	54,253.81	2,102,724.53	53.3%
<u>20 Public Safety</u>							
12100 Fire Department	3,837,278	3,837,278	2,219,110.90	412,976.44	38,862.71	1,579,304.39	58.8%
12150 Central Fire Station	46,600	46,600	17,025.62	2,375.71	1,622.43	27,951.95	40.0%
12160 Emerson Fire Station	61,675	61,675	37,818.94	11,986.97	7,727.42	16,128.64	73.8%
12200 Police Department	4,397,148	4,397,148	2,511,022.88	496,229.33	3,325.92	1,882,799.20	57.2%
12210 Police Special Detail	0	0	18,755.63	5,837.71	.00	-18,755.63	100.0%
12220 Emergency Services Dispatch	927,827	927,827	497,647.43	96,125.59	6,682.00	423,497.57	54.4%
12250 Police Station Building	114,619	114,619	65,996.64	16,258.34	5,356.44	43,265.92	62.3%
12280 Marine Resources	120,082	120,082	55,972.96	13,549.55	.00	64,109.04	46.6%
12310 Streetlights	216,000	216,000	115,953.00	18,272.09	.00	100,047.00	53.7%
12320 Traffic Signals	32,500	32,500	15,350.05	5,831.38	.00	17,149.95	47.2%
12330 Hydrants	550,000	550,000	273,558.92	134,025.14	.00	276,441.08	49.7%
12340 Civil Emergency Preparedness	2,000	2,000	1,070.00	800.00	.00	930.00	53.5%

FOR 2020 07

	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
TOTAL Public Safety	10,305,729	10,305,729	5,829,282.97	1,214,268.25	63,576.92	4,412,869.11	57.2%
<hr/> 30 Public Works							
13100 Public Works Administration	361,004	386,408	223,303.98	38,569.49	625.00	162,479.02	58.0%
13110 PW General Maintenance	1,882,842	1,882,842	935,125.27	257,775.08	138,008.36	809,708.37	57.0%
13130 Refuse Collection	654,554	654,554	292,938.28	48,742.83	.00	361,615.72	44.8%
13140 Recycling	479,491	479,491	225,246.55	27,526.83	.00	254,244.45	47.0%
13150 PW Central Garage	742,785	742,785	279,305.65	68,706.70	8,581.89	454,897.46	38.8%
TOTAL Public Works	4,120,676	4,146,080	1,955,919.73	441,320.93	147,215.25	2,042,945.02	50.7%
<hr/> 40 Human Services							
14100 General Assistance	195,411	195,411	153,254.19	33,260.48	20,203.61	21,953.20	88.8%
14120 Health & Social Services	2,836	2,836	2,140.53	713.89	.00	695.47	75.5%
TOTAL Human Services	198,247	198,247	155,394.72	33,974.37	20,203.61	22,648.67	88.6%
<hr/> 45 Education							
14500 School Department	40,153,709	40,153,709	19,737,587.41	3,002,887.54	.00	20,416,121.59	49.2%
TOTAL Education	40,153,709	40,153,709	19,737,587.41	3,002,887.54	.00	20,416,121.59	49.2%
<hr/> 50 Recreation and Culture							
15000 Recreation Administration	471,504	471,504	243,710.62	54,172.13	.00	227,793.38	51.7%
15050 Rec Buildings and Grounds	984,929	1,014,109	426,608.42	87,494.71	31,303.75	556,196.83	45.2%
15250 Rec Building 211	248,877	293,270	114,634.60	6,080.18	23,832.58	154,803.25	47.2%
15300 Teen Center	18,051	18,051	18,051.00	.00	.00	.00	100.0%
15310 People Plus	136,553	136,553	135,551.41	2,775.00	435.00	566.59	99.6%
15400 Curtis Memorial Library	1,533,441	1,533,441	890,567.01	131,501.76	2,310.00	640,563.99	58.2%
TOTAL Recreation and Culture	3,393,355	3,466,928	1,829,123.06	282,023.78	57,881.33	1,579,924.04	54.4%
<hr/> 60 Intergovernmental							

FOR 2020 07

60	Intergovernmental	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
16000	County tax	1,590,123	1,590,123	1,590,123.00	.00	.00	.00	100.0%
	TOTAL Intergovernmental	1,590,123	1,590,123	1,590,123.00	.00	.00	.00	100.0%
70	Unclassified							
17000	Promotion and Development	282,840	278,340	261,548.34	90,015.33	.00	16,791.66	94.0%
17010	Additional School Assistance	10,000	10,000	.00	.00	.00	10,000.00	.0%
17020	Cemetery Care	3,200	3,200	500.00	.00	.00	2,700.00	15.6%
17030	Wage Adjustment Account	254,000	254,000	.00	.00	.00	254,000.00	.0%
	TOTAL Unclassified	550,040	545,540	262,048.34	90,015.33	.00	283,491.66	48.0%
80	Debt Service							
18020	2006 CIP G/O Bonds	212,000	212,000	208,000.00	.00	.00	4,000.00	98.1%
18030	2011 GO CIP Bonds	210,045	210,045	205,995.00	.00	.00	4,050.00	98.1%
18040	Police Station Bond	378,125	378,125	327,937.51	.00	.00	50,187.49	86.7%
18070	2017 CIP GO Bonds	170,373	170,373	158,158.75	.00	.00	12,214.25	92.8%
	TOTAL Debt Service	970,543	970,543	900,091.26	.00	.00	70,451.74	92.7%
	GRAND TOTAL	67,929,606	68,975,694	37,701,386.61	5,624,438.53	343,130.92	30,931,176.36	55.2%

\*\* END OF REPORT - Generated by Branden Perreault \*\*

FOR 2020 07

			ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
10 Taxes								
111190	41101	Property Taxes	43,099,741	43,099,741	43,557,245.33	798.66	-457,504.33	101.1%*
111190	41103	Deferred Property Tax	-200,000	-200,000	.00	.00	-200,000.00	.0%
111190	41104	Tax Abatements	-75,000	-75,000	-20,326.31	-2,247.13	-54,673.69	27.1%
111190	41105	Interest on Taxes	65,000	65,000	35,874.03	9,537.30	29,125.97	55.2%*
111190	41106	Tax Lien Costs Revenu	14,000	14,000	13,144.00	646.00	856.00	93.9%*
111190	41107	Tax Lien Interest Rev	17,000	17,000	17,437.41	.00	-437.41	102.6%*
111190	41109	Payment in Lieu of Ta	380,000	380,000	45,655.34	.00	334,344.66	12.0%*
111190	41197	BETE reimbursement	778,816	778,816	778,816.00	.00	.00	100.0%*
111190	41198	Homestead exemption r	1,112,441	1,112,441	846,719.00	.00	265,722.00	76.1%*
111190	41199	Miscellaneous tax adj	11,229	11,229	.00	.00	11,229.00	.0%*
111191	41110	Excise Tax - Auto	3,490,000	3,490,000	2,184,979.62	293,643.40	1,305,020.38	62.6%*
111191	41111	Excise Tax Boat/ATV/S	24,000	24,000	9,222.05	4,875.10	14,777.95	38.4%*
111191	41112	Excise Tax - Airplane	3,000	3,000	21,332.91	21,332.91	-18,332.91	711.1%*
		TOTAL Taxes	48,720,227	48,720,227	47,490,099.38	328,586.24	1,230,127.62	97.5%
		TOTAL REVENUES	48,720,227	48,720,227	47,490,099.38	328,586.24	1,230,127.62	
20 Licenses & Fees								
121111	42207	Passport Fees	18,000	18,000	14,245.00	3,255.00	3,755.00	79.1%*
121111	42209	Passport Picture Reve	6,000	6,000	3,945.00	795.00	2,055.00	65.8%*
121411	42100	Building Permits	236,000	236,000	98,559.55	8,058.40	137,440.45	41.8%*
121411	42101	Electrical Permits	46,500	46,500	25,042.11	6,578.40	21,457.89	53.9%*
121411	42102	Plumbing Permits	35,000	35,000	29,026.70	3,778.50	5,973.30	82.9%*
121611	42200	Hunting & Fishing Lic	600	600	436.05	100.45	163.95	72.7%*
121611	42201	Dog License Fee	2,750	2,750	2,503.00	832.00	247.00	91.0%*
121611	42202	Vital Statistics	47,500	47,500	27,754.20	4,520.80	19,745.80	58.4%*
121611	42203	General Licenses	32,875	32,875	15,035.50	6,900.00	17,839.50	45.7%*
121611	42204	Victulars/Innkeepers	22,685	22,685	7,065.00	125.00	15,620.00	31.1%*
121611	42205	Shellfish Licenses	36,675	36,675	650.00	.00	36,025.00	1.8%*
121611	42206	Neutered/Spayed Dog L	4,840	4,840	4,568.00	1,510.00	272.00	94.4%*
121611	42210	Mooring fees	16,200	16,200	600.00	.00	15,600.00	3.7%*
121611	42215	Marijuana Licenses	1,400	1,400	6,700.00	1,525.00	-5,300.00	478.6%*
121911	42300	Planning Board Appl F	44,493	44,493	22,392.35	6,116.80	22,100.65	50.3%*
122121	42400	Fire Permits	2,000	2,000	1,080.00	525.00	920.00	54.0%*
122221	42500	Conc Weapons Permits	400	400	240.00	60.00	160.00	60.0%*
122221	42501	Parking Permit fee	300	300	125.00	.00	175.00	41.7%*
123131	42600	Public Works Opening	30,000	30,000	9,500.00	400.00	20,500.00	31.7%*

FOR 2020 07

	ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
TOTAL Licenses & Fees	584,218	584,218	269,467.46	45,080.35	314,750.54	46.1%
TOTAL REVENUES	584,218	584,218	269,467.46	45,080.35	314,750.54	
<u>30 Intergovernmental</u>						
131132 43103 Highway Grant Fund	200,000	200,000	209,110.00	.00	-9,110.00	104.6%*
131142 43104 State General Assista	35,000	35,000	37,041.03	13,060.53	-2,041.03	105.8%*
131152 43108 IFW-MerePoint Boat La	9,999	9,999	9,999.99	.00	-.99	100.0%*
131190 43102 State Tax Exemption R	50,000	50,000	29,607.58	.00	20,392.42	59.2%*
131192 43101 State Revenue Sharing	1,800,000	1,800,000	1,132,740.01	159,081.70	667,259.99	62.9%*
131192 43106 Snowmobile Receipts	1,400	1,400	1,588.80	1,588.80	-188.80	113.5%*
134546 43120 State Education Subsi	11,058,375	11,058,375	6,841,687.11	806,412.70	4,216,687.89	61.9%*
TOTAL Intergovernmental	13,154,774	13,154,774	8,261,774.52	980,143.73	4,892,999.48	62.8%
TOTAL REVENUES	13,154,774	13,154,774	8,261,774.52	980,143.73	4,892,999.48	
<u>40 Charges for services</u>						
141111 44110 Agent Fee Auto Reg	50,000	50,000	39,630.78	6,569.00	10,369.22	79.3%*
141111 44111 Agent Fee Boat/ATV/Sn	1,500	1,500	697.00	158.00	803.00	46.5%*
141211 44121 Rental of Property	1,200	1,200	1,191.85	591.85	8.15	99.3%*
141611 44131 Advertising Fees	0	0	1,685.03	104.05	-1,685.03	100.0%*
142121 44155 Ambulance Service Fee	1,000,000	1,000,000	681,570.58	105,831.37	318,429.42	68.2%*
142121 44166 Special Detail - Fire	1,500	1,500	5,037.12	.00	-3,537.12	335.8%*
142221 44161 Witness Fees	2,000	2,000	224.30	.00	1,775.70	11.2%*
142221 44162 Police Reports	3,500	3,500	4,305.36	443.00	-805.36	123.0%*
142221 44163 School Resource Offic	92,700	92,700	92,700.00	92,700.00	.00	100.0%*
142221 44165 Special Detail - Poli	3,000	3,000	17,989.50	3,974.00	-14,989.50	599.7%*
142221 44167 Dispatch Services fee	157,195	157,195	87,962.00	12,566.00	69,233.00	56.0%*
142221 44168 ACO Services fees	0	0	8,403.74	.00	-8,403.74	100.0%*
143131 44174 PW Labor & Materials	0	0	1,468.58	227.00	-1,468.58	100.0%*
143431 44175 Recycling Revenue	15,000	15,000	13,369.00	1,982.50	1,631.00	89.1%*
144545 44100 School Tuition, etc	128,349	128,349	18,687.04	6,856.03	109,661.96	14.6%*
145051 44121 Rental of Property	2,000	2,000	.00	.00	2,000.00	.0%*
TOTAL Charges for services	1,457,944	1,457,944	974,921.88	232,002.80	483,022.12	66.9%
TOTAL REVENUES	1,457,944	1,457,944	974,921.88	232,002.80	483,022.12	
<u>50 Fines &amp; Penalties</u>						
151611 45108 Gen License Late Pena	225	225	390.00	.00	-165.00	173.3%*

FOR 2020 07

	ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
151611 45109 Mooring Fee Late Pena	500	500	350.00	.00	150.00	70.0%*
151611 45110 Victualers Lic Late P	270	270	1,050.00	.00	-780.00	388.9%*
151621 45103 Unlicensed Dog Fines	6,000	6,000	650.00	175.00	5,350.00	10.8%*
152121 45104 False Alarm Fire	1,000	1,000	.00	.00	1,000.00	.0%*
152221 45100 Ordinance Fines	200	200	654.00	454.00	-454.00	327.0%*
152221 45101 Parking Tickets	30,000	30,000	26,450.00	5,665.00	3,550.00	88.2%*
152221 45102 Leash Law Fines	100	100	300.00	25.00	-200.00	300.0%*
152221 45105 False Alarm Police	100	100	40.00	5.00	60.00	40.0%*
TOTAL Fines & Penalties	38,395	38,395	29,884.00	6,324.00	8,511.00	77.8%
TOTAL REVENUES	38,395	38,395	29,884.00	6,324.00	8,511.00	
60 Interest earned						
161193 46100 Interest Earned	220,000	220,000	203,793.33	40,721.92	16,206.67	92.6%*
TOTAL Interest earned	220,000	220,000	203,793.33	40,721.92	16,206.67	92.6%
TOTAL REVENUES	220,000	220,000	203,793.33	40,721.92	16,206.67	
70 Donations						
171952 47000 BDC Contrib to Econ D	25,000	25,000	.00	.00	25,000.00	.0%*
TOTAL Donations	25,000	25,000	.00	.00	25,000.00	.0%
TOTAL REVENUES	25,000	25,000	.00	.00	25,000.00	
80 Use of fund balance						
181100 48000 Unapprop General Fund	500,000	1,402,500	.00	.00	1,402,500.00	.0%*
181100 48001 Bal of State Revenue	112,000	112,000	.00	.00	112,000.00	.0%*
184500 48004 School Balance Forwar	2,111,364	2,111,364	.00	.00	2,111,364.00	.0%*
TOTAL Use of fund balance	2,723,364	3,625,864	.00	.00	3,625,864.00	.0%
TOTAL REVENUES	2,723,364	3,625,864	.00	.00	3,625,864.00	
90 Other						
191011 49000 Administration Miscel	0	0	836.00	.00	-836.00	100.0%*

FOR 2020 07

			ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
191111	49000	Finance Miscellaneous	3,000	3,000	1,144.18	72.09	1,855.82	38.1%*
191111	49106	W/C Proceeds	0	0	3,657.37	401.53	-3,657.37	100.0%*
191192	49100	Cable Television	275,000	275,000	71,899.72	.00	203,100.28	26.1%*
191194	49150	Gen Govt Asset Sales	0	0	41.28	.00	-41.28	100.0%*
191611	49000	Town Clerk Miscellane	2,200	2,200	1,146.00	343.00	1,054.00	52.1%*
191911	49000	Planning Miscellaneou	384	384	104.81	7.50	279.19	27.3%*
192121	49000	Fire Miscellaneous	1,000	1,000	630.00	.00	370.00	63.0%*
192221	49000	Police Miscellaneous	0	0	25,709.32	5.00	-25,709.32	100.0%*
193131	49000	Public Works Miscella	1,500	1,500	156.52	.00	1,343.48	10.4%*
194545	49000	School Miscellaneous	83,000	83,000	58,889.74	7,898.06	24,110.26	71.0%*
195051	49000	Recreation Miscellane	1,000	1,000	.00	.00	1,000.00	.0%*
199980	48100	General Fund Transfer	638,600	638,600	638,600.00	.00	.00	100.0%*
TOTAL Other			1,005,684	1,005,684	802,814.94	8,727.18	202,869.06	79.8%
TOTAL REVENUES			1,005,684	1,005,684	802,814.94	8,727.18	202,869.06	
GRAND TOTAL			67,929,606	68,832,106	58,032,755.51	1,641,586.22	10,799,350.49	84.3%

\*\* END OF REPORT - Generated by Branden Perreault \*\*

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

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

# ITEM 20 BACKUP

## Memorandum

To: TM Eldridge

From: Cmdr. Waltz

Re: Explanation of Proposed Farmer's Market Parking Ordinance Changes

Date: February 11, 2020

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Attached please find a number of proposed parking ordinance changes to implement farmer's market vendor parking – which is not subject to the 2 hr limit - for the spaces on Park Row abutting the lower Mall. We proposes to implement the parking by:

- Creating a new permit – the Farmer's Market Vendor Permit. The permit fee is \$25.00 (the same as the fee for a resident parking permit for streets that utilize resident parking).
- A vendor can obtain a permit that allows the vendor to park one vehicle in a legal parking space (as opposed to the yellow painted “no parking zone” that abuts a portion of the Mall) for the duration of the farmer's market, notwithstanding the 2 hour limit.

This draft has two additional changes from the one circulated for the February 4<sup>th</sup> meeting. The two changes are:

- A “Mall Food Vendor Permit” has been added; and
- The area that a permitted vendor will be allowed to park in excess of the two hour limit is limited to the portion of Park Row which is between Green Street and Fitch Place (so that the spaces opposite the Pumpkin House and the Carney House will continue to turnover throughout the day)

## Chapter 15 - TRAFFIC AND VEHICLES<sup>[1]</sup>

Footnotes:

--- (1) ---

**Cross reference**— Animals, Ch. 4; dogs, § 4-26 et seq.; fire prevention and protection, Ch. 7; housing, Ch. 8; vehicles for hire, § 10-96 et seq.; solid waste, Ch. 13; streets, sidewalks and other public places, Ch. 14; zoning and subdivision of land, App. A; traffic impact analysis required in certain circumstances, App. A, § 409.3, L; subdivision regulations, App. A, § 501 et seq.

### ARTICLE I. - IN GENERAL

...

### ARTICLE IV. - STOPPING, STANDING, PARKING<sup>[3]</sup>

...

#### **Sec. 15-71. - Rules governing stopping and parking.**

The following rules govern the stopping and parking of vehicles:

...

(15) *Farmer's Market Vendor Permits.* A vendor who participates in the farmer's market on the lower Mall may obtain a permit which entitles one (1) vehicle to park on Park Row between Green Street and Fitch Place, in a legal parking space, for so long as the farmer's market is open. In order to receive a parking permit, the vendor shall certify to the Chief of Police that he/she is a lower Mall farmer's market vendor and that the vehicle on which the permit will be displayed is used to transport his/her goods and/or products to the farmer's market. The permit shall be for the calendar year and the fee for it is the amount set forth in the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances.

(16) *Mall Food Vendor Permits.* A licensed Mall food vendor may obtain a permit which entitles one (1) vehicle to park on Park Row between Green Street and Fitch Place, in a legal parking space, for so long as the food vendor's stand is open. In order to receive a parking permit, the food vendor shall certify to the Chief of Police that he/she is a licensed Mall food vendor and that the vehicle on which the permit will be displayed is used to transport his/her food stand and/or the goods or products sold in it to the Mall. The permit shall be for the calendar year and the fee for it is the amount set forth in the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances.

...

**Sec. 15-73. - Overnight parking restricted.**

(a) A person shall not park a vehicle on either side of the easterly portion of Maine Street, known as Park Row, running from School Street southerly to the Maine Central Railroad tracks, between the hours of 11:00 p.m. and ~~5:00 a.m.~~ 8:00 a. m.

**Sec. 15-76. - Restricted on-street parking areas.**

(a) A person shall not park a vehicle for more than two (2) consecutive hours in any parking space adjacent to a curb, nor in any other parking space adjacent to a curb on the same block, between the hours of 8:00 a.m. and 6:00 p.m. on any day except Sunday, and a public holiday in the following areas:

...

*Park Row*, west side commencing at School Street and extending southerly to its intersection with Green Street ~~the "No Name Street"~~ .;

*Park Row*, west side commencing at its intersection with Green Street and extending southerly to its intersection with Fitch Place, unless the vehicle has a farmer's market vendor permit and the farmer's market is open or a Mall food vendor permit and the food vendor's stand is open.

*Park Row*, west side commencing at Fitch Place and extending southerly to the "No Name Street" .;

...

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

Sec. 15-71 (14) & (15)	2/__/20	Parking Permit Fee	\$25.00
------------------------	---------	--------------------	---------

...

ITEM 21  
BACKUP



**Town Clerk's Office**  
**85 Union Street**  
**Brunswick, ME 04011**

## **PUBLIC HEARING**

The Municipal Officers of the Town of Brunswick will hold a Public Hearing at the Council Chamber, Municipal Office Building, 85 Union Street, Brunswick, at 6:30 P.M. on February 18, 2020 on the following license applications:

### **Special Amusement**

Vessel and Vine, LLC  
D/B/A: Vessel and Vine  
4 Pleasant St #1

Nikaline Iacono

O'Donoghue Corp.  
D/B/A: O'Donoghue's  
103 Pleasant St.

Patrick & John O'Donoghue

All persons may appear to show cause, if any they may have, why such applications should or should not be approved.

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

**Fran Smith**  
**Town Clerk**

**TOWN OF BRUNSWICK**

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

**APPLICATION FOR SPECIAL AMUSEMENT LICENSE**

Please complete:

Type of Business:  Sole Proprietor-Owner's Name: \_\_\_\_\_

Partnership-Partner's Names: \_\_\_\_\_

Corporation-Corporation Name: <sup>LLC</sup> Vessel And Vine LLC

Incorporation Date: 11/2017 Incorporation State: ME

New License: Opening Date 03/2018  Renewal License

Business Name: Vessel And Vine LLC E-Mail: nikaline@vesselandvine.com

Business Address: 4 Pleasant St. #1 Business Phone Number: 207-721-3000

Name of Contact Person: Nikaline Iacono Contact's Phone Number: 802-535-9788

Mailing Address for Correspondence: 4 Pleasant St. #1 Brunswick, ME 04011

Signature of Owner, Officer, Partner or Agent: 

Date: 01/29/2020

**Corporations Please Complete:**

Address of Incorporation: 4 Pleasant St. #1 Brunswick Phone #: 207-721-3000

Name of Corp. Officer, Owner, or Partners:	Title	Address	% of Stock or ownership
<u>Nikaline Iacono</u>	<u>owner</u>	<u>11 Rabbit Rd Durham ME</u>	<u>100%</u>

The fee is \$150 permit fee and \$50 inspection/application fee for a total of \$200. (In addition, if you are required to have more than 2 inspections, there will be an additional fee of \$25 per inspection to be paid prior to issuance of license.)

**Town Clerk Use Only**

License Fee \$150.00 Plus \$50 application fee  0 Paid Advertising Fee \$ 50.14  
0 Paid

Required Approvals:  Finance  Codes/Fire  Council PH Date: 2/18/20

Mailed or Issued Date: \_\_\_\_\_

Clerk Notes:  
1/29/20

OVER

**Describe in detail the kind and nature of entertainment:**

Live <sup>Mellow</sup> music → jazz, acoustic, folk.

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

Musicians will play in the dining area.

**During what hours will your live entertainment occur?**

4 pm - 12 am.

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

No

**DIAGRAM**

(ATTACH SEPARATE SHEET, IF NECESSARY)

---

See Attached.

Porch

emergency  
egress

exit +  
entrance  
to porch

Bathroom  
2



Bar

Hittles

Bathroom one  
← half wall  
Band will play  
Here (no more than 3  
musicians)

standing Bar

Seating Area

Red Area

entrance  
to  
bar

Half wall

Entrance

Retail  
Area

emergency  
exit

**TOWN OF BRUNSWICK**

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

**APPLICATION FOR SPECIAL AMUSEMENT LICENSE**

Please complete:

Type of Business:  Sole Proprietor-Owner's Name: \_\_\_\_\_

Partnership-Partner's Names: \_\_\_\_\_

Corporation-Corporation Name: O'Donoghue Corp

Incorporation Date: 7-31-17 Incorporation State: ME

New License: Opening Date \_\_\_\_\_  Renewal License patrickmodonoghue

Business Name: O'Donoghue's E-Mail: @hotmail.com

Business Address: 103 Pleasant St Business Phone Number: 207-844-8371

Name of Contact Person: Patrick O'Donoghue Contact's Phone Number: 207-518-3454

Mailing Address for Correspondence: SAME

Signature of Owner, Officer, Partner or Agent: Patrick OD

Date: 2-3-20

Corporations Please Complete: Freeport, ME  
Address of Incorporation: 44 Walton Road Phone #: 207-518-3454

Name of Corp. Officer, Owner, or Partners: Title Address % of Stock or ownership

Patrick M. O'Donoghue Pres. Freeport ME  
44 Walton Rd 100

John W. O'Donoghue Sec SAME 0

The fee is \$150 permit fee and \$50 inspection/application fee for a total of \$200. (In addition, if you are required to have more than 2 inspections, there will be an additional fee of \$25 per inspection to be paid prior to issuance of license.)

**Town Clerk Use Only**

License Fee \$150.00 Plus \$50 application fee  Paid 2-3-20 Advertising Fee \$ 50.17

Required Approvals:  Finance  Codes/Fire  Council PH Date: 2/18

Mailed or Issued Date: \_\_\_\_\_

Clerk Notes: waiting on P.P.

OVER

**Describe in detail the kind and nature of entertainment:**

Bands

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

1200 - Restaurant + Bar space

**During what hours will your live entertainment occur?**

8 - 12 pm

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

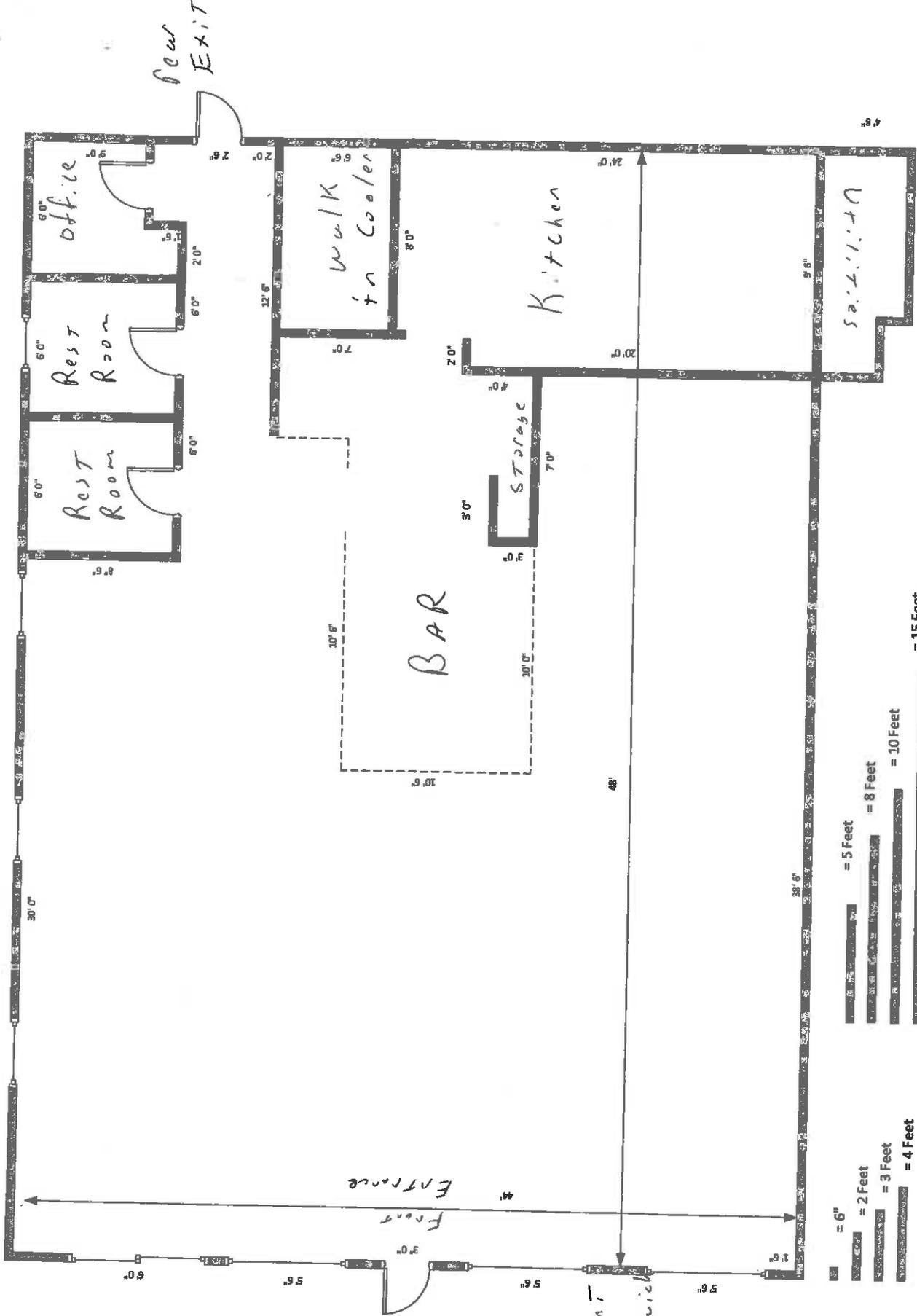
No

**DIAGRAM**

(ATTACH SEPARATE SHEET, IF NECESSARY)

---

See attached



103 Pleasant  
37. Brunswick

- ▭ = 6"
- ▭ = 2 Feet
- ▭ = 3 Feet
- ▭ = 4 Feet
- ▭ = 5 Feet
- ▭ = 8 Feet
- ▭ = 10 Feet
- ▭ = 15 Feet

ITEM 16  
BACKUP

# Town of Brunswick, Maine

## DEPARTMENT OF PLANNING AND DEVELOPMENT

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### MEMORANDUM

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**TO:** Brunswick Town Council

**FROM:** Brunswick Planning Board  
Matt Panfil, AICP CUD, Director of Planning & Development

**DATE:** February 18, 2020

**SUBJECT:** Zoning Ordinance Update – New Definition, “Environmental Resource Center” and Amendment to Table 3.2: Permitted Use Table for Growth Area Zoning Districts to Allow Environmental Resource Centers as Conditional Use in the Growth Outdoor (GO) Zoning District

---

#### I. INTRODUCTION

At their February 3, 2020 meeting, the Town Council requested additional information pertaining to a proposed Zoning Ordinance text amendment to establish a new use, *environmental resource center*, to be designated as a conditional use within the Growth Outdoor (GO) Zoning District. The requested information and additional public correspondence are attached.

#### II. ACTION REQUESTED

It is recommended that the Town Council move to set a public hearing for the final adoption of the proposed zoning ordinance text amendments.

#### III. ATTACHMENTS:

- A. Proposed Zoning Ordinance Text Amendment
- B. Existing Zoning Ordinance Regulations for the Growth Outdoor (GO) Zoning District (Table 3.2: Permitted Use Table for Growth Area Zoning Districts and Table 4.3)
- C. Correspondence
- D. Planning Board Recommendation Letter to Town Council from February 3, 2020
- E. Staff Memos to the Planning Board from November 26, 2019, December 10, 2019, and January 14, 2020

# ATTACHMENT A - PROPOSED ZONING ORDINANCE TEXT AMENDMENTS

**New Text in Bold Underline** ~~Deleted Text in Strikethrough~~

Chapter 1 - General Provisions  
Section 1.7 - Definitions and Rules of Construction

---

## 1.7.2. Definitions

**Environmental Resource Center: A structure or group of structures that provide various uses supporting activities related to agriculture, aquaculture, environmental studies and improvement, land and water conservation, and wildlife organizations. Provided that they are associated with the above referred uses, such uses may include, but are not limited to: office and meeting space for supporting such activities; commercial kitchen for public events or tenant use; exhibit space; greenhouse; grounds for passive recreation; picnic areas; non-motorized trails; incubator space; space for storage for conservation / trail maintenance equipment; bicycle and/or ski rental facilities; cooperative storage space for shared equipment, gear, and tools; and public lockers, restrooms, and showers.**

DRAFT

**ATTACHMENT A – PROPOSED ZONING ORDINANCE TEXT AMENDMENTS**

**New Text in Bold Underline**    Deleted Text in Strikethrough

**3.2 Growth Area Permitted Use Table**

<b>Table 3.2: Permitted Use Table for Growth Area Zoning Districts</b> P = Permitted    C = Allowed Only with a Conditional Use Permit    X = Prohibited A = Allowed Only as an Accessory Use																												
Land Use	CURRENT ZONE	GR1	GR2	GR3	GR4	GR5	GR6	GR7	GR8	GR9	GM1	GM2	GM3	GM4	GM5	GM6	GM7	GM8	GC1	GC2	GC3	GC4	GC5	GA	GI	GO	GN	Supplementary Use Standards
	1997 ZONING DISTRICT	RR	R1&8	R2	R3, 4, 5, 6	R7	TR1	TR2	TR3 & 4	TR5	MU2	MU3 & 6	MU4, 11, 14	MU1, CC	HC1 & 2	IC1, 2, 3	RCMU	MUOZ	CU1&3	CU5 & 6	CU4 & 7	CU/TC	CU2	R-AR	I2, I3, RBTII	R-R&OS	BCN	
<b>Principal Uses</b>																												
<b>Other Uses</b>																												
<b><u>Environmental resource center</u></b>		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	





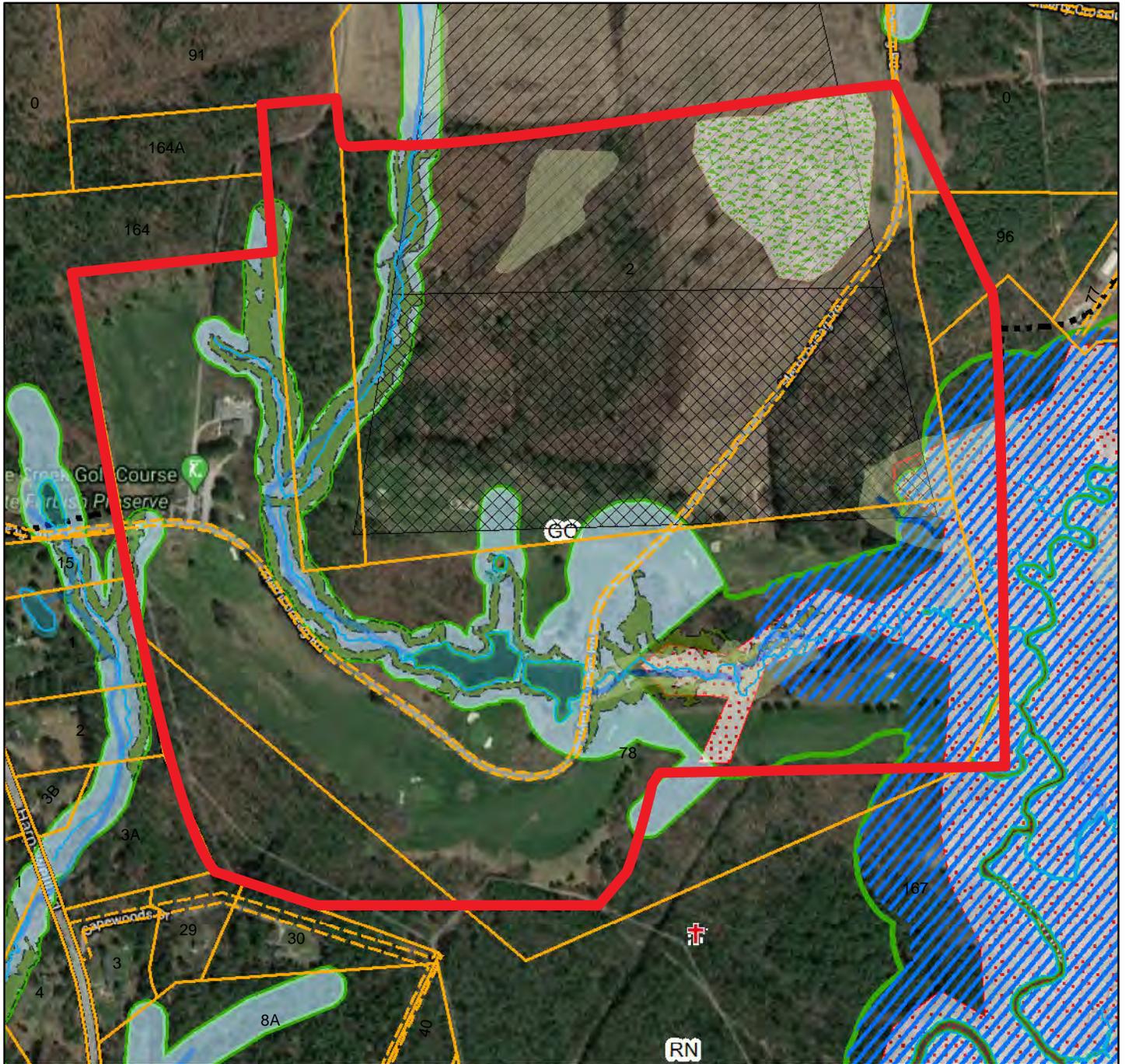
# Growth Outdoor Zoning District



1 inch = 600 Feet



February 10, 2020



	Other Road		River, Stream, Brook		Runway Protection Zone		Special Flood Hazard Area (FEMA)
	ROW Property Access		Freshwater Forested/Shrub Wetland		SPO-RP (Wetlands H-M Value)		
	Parcels_Lines		Freshwater Pond		SPO-RP (2 Acre, 20% Steep Slope)		SPO-RP (FEMA 100 Flood [Tidal-River])
	Cemeteries - MEGIS		MNAP Rare Plant Communities		SPO-SP (Stream Protection Subdistrict)		SPO (Shoreland Protection Overlay)
	Hydrography Line		Growth - Rural Area Boundary		Airport Approach Zone		
	Public Road						

Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.



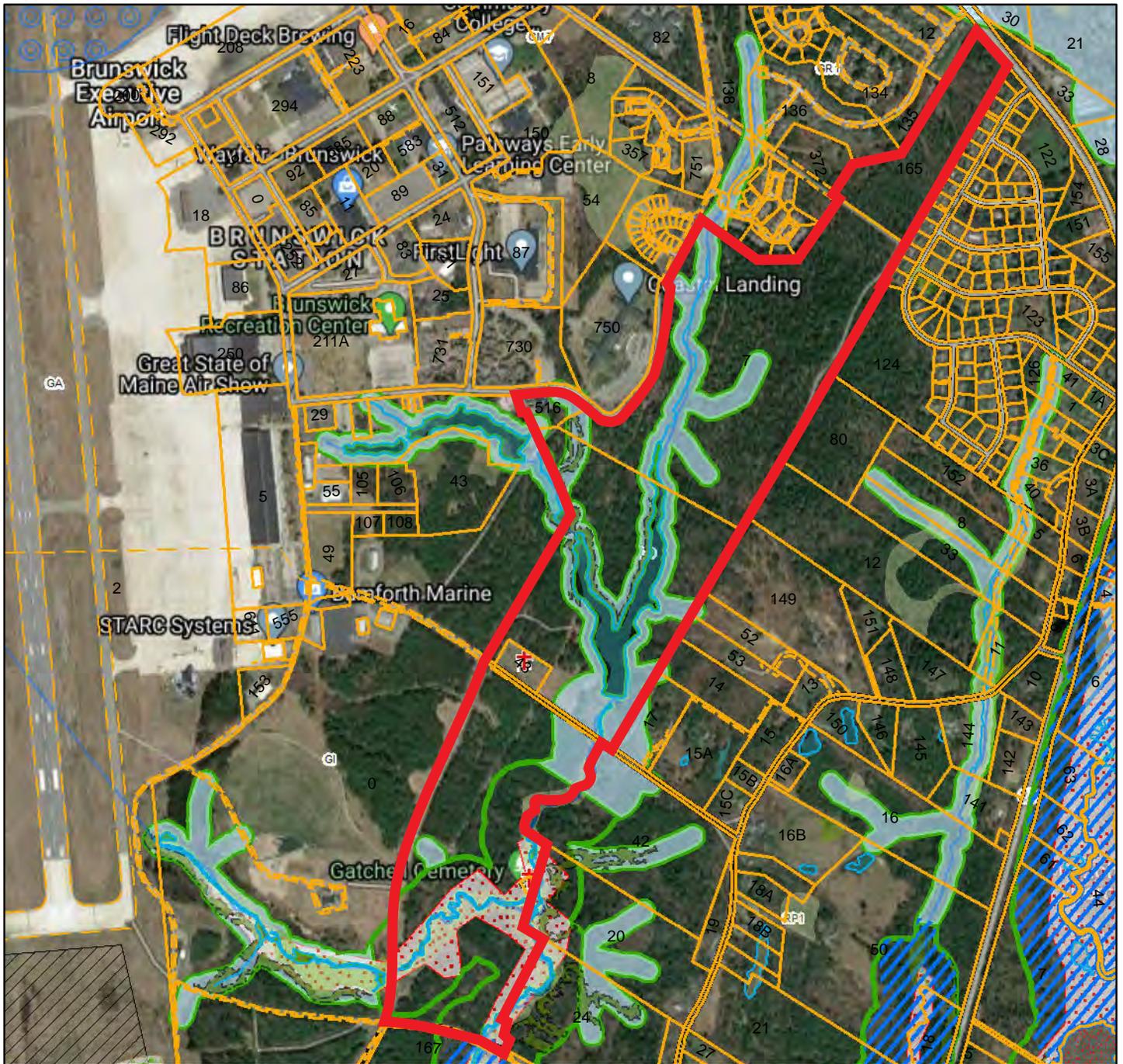
# Growth Outdoor Zoning District



1 inch = 1100 Feet



February 10, 2020



Other Road	Public Road	Freshwater Pond	SPO-RP (2 Acre, 20% Steep Slope)
ROW Property Access	Private Road	MNAP Rare Plant Communities	SPO-RP (FEMA 100 Flood [Tidal-River])
Other Lot Boundary	Water	Growth - Rural Area Boundary	SPO-SP (Stream Protection Subdistrict)
Parcels_Lines	River, Stream, Brook	APO 3	SPO (Shoreland Protection Overlay)
Cemeteries - MEGIS	Freshwater Emergent Wetland	Runway Protection Zone	Special Flood Hazard Area (FEMA)
Hydrography Line	Freshwater Forested/Shrub Wetland	SPO-RP (Wetlands H-M Value)	

Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

### 3.2 Growth Area Permitted Use Table

Table 3.2: Permitted Use Table for Growth Area Zoning Districts																													
P = Permitted C = Allowed Only with a Conditional Use Permit X = Prohibited																													
A = Allowed Only as an Accessory Use																													
Land Use	CURRENT ZONE	GR1	GR2 & 10	GR3	GR4	GR5	GR6	GR7	GR8	GR9	GM1	GM2	GM3	GM4	GM5	GM6	GM7	GM8	GC1	GC2	GC3	GC4	GC5	GA	GI	GO	GN	Supplementary Use Standards	
	1997 ZONING DISTRICT	RR	R1 & 8	R2	R3, 4, 5, 6	R7	TR1	TR2	TR3 & 4	TR5	MU2	MU3 & 6	MU4, 11, 14	MU1, CC	HC1 & 2	TC1, 2, 3	RCMU	MUOZ	CU1 & 3	CU5 & 6	CU4 & 7	CU/TC	CU2	R-AR	I2, I3, RBTI	R-R&OS	BCN		
<b>Principal Uses</b>																													
<b>Residential Uses</b>																													
<b>Household Living</b>																													
Dwelling, 1- or 2-family	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	X	X	3.4.1.A	
Dwelling, multifamily	P	X	X	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	X	X	X	X	3.4.1.B 4.8.1.D(2)	
Mobile home	Permitted Only in Mobile Home Park Overlay District																												
<b>Group Living</b>																													
Assisted/Congregate Living Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	X	X		
Boarding house	X	X	X	C	P	C	X	C	C	P	P	P	C	C	C	P	P	X	X	X	X	X	X	X	X	X	X		
Nursing home	X	X	X	X	X	X	X	X	X	X	X	P	C	C	C	P	P	X	X	X	X	X	X	X	X	X	X	X	
Residence hall	X	X	X	X	X	X	X	X	P	X	P	C	C	X	C	P	X	P	C	P	P	C	X	C	X	X	X	3.4.1.C 4.8.1.D(2)	
<b>Public, Institutional, and Civic Uses</b>																													
<b>Community, Cultural, and Educational Uses</b>																													
Club or lodge	X	X	X	X	X	C	X	C	C	P	C	C	C	C	P	P	P	X	X	X	X	X	X	X	C	X	X		
College	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	P	X	P	C	C	P	P	X	X	X	X	X	4.8.1.D(2)	
Community center	A	X	X	C	C	C	X	C	C	P	P	C	P	P	P	P	P	P	X	P	P	C	X	C	X	X			
Day care facility, small	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Day care facility, large	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Hospital	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	X	X	X	X	X	X	
Library, museum, or art gallery	X	X	X	C	C	C	X	X	C	P	C	C	P	P	P	P	C	P	P	P	P	P	P	X	C	X	X	4.8.1.D(2)	
Municipal facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Park or conservation area	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Religious institution	X	X	X	C	C	P	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	X	P	X	X	X		
School	P	X	P	C	P	P	P	P	P	P	C	P	P	P	P	P	P	P	C	P	P	P	P	P	P	P	P		
<b>Communication Uses</b>																													
Telecommunication tower	Permitted only in Telecommunications Overlay District																												
Telecommunication tower, small-scale	X	X	X	X	X	X	X	X	X	X	X	C	X	X	X	C	X	X	X	C	X	C	C	C	C	X	X	3.4.1.D	
<b>Commercial Uses</b>																													
<b>Agriculture and Animal Care Uses</b>																													
Aquaculture	X	X	X	X	X	X	X	X	X	X	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Equestrian facility	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	X	X	X	P	P	X	X	X	X	P	X	

Chapter 3 - Property Use Standards  
Section 3.2 - Growth Area Permitted Use Table

**Table 3.2: Permitted Use Table for Growth Area Zoning Districts**

P = Permitted C = Allowed Only with a Conditional Use Permit X = Prohibited  
A = Allowed Only as an Accessory Use

Land Use	CURRENT ZONE	GR1	GR2 & 10	GR3	GR4	GR5	GR6	GR7	GR8	GR9	GM1	GM2	GM3	GM4	GM5	GM6	GM7	GM8	GC1	GC2	GC3	GC4	GC5	GA	GI	GO	GN	Supplementary Use Standards	
	1997 ZONING DISTRICT	RR	R1 & 8	R2	R3, 4, 5, 6	R7	TR1	TR2	TR3 & 4	TR5	MU2	MU3 & 6	MU4, 11, 14	MU1, CC	HC1 & 2	TC1, 2, 3	RCMU	MUOZ	CU1 & 3	CU5 & 6	CU4 & 7	CU/TC	CU2	R-AR	I2, I3, RBT1	R-R&OS	BCN		
Farm		X	X	X	P	X	X	X	X	X	C	C	C	C	C	C	C	C	X	X	X	P	X	X	C	P	X		
Kennel		X	X	X	X	X	X	X	X	X	C	X	X	X	C	X	X	X	X	X	X	X	X	X	X	C	X	X	
Plant nursery		X	X	C	P	P	P	C	X	X	P	P	C	P	P	X	C	C	P	X	P	P	P	X	P	P	X		
Urban Agriculture		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	3.4.1.F
Veterinary office		X	X	X	X	X	X	X	X	X	P	C	P	P	P	P	P	P	P	X	X	X	X	X	X	P	X	X	
<b>Food, Beverage, and Entertainment</b>																													
Adult entertainment establishment		X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	X	X	X	X	X	X	X	X	3.4.1.G
Golf course		X	X	X	P	X	X	X	X	X	X	X	X	C	X	X	X	X	X	X	X	X	X	X	X	X	P	X	
Recreation facility, as a principal use		X	X	X	C	C	C	X	X	X	P	P	P	P	P	P	P	P	C	P	X	X	P	P	X	P	P <sup>[1]</sup>		
Restaurant or dining facility		X	X	X	X	X	C	X	X	X	P	P	C	P	P	P	P	A	P	X	P	P	C	P	C	X	X	3.4.1.H	
Theater		X	X	X	X	X	C	X	X	X	P	C	C	P	P	P	P	X	P	X	P	P	C	X	P	X	X		
<b>Lodging</b>																													
Campground		X	X	X	X	X	X	X	X	X	C	C	C	C	C	C	X	X	X	X	X	X	X	X	X	X	P	X	
Hotel		X	X	X	X	X	C	X	X	X	P	C	C	P	P	P	P	X	X	X	X	X	X	X	X	P	X	X	3.4.1.I
<b>Marijuana Uses*</b>																													
Marijuana Cultivation Facility		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	C	X	X	3.4.1.W
Marijuana Products Mfg Facility		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	C	X	X	3.4.1.W
Marijuana Store		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	C	X	X	3.4.1.W
Marijuana Storefront, Medical		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	C	X	X	3.4.1.W
Marijuana Testing Facility		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	C	X	X	3.4.1.W
<b>Retail Sales and Services</b>																													
Farmer's market		X	X	X	X	X	C	X	X	X	P	P	P	P	P	P	P	X	X	X	X	X	X	X	P	X	X		
Financial Institution		X	X	X	X	X	C	X	X	X	P	C	C	P	P	P	P	A	X	X	X	X	X	P	C	X	X		
Neighborhood store		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	X	3.4.1.J
Office <sup>[2]</sup>		X	X	X	X	C	C	X	X	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	X	
Retail, Class I		X	X	X	X	X	C	X	X	X	P	C	P	P	P	P	P	A	X	X	X	P	X	P	P	X	X	3.4.1.K	
Retail, Class II		X	X	X	X	X	X	X	X	X	P	C	C	P	P	P	P	X	X	X	X	X	X	X	P	X	X	3.4.1.K	
Service business, Class I		X	X	X	X	C	C	X	X	X	P	C	C	P	P	P	P	A	X	X	X	P	X	P	P	X	X	3.4.1.L	
Service business, Class II		X	X	X	X	X	X	X	X	X	P	C	C	P	P	P	P	X	X	X	X	X	X	P	P	X	X	3.4.1.L	
Studio		C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	X	P	P	P	P	X	X	X		
<b>Transportation and Vehicle-Related Uses</b>																													
Aviation operations		X	X	X	X	X	X	X	X	X	X	X	C	C	C	C	C	X	X	X	X	X	X	P	P	X	X		
Aviation-related business		X	X	X	X	X	X	X	X	X	X	X	C	C	C	C	X	X	X	X	X	X	X	P	P	X	X		

Chapter 3 - Property Use Standards  
Section 3.2 - Growth Area Permitted Use Table

Table 3.2: Permitted Use Table for Growth Area Zoning Districts																												
P = Permitted C = Allowed Only with a Conditional Use Permit X = Prohibited																												
A = Allowed Only as an Accessory Use																												
Land Use	CURRENT ZONE	GR1	GR2 & 10	GR3	GR4	GR5	GR6	GR7	GR8	GR9	GM1	GM2	GM3	GM4	GM5	GM6	GM7	GM8	GC1	GC2	GC3	GC4	GC5	GA	GI	GO	GN	Supplementary Use Standards
	1997 ZONING DISTRICT	RR	R1 & 8	R2	R3, 4, 5, 6	R7	TR1	TR2	TR3 & 4	TR5	MU2	MU3 & 6	MU4, 11, 14	MU1, CC	HC1 & 2	TC1, 2, 3	RCMU	MUOZ	CU1 & 3	CU5 & 6	CU4 & 7	CU/TC	CU2	R-AR	I2, I3, RBT1	R-R&OS	BCN	
Bus or rail station	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	P	X	X	X	X	X	X	X	X	X	X	X	
Car wash	X	X	X	X	X	X	X	X	X	X	X	X	X	C	P	X	X	X	X	X	X	X	X	X	X	X	X	
Marina or boat storage	X	X	X	X	X	X	X	X	X	X	C	C	C	C	C	C	C	X	C	C	C	C	C	C	X	X	X	
Motor vehicle fueling station	X	X	X	X	X	X	X	X	X	X	C	X	X	C	P	X	P	X	X	X	X	X	X	P	P	X	X	3.4.1.M
Motor vehicle service or repair	X	X	X	X	X	X	X	X	X	X	P	X	X	P	P	X	P	X	X	X	P	X	X	P	X	X		
Parking facility as a principal use	X	X	X	X	X	X	X	X	X	X	P	P	P	P	P	P	P	P	P	C	P	P	P	P	P	X	X	
Ultra-light airport	X	X	X	X	X	X	X	X	X	X	C	C	C	C	C	C	C	X	X	X	X	X	X	C	C	X	X	
Vehicle sales, rental, or storage	X	X	X	X	X	X	X	X	X	X	P	X	X	P	P	X	X	X	X	X	X	X	X	X	C	X	X	3.4.1.N
<b>Industrial Uses</b>																												
Contractor's space	X	X	X	X	X	X	X	X	X	X	C	C	C	C	C	P	X	P	X	X	C	X	X	A	P	X	X	3.4.1.O
Industry, Artisan	X	X	X	X	X	X	X	X	X	X	P	P	P	P	P	P	P	X	X	X	X	X	X	P	P	X	X	
Industry, Class I	X	X	X	X	X	X	X	X	X	X	P	C	C	C	C	X	P	X	X	X	X	X	X	P	P	X	X	3.4.1.P
Industry, Class II	X	X	X	X	X	X	X	X	X	X	C	C	C	C	X	X	P	X	X	X	X	X	X	P	P	X	X	3.4.1.Q
Junkyard or automobile graveyard	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	3.4.1.R
Marine activity	X	X	X	X	X	X	X	X	X	X	P	P	P	P	P	P	P	X	X	X	X	X	X	P	P	X	X	3.4.1.S
Mineral extraction	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	3.4.1.T
Recycling collection facility, as a principal use	X	X	X	X	X	X	X	X	X	X	P	C	C	C	C	P	P	X	X	X	X	X	P	P	X	X		
Renewable energy generating facility, as a principal use	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	C	P	C	X	3.4.1.U
Utility facility, major	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	X		
Utility facility, minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Warehousing and storage	X	X	X	X	X	X	X	X	X	X	P	C	P	P	C	A	P	C	P	A	A	P	X	P	P	X	X	
<b>Accessory Uses</b>																												
Accessory apartment	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	X	X	3.4.2.A	
Bed and breakfast	X	X	X	P	P	P	C	C	C	P	P	P	P	P	P	P	P	P	C	C	C	P	C	X	P	X	X	
Canopy	X	X	X	X	X	X	X	X	X	X	P	X	P	P	P	C	C	P	X	X	X	X	X	P	P	X	X	3.4.1.M
Drive-through service	X	X	X	X	X	X	X	X	X	X	P	X	P	P	P	C	C	P	X	X	X	X	X	X	X	X	X	3.4.2.B
Helipad	X	X	X	X	X	X	X	X	X	X	X	X	C	X	X	X	X	C	X	X	X	X	X	X	C	X	X	
Home occupation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	3.4.2.C
Parking facility, as an accessory use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Recreation facility, as an accessory use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	X	P <sup>1</sup>		
Renewable energy generating facility, as an accessory use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	3.4.1.U

Chapter 3 - Property Use Standards  
Section 3.3 - Rural Area Permitted Use Table

Table 3.2: Permitted Use Table for Growth Area Zoning Districts																												
P = Permitted C = Allowed Only with a Conditional Use Permit X = Prohibited A = Allowed Only as an Accessory Use																												
Land Use	CURRENT ZONE	GR1	GR2 & 10	GR3	GR4	GR5	GR6	GR7	GR8	GR9	GM1	GM2	GM3	GM4	GM5	GM6	GM7	GM8	GC1	GC2	GC3	GC4	GC5	GA	GI	GO	GN	Supplementary Use Standards
	1997 ZONING DISTRICT	RR	R1 & 8	R2	R3, 4, 5, 6	R7	TR1	TR2	TR3 & 4	TR5	MU2	MU3 & 6	MU4, 11, 14	MU1, CC	HC1 & 2	TC1, 2, 3	RCMU	MUOZ	CU1 & 3	CU5 & 6	CU4 & 7	CU/TC	CU2	R-AR	I2, I3, RBT1	R-R&OS	BCN	
<b>Temporary Uses</b>																												
Outdoor sales	X	X	X	X	X	X	X	X	X	X	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	X	3.4.2.D
Temporary construction office or yard	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	3.4.2.E
Temporary movable storage container	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	3.4.2.F
Temporary real estate sales office	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	3.4.2.G

Notes: [1] Limited to passive recreation uses. [2] Change of Use Permit required for non-medical to medical office (Table 5.2.9.B).

\*No marijuana uses shall be permitted prior to January 1, 2019 (amended 10/15/18).

### 3.3 Rural Area Permitted Use Table

Table 3.3: Permitted Use Table for Rural Zoning Districts								
P = Permitted C = Allowed Only with a Conditional Use Permit X = Prohibited A = Allowed Only as an Accessory Use								
Land Use	CURRENT ZONE	RN	RF	RR	RP1	RP2	RM	Supplementary Use Standards
	1997 ZONING DISTRICT	BCN	FF1, CR1	CR2, MU1	CP1, FF3	CP2	MU5	
<b>Principal Uses</b>								
<b>Residential Uses</b>								
<b>Household Living</b>								
Dwelling, 1- or 2-family		X	P	P	P	P	P	3.4.1.A
Dwelling, multifamily		X	P	P	X	P	P	3.4.1.B
Mobile home		X	P	P	P	P	P	
<b>Group Living</b>								
Assisted/Congregate Living Facility		X	P	P	P	P	P	
Boarding house		X	C	C	X	C	C	
Nursing home		X	X	X	X	X	X	
Residence hall		X	X	X	X	X	X	
<b>Public, Institutional, and Civic Uses</b>								
<b>Community, Cultural, and Educational Uses</b>								
Club or lodge		X	C	C	C	C	P	
College		X	C	C	C	C	C	
Community center		X	C	C	X	C	P	

4.2.3. Growth Area Dimensional and Density Standards

**Table 4.2.3: Dimensional and Density Standards for Growth Area Zoning Districts  
[Unless separate standards approved in Common Development Plan]**

Standard	Current Zone	GR1	GR2 & 10	GR3	GR4	GR5	GR6	GR7	GR8	GR9	GM1	GM2	GM3	GM4 <sup>[1]</sup>	GM5	GM6	GM7	GM8	GC1	GC2	GC3	GC4	GC5	GA	GI	GO	GN <sup>[2]</sup>
	1997 Zoning District	R-R	R1 & 8	R2	R3, 4, 5, 6	R7	TR1	TR2	TR3 & 4	TR5	MU2	MU3 & 6	MU4 1, 1-4	MU1, CC	HC1 & 2	TC1, 2, 3	R-CMU	MUOZ	CU1 & 3	CU5 & 6	CU4 & 7	CU/TC	CU2	R-AR	I2, I3 & R-B&TI	R-R&OS	BCN
Lot area, min. <sup>[22]</sup>	n/a for residential uses; 7,000 sq. ft. for non-residential uses									n/a for residential uses; 7,000 sq. ft. for non-residential uses									n/a for residential uses; 7,000 sq. ft. for non-residential uses								
Density, max. (dwelling units per acre of net site area <i>see definition</i> )	8	4	6 <sup>[3]</sup>	6	7	10	5	6	6	6	10	10	15	6	n/a	24	6	12	24 <sup>[4]</sup>	5 <sup>[5]</sup>	24	10	n/a	n/a	n/a	n/a	
Lot width, min. (feet)	40	65	75	75	65	65	65	65	65	60	65	75	60	75	n/a <sup>[12]</sup>	n/a	75	65	65	65	40	65	50	50	n/a	n/a	
Building frontage, min. (% of lot width)															75 <sup>[6]</sup>											n/a	
Building frontage, max. (% of lot width)															100 <sup>[7]</sup>											n/a	
Front setback, min. (feet) <sup>[8]</sup>	0	15	20	20	15	15	20	20	20	20	15	30	0	15	0 <sup>[12]</sup>	0	20	15 <sup>[19]</sup>	15	15	10	15 <sup>[19]</sup>	0	10	0	n/a	
Build-to Zone (feet) <sup>[8]</sup>														0-5 <sup>[10]</sup>												n/a	
Rear setback, min. (feet)	0	20	20	20	20	15	20	20	20	20	20	30	15	15	0 <sup>[12]</sup>	0	30	15 <sup>[19]</sup>	15 <sup>[19]</sup>	15	10	15 <sup>[19]</sup>	20	20	20	n/a	
Side setback, min. (feet)	0	15	15	15	15	15	15	15	15	15	15	15	0	20	0 <sup>[12]</sup>	0	30	15 <sup>[19]</sup>	15 <sup>[19]</sup>	15	10	15 <sup>[19]</sup>	15	15	10	n/a	
Impervious surface coverage, max. (% of lot area)	45	35	35	35	35	50	35	35	35	75	50	60	80 <sup>[11]</sup>	70	100 <sup>[12]</sup>	100	50	60	50	50	50	50	80	80	10	<sup>[2]</sup>	
Building height, min. (feet)	24														24 <sup>[13]</sup>	24										n/a	
Building height, max. feet <sup>[14]</sup>	50	35	35	35	35	35	35	35	35	40	35	60	60	45	40 <sup>[15]</sup>	50	40	70 <sup>[20]</sup>	45	35	70	55	100	60	35	n/a	
Building footprint per structure, max. (1,000 square feet)	20 <sup>[3]</sup>	5	5	5 <sup>[16], 19]</sup>	5 <sup>[19]</sup>	7.5	5	5	5	20	5	30 <sup>[21]</sup>	50 <sup>[18]</sup>	20	n/a <sup>[12]</sup>	n/a	25% of lot size	n/a	8.5	5 <sup>[17]</sup>	n/a	n/a	n/a	n/a	n/a	n/a	n/a

8 February 2020

**Memorandum**

To: Town Council, Town of Brunswick, Maine

From: Thomas Wright, Manager, Brunswick Landing Community Collective Development Group

Re: Zoning ordinance amendment to add a new use to the Growth Outdoor District, specifically for the creation of an Environmental Resource Center to be located in the "Night Flight" building at 179 Neptune Drive, Brunswick landing.

Council Members:

This memorandum is to provide an overview of the request of the Planning Board, in support of the property owners need for an amendment to the GO district. This is to facilitate the intention of the BNAS master plan to have a Recreation Center and entrance facility to the conservation lands that are a major part of the BNAS development criteria. Without this amendment, the conservation lands will, essentially, become land locked and mostly inaccessible to community use.

My focus over the past five years has been to bring community to Brunswick Landing through the development of non-profit community-based resources. My transfer of ownership of the Brunswick Landing YMCA to the Bath Area YMCA was my most recent success.

The value and the future of the conservation land on BNAS has been one of the biggest draws to organizations looking to locate on Brunswick Landing. It can become one of the greatest treasures of the Mid-coast Maine area in terms of size, location and accessibility. In working with MRRA and their long term planning it was evident that saving this building and the surrounding parking as an Environmental Resource Center was critical to their vision.

Working in partnership with Brunswick Topsham Land Trust and other conservation stakeholders the program for the Resource Center evolved into a potentially much greater resource for the community. Unfortunately, the uses for the building and parking area under the GO zone, only apply to uses of the owner of the lot. BTLT cannot have an office in the building overlooking their conservation land since they do not own the building for the proposed office.

As a resolution to the issue of the need to build a community center to provide access to the conservation land, meet the master planning objectives of the BNAS, and take advantage of the willingness of the owner to commit financially to the community resource, the Planning Department and then the planning Board, has recommended the amendment to the GO zone allowing for an Environmental Resource Center in the GO zone.

We greatly appreciate the Council's consideration of this change so that the public hearing and permitting can proceed.

Sincerely, Thomas Wright, Manager, BLCCDG, LLC

14 November 2019

Matt and Jared, thank you for suggesting the workshop meeting as a way to move forward. I think the positive response of the committee was indicative of the interest in having a conservation/education, trailhead and recreation support center for Brunswick.

Many years ago I built the Outdoor Recreation Center for Bowdoin and see no reason why the Town couldn't have as nice a facility.

The purpose of my note is to give you a list of the various agencies and uses that have shown interest in being part of the space so you can consider how those might fit into the "option" designation.

Brunswick Topsham Land Trust, meeting, conference, cubicle space.

Pine Island: meeting and Storage

CREA: meeting and office

Teens to Trails: meeting and cubicle space

Maine Coast Fisherman's Assn. : office and meeting

NEMBA

Public Restrooms

Event Space for programs and conservation education

Cooperative Storage: Stewardship tool library, shared gear hub, Outdoor Recreation equipment storage, The Real School, Harpswell Coastal Academy, YMCA, Seeds of Independence.

Maintenance Equipment Storage for trail maintenance.

Public Service Office: Police, First Aid etc. (ATV storage for patrols)

Incubator space

Commercial Kitchen for public events or COOP use

Ski and Bike Rental

Showers and lockers.

Indoor Golf.

Aquaculture, mushroom farm

Fireplace

Greenhouse on the South Side of the Building

Picnic area

**From:** [Thomas Wright](#)  
**To:** [Matt Panfil](#)  
**Subject:** 179 Neptune, GO Zone  
**Date:** Tuesday, December 3, 2019 11:24:23 AM

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Matt, here is my condensed version after several more attempts.

Regards, Tom

***Community based organizations supporting activities and practices consistent with the GO zone intention of conservation, education, recreation, health, nutrition, safety, agriculture and community engagement.***

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This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

**From:** [Catherine Ferdinand](#)  
**To:** [Matt Panfil](#); [Julie Erdman](#)  
**Cc:** [Matthew Orlando](#)  
**Subject:** Comments regarding Case #19-052 - Zoning Ordinance Amendment, Use Table  
**Date:** Monday, January 13, 2020 3:53:36 PM

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Dear Matt and Julie,

I'd be very grateful if you would forward these comments regarding tomorrow night's meeting agenda item #3 to members of the Planning Board.

Thanks so much,

Catherine

To: Members of the Brunswick Planning Board

January 13, 2020

Re: Case #19-052 Zoning Ordinance Amendment, Use Table – adding definition of Environmental Resource Center to Use Table for Growth Area Zoning Districts

Bowdoin College has no objection to the proposed definition of the use, **Environmental Resource Center** or to its addition to **Table 3.2: Permitted Use Table for Growth Area Zoning Districts**.

We do ask that should the Planning Board include this new use in the table, that the use, as defined, be allowed in the Growth College (GC) Use Districts. Since the ordinance rewrite in 2017, College buildings or structures developed in support of academic studies fall under the ordinance definition of "College". While we could argue that any development of structures in support of academics be defined as College and allowed per Table 3.2, having an alternate specific definition in the ordinance that includes the same or similar activities, prohibited in these same zoning districts creates confusion.

Components of the Environmental Resource Center definition such as (urban) agriculture, aquaculture, and offices are allowed uses in all the Growth College districts. Recreational facilities as an accessory use are also allowed in all GC districts. Having these activities prohibited in the College Use districts if they are associated with what could be defined as an Environmental Resource Center, seems to go against the intent of the ordinance.

Thank you for your attention to our concern. I plan to attend the public hearing and would be happy to answer any questions and work with board to avoid unintended consequences of this proposed change.

Catherine

**Catherine Ferdinand** | *Government Relations and Land Use Specialist*

**Bowdoin College**

Office of the Treasurer

5600 College Station

Brunswick, ME 04011-8447

P: 207.725.3093 | C: 207.841.8367 | F: 207.751.5161

[cferdina@bowdoin.edu](mailto:cferdina@bowdoin.edu)

# Town of Brunswick, Maine

## DEPARTMENT OF PLANNING AND DEVELOPMENT

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### MEMORANDUM

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**TO:** Brunswick Town Council

**FROM:** Brunswick Planning Board  
Matt Panfil, AICP CUD, Director of Planning & Development

**DATE:** February 3, 2020

**SUBJECT:** Zoning Ordinance Update – New Definition, “Environmental Resource Center” and Amendment to Table 3.2: Permitted Use Table for Growth Area Zoning Districts to Allow Environmental Resource Centers as Conditional Use in the Growth Outdoor (GO) Zoning District

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#### I. INTRODUCTION

At their November 12, 2019 meeting, the Planning Board briefly discussed a suggestion by a property owner to allow for a new use in the Growth Outdoor (GO) Zoning District. The use would allow for a broad scope of activities related to agriculture, aquaculture, environmental studies and improvement, land and water conservation, and wildlife organization. Such activities could include office and meeting space, exhibit space, greenhouse, grounds for passive recreation, a commercial kitchen for public events or tenant use, etc.

At their November 26, 2019, December 10, 2019, and January 14, 2020 meetings, the Planning Board discussed multiple options to allow for such a use. Although the proposed use, defined as an *environmental resource center*, was first suggested by a property owner with their specific existing structure in mind, the Planning Board deemed the use to be appropriate for the entire GO District, thus allowing all properties within the GO District the ability to host such a use. The Planning Board considered allowing environmental resource centers in other zoning districts, but decided the GO District was sufficient and, if necessary, they could reevaluate its potential as an allowed use in other districts at a later date.

The Planning Board also discussed with staff that the proposed amendments were consistent with the Town’s 2008 Comprehensive Plan (Planning Area A.1.6, Brunswick Naval Air Station Reuse) and the BNAS Reuse Master Plan. It was confirmed that the amendments were consistent with the above referenced documents.

The draft of proposed zoning ordinance text amendments (Attachment A), as recommended by the Planning Board at their meeting on January 14, 2020 (Staff Memos included as Attachment B) is attached.

#### II. ACTION REQUESTED

It is recommended that the Town Council move to set a public hearing for the final adoption of the proposed zoning ordinance text amendments.

#### III. ATTACHMENTS:

- A. Proposed Zoning Ordinance Text Amendment
- B. Staff Memos to the Planning Board from November 26, 2019, December 10, 2019, and January 14, 2020
- C. Correspondence

# Town of Brunswick, Maine

## DEPARTMENT OF PLANNING AND DEVELOPMENT

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### MEMORANDUM

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**TO:** Planning Board

**FROM:** Matt Panfil, AICP CUD, Director of Planning & Development

**DATE:** November 26, 2019

**SUBJECT:** Workshop – Zoning Ordinance Amendment – Table 3.2: Permitted Use Table for Growth Area Zoning Districts, Growth Outdoor (GO) District

---

#### I. INTRODUCTION:

At their November 12, 2019 meeting, the Planning Board briefly discussed a potential zoning ordinance amendment to add a new use to the Growth Outdoor (GO) District in Table 3.2: Permitted Use Table for Growth Area Zoning Districts of the Town of Brunswick Zoning Ordinance (Attachment A).

The property owner expressed a desire to be able to reuse the existing structure to accommodate uses that would essentially be part of an environmental resource incubator and non-Park District affiliated recreation support uses. As outlined in a letter from the property owner (Attachment B), the proposed facility would allow for a broad scope of uses that is not anticipated by the Zoning Ordinance.

#### II. TOPICS FOR WORKSHOP DISCUSSION

- Is an amendment to Table 3.2 Permitted Use Table for Growth Area Zoning Districts preferable to any other alternative such as a map amendment to rezone the property to an adjacent zoning district: Growth Industrial (GI) District or Growth Mixed-Use 7 (GM7)?
- Staff's working draft term for the proposed use is "environmental resource center, event space, outdoor recreation, and environmentally-associated facilities." Please provide comments and suggestions.
- Should an "environmental resource center, event space, outdoor recreation, and environmentally-associated facilities" be allowed in other zoning districts aside from the Growth Outdoor (GO) District?

#### III. ATTACHMENTS:

- A. Table 3.2: Permitted Use Table for Growth Area Zoning Districts of the Town of Brunswick Zoning Ordinance.
- B. Letter from Thomas Wright, dated November 14, 2019

# Town of Brunswick, Maine

## DEPARTMENT OF PLANNING AND DEVELOPMENT

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### MEMORANDUM

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**TO:** Planning Board

**FROM:** Matt Panfil, AICP CUD, Director of Planning & Development

**DATE:** December 10, 2019

**SUBJECT:** Workshop – Zoning Ordinance Amendment – Table 3.2: Permitted Use Table for Growth Area Zoning Districts, Growth Outdoor (GO) District

---

#### I. INTRODUCTION:

At their November 12 and November 26, 2019 meetings, the Planning Board briefly discussed a potential zoning ordinance amendment to add a new use to the Growth Outdoor (GO) District in Table 3.2: Permitted Use Table for Growth Area Zoning Districts of the Town of Brunswick Zoning Ordinance (Attachment A).

The property owner expressed a desire to be able to reuse an existing structure to accommodate uses that would essentially be part of an environmental resource incubator and non-Park District affiliated recreation support uses. The proposed facility would allow for a broad scope of uses that is not anticipated by the Zoning Ordinance. Therefore, staff has proposed a new definition, *environmental resource center*, that would be a new use listed in Table 3.2: Permitted Use Table for Growth Area Zoning Districts as a conditional use in only the Growth Outdoor (GO) District.

#### II. PROPOSED AMENDMENTS

Chapter 1 - General Provisions  
Section 1.7 - Definitions and Rules of Construction

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**Environmental Resource Center:** A structure, or group of structures, that provides various amenities, including, but not limited to: education; office; and meeting space, for supporting agriculture, aquaculture, environment, conservation, and wildlife organizations. Additional permissible uses include, but are not limited to: commercial kitchen for public events or tenant use; exhibit space; greenhouse; grounds for passive recreation, picnic areas, and non-motorized trails; incubator space; and storage for conservation / trail maintenance equipment. Other permissible uses, provided they are associated with an above referenced use include, but are not limited to: bicycle and/or ski rental facilities; cooperative storage space for shared equipment, gear, and tools; and public lockers, restrooms, and showers.

**3.2 Growth Area Permitted Use Table**

Table 3.2: Permitted Use Table for Growth Area Zoning Districts																												
P = Permitted C = Allowed Only with a Conditional Use Permit X = Prohibited A = Allowed Only as an Accessory Use																												
Land Use	CURRENT ZONE	GR1	GR2 & 10	GR3	GR4	GR5	GR6	GR7	GR8	GR9	GM1	GM2	GM3	GM4	GM5	GM6	GM7	GM8	GC1	GC2	GC3	GC4	GC5	GA	GI	GO	GN	Supplementary Use Standards
	1997 ZONING DISTRICT	RR	R1 & 8	R2	R3, 4, 5, 6	R7	TR1	TR2	TR3 & 4	TR5	MU2	MU3 & 6	MU4, 11, 14	MU1, CC	HC1 & 2	IC1, 2, 3	RCMU	MUOZ	CU1 & 3	CU5 & 6	CU4 & 7	CU/TC	CU2	R-AR	I2, I3, RBTI	R-R&OS	BCN	
<b>Principal Uses</b>																												
<b>Other</b>																												
Environmental resource center		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	C	X

**III. ATTACHMENTS:**

- A. Table 3.2: Permitted Use Table for Growth Area Zoning Districts of the Town of Brunswick Zoning Ordinance
- B. Letter from Thomas Wright, dated November 14, 2019
- C. Email from Thomas Wright, dated December 3, 2019

# Town of Brunswick, Maine

## DEPARTMENT OF PLANNING AND DEVELOPMENT

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### MEMORANDUM

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**TO:** Planning Board

**FROM:** Matt Panfil, AICP CUD, Director of Planning & Development

**DATE:** January 14, 2020

**SUBJECT:** Public Hearing – Zoning Ordinance Amendment – Table 3.2: Permitted Use Table for Growth Area Zoning Districts, Growth Outdoor (GO) District

---

#### I. INTRODUCTION:

At their November 12, November 26, and December 10, 2019 meetings, the Planning Board discussed a potential zoning ordinance amendment to add a new use to the Growth Outdoor (GO) District in Table 3.2: Permitted Use Table for Growth Area Zoning Districts of the Town of Brunswick Zoning Ordinance (Attachment A).

A property owner within the GO District has expressed a desire to be able to reuse an existing structure to accommodate uses that would essentially be part of multi-tenant space for environmental-, recreational-, and natural resource-associated uses including office space, an environmental resource incubator, meeting and exhibit space, and non-Park District affiliated recreation support uses. The proposed facility would allow for a broad scope of uses that is not anticipated by the Zoning Ordinance. Therefore, the Planning Board has proposed a new definition, *environmental resource center*, that would be a new use listed in Table 3.2: Permitted Use Table for Growth Area Zoning Districts as a conditional use in only the Growth Outdoor (GO) District.

#### II. PROPOSED AMENDMENTS

**New Text in Bold Underline**

~~Deleted Text in Strikethrough~~

Chapter 1 - General Provisions  
Section 1.7 - Definitions and Rules of Construction

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**Environmental Resource Center: A structure or group of structures that provide various uses supporting activities related to agriculture, aquaculture, environmental studies and improvement, land and water conservation, and wildlife organizations. Provided that they are associated with the above referred uses, such uses may include, but are not limited to: office and meeting space for supporting such activities; commercial kitchen for public events or tenant use; exhibit space; greenhouse; grounds for passive recreation; picnic areas; non-motorized trails; incubator space; space for storage for conservation / trail maintenance equipment; bicycle and/or ski rental facilities; cooperative storage space for shared equipment, gear, and tools; and public lockers, restrooms, and showers.**

**3.2 Growth Area Permitted Use Table**

<b>Table 3.2: Permitted Use Table for Growth Area Zoning Districts</b>																												
P = Permitted    C = Allowed Only with a Conditional Use Permit    X = Prohibited A = Allowed Only as an Accessory Use																												
Land Use	CURRENT ZONE	GR1	GR2 & 10	GR3	GR4	GR5	GR6	GR7	GR8	GR9	GM1	GM2	GM3	GM4	GM5	GM6	GM7	GM8	GC1	GC2	GC3	GC4	GC5	GA	GI	GO	GN	Supplementary Use Standards
	1997 ZONING DISTRICT	RR	R1&8	R2	R3, 4, 5, 6	R7	TR1	TR2	TR3 & 4	TR5	MU2	MU3 & 6	MU4, 11, 14	MU1, CC	HC1 & 2	TC1, 2, 3	RCMU	MUOZ	CU1&3	CU5 & 6	CU4 & 7	CU/TC	CU7	R-AR	I2, 13, RBTI	R-R&OS	BCN	
<b>Principal Uses</b>																												
<b>Other</b>																												
<b>Environmental resource center</b>		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	C	X

**III. ATTACHMENTS:**

- A. Table 3.2: Permitted Use Table for Growth Area Zoning Districts of the Town of Brunswick Zoning Ordinance
- B. Letter from Thomas Wright, dated November 14, 2019
- C. Email from Thomas Wright, dated December 3, 2019



# BRUNSWICK-TOPSHAM LANDTRUST

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 Nikkilee Cataldo, *Director of Programs*  
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 Kristi Hatrick, *Development Associate*  
 Jacqui Koopman, *Farmers' Market Manager*  
 Kate Klibansky, *Communications & Outreach Assistant*  
 Jamie Pacheco, *Program Associate*

TO: Brunswick Town Council

FROM: Brunswick-Topsham Land Trust

DATE: February 12, 2020

RE: Zoning Ordinance Update – “Environmental Resource Center”

Dear Members of the Brunswick Town Council,

The Brunswick-Topsham Land Trust (BTLT) would like to provide our perspective on the request by the Planning Board to amend text in the Zoning Ordinance to allow for an “Environmental Resource Center” within the Growth Outdoor Zoning District. There are important reasons to support this change – both for the betterment of our community, as well as to meet the vision and goals as outlined in the Master Reuse Plan for Brunswick Landing.

The Master Reuse Plan describes the area of the Growth Outdoor (GO) zone (described in the Plan as the Recreation and Open Space district) in this way:

*The intent of the 510-acre Recreation and Open Space district ... is to provide suitable areas for a variety of commercial and public active and passive outdoor recreational opportunities for the community. Recreational activities could include public parks, recreation fields, golf courses, public gardens, bicycle trails, and equestrian facilities,*

*(Brunswick Naval Air Station Reuse Master Plan, page 189).*

The GO district currently includes the Mere Creek Golf Course and its clubhouse, and the lands formerly used by the Navy for recreation – the picnic area and par course. Surrounding these original Navy resources, the GO district also includes hundreds of acres of undeveloped conservation land that not only protects the important natural resources of the Harpswell cove but also offers miles of already built (and soon to be built) trails. The GO district on Brunswick Landing is the only GO district within the Town of Brunswick.

The current permitted uses for the GO district include – daycare, municipal facility, parks, schools, aquaculture, equestrian, farm, nursery, urban agriculture, golf course, recreation facility, campground, marine activity, home occupation, and accessory parking. Accessory and conditional uses include office, and renewable energy facility. Though the building was included in the GO zone, it is on a parcel that is only large enough for the building, associated parking, and a small picnic area. As such, the building can not be considered as an accessory use to adjacent recreational areas because they are on different parcels. None of the existing permitted uses effectively encompass what is envisioned by BTLT and the building’s owner, though we believe the envisioned use aligns well with the redevelopment vision and intent. We therefore hope you will support the zoning language change, and the ultimate use of this building for community conservation, education, and recreation.

Surrounded by literally hundreds of acres that have been set aside for conservation and recreational uses, this building in the GO district is exceedingly well situated to provide a community hub for recreational and environmental engagement. We have developed a vision



along the lines of New Gloucester's Pineland Farm. The building will house a range of conservation, recreation, and environmental education community groups. They will work individually and collaboratively in the space to serve community needs and facilitate engagement with the adjacent recreation and conservation lands. BTLT will be a cornerstone tenant, and this location will provide us with an ideal location for meeting our mission to "steward the cherished landscapes and rich natural resources of our communities, to connect people to nature by providing recreational opportunities and other engaging community activities, and to support local agriculture and fisheries, now and for generations to come." Our office will be in the building, but the facility will also act as a space for us to offer events, gather for outings, and provide educational programming.

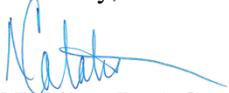
We have also been coordinating with other community organizations. Cathance River Education Alliance (CREA) is planning to move their office to the building, and we are in discussions with the Bicycle Coalition of Maine on hosting a new branch of the Bikes for All Mainers project in the building. There is a community member interested in establishing a gear hub. The space would host bike repair workshops for the community and also provide rentable bike workbenches for individuals. The local New England Mountain Bike Association has been partnering with the Recreation Department on a highly successful youth mountain bike program. They would like to offer a winter bike building and repair program for youth but need a location. This gear hub would provide that location. We will also be exploring a collaborative effort with other local organizations and neighboring land trusts to develop a gear and tool library that would be stored in the facility – allowing for shared use of everything from skis and bikes to chainsaws and other trail building tools across organizations.

We also hope and expect to see the facility become central to recreation in the region. For those heading out for a ski, hike, or bike ride there will be trailhead parking, bathrooms, and a place to fill a water bottle, pump up a tire, and get a trail map. We hope that through the efforts of the East Coast Greenway, Capital to the Coast Trail, and Landing Perimeter Trail, it will not be long before the Landing becomes the bicycle and pedestrian hub at the center of our community. Because the Perimeter Trail will act as a literal hub that commuters and recreators from across the region (and even from as far away as Florida) can use to access the diverse parts of Brunswick, the envisioned facility in the GO district will provide a pivotal stopover.

Finally, the facility will act as a key location for community engagement with conservation and environmental education. Working with CREA, we hope to expand programming to underserved groups and expand citizen science and environmental engagement programming through innovation and partnership. This building is well suited to accommodate such efforts.

These are just some of the initial ideas surrounding this wonderful opportunity. Tom Wright has been working for a decade to establish community-focused efforts on the Landing. In his purchase of this building and providing the opportunity to BTLT and other community groups to develop an environmental resource center, he has provided an incredible opportunity to both fulfill the vision as outlined in the Landing's Master Reuse Plan, as well as to establish something unique, needed, and of exceptional value to our community.

Sincerely,



Nikkilee (Lee) Cataldo

Director of Programs

Brunswick-Topsham Land Trust

ITEM 22  
BACKUP

# Memo

To: John Perreault, Chair, Brunswick Town Council  
Members of the Brunswick Town Council  
John Eldridge, Town Manager

From: Thomas M. Farrell, Director of Parks and Recreation

Date: February 13, 2020

Re: ***Proposed Kate Furbish West Trail Access Improvements***

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The Parks and Recreation Department is in the process of clearing trail alignments on the Kate Furbish Preserve property to allow for an approximate seven mile long trail system. Portions of the newly cleared section of the overall system are currently receiving significant use by the public.

A key piece of this work includes development of a formal access point to the Kate Furbish trail system that is located on the western side of Harpswell Sound, which originates at Merriconeag Road near the first tee at the Mere Creek Golf Course. Please see attached map.

This connection is part of an overall perimeter trail system at Brunswick Landing that was first identified in the 2007 Brunswick Local Reuse Authority's Reuse Master Plan for the Brunswick Naval Air Station. Additionally, this trail access point was subsequently identified as a priority need in the 2013 Town Council adopted Recreation Trails and Open Space Plan for those public benefit properties conveyed to the Town of Brunswick by the U.S. Navy via the U.S. Department of the Interior.

In the fall of 2018 the Brunswick Town Council authorized the Town Manager to execute a trail easement with the Mid Coast Regional Redevelopment Authority (MRRA) allowing for development of a twelve-foot wide trail within a fifty-foot wide corridor to provide the town with access from Merriconeag Road across MRRA property to the town owned Kate Furbish West property. A copy of the easement and associated mapping is also included for your review.

Subsequent to obtaining the easement from MRRA in 2018 the town then filed applications with the U.S. Army Corps of Engineers and the Maine Department of Environmental Protection for development of the overall trail system.

Approvals from both entities were received in the spring of 2019 with the restriction that no removal of trees greater than four inches in diameter at breast height could be removed between the dates of April 1<sup>st</sup> and October 30<sup>th</sup>. Clearing of the trail system began on November 1<sup>st</sup>, 2019 and continues today.

We are now at the point where the Town has advised MRRA and the leasee of the Mere Creek Golf Course of its intent to construct the trail access point at Merriconeag Road to provide safe access to the Town's Kate Furbish West trail system. The trail improvements will include removal of existing trees and chain link fencing at the site along with installation of a new eight foot high protective cedar fence, wooden guardrail, new tree plantings and a trailhead kiosk.

The cost of these proposed improvements is detailed in the accompanying cost estimate and also depicted on the accompanying map, both of which were considered by the Recreation Commission at its meeting last evening. Commissioners voted unanimously to recommend that the Town Council consider releasing development impact fees from the recreation impact fee account in the amount of \$47,000 to complete this work.

An order authorizing the release and appropriation of these funds by the Town Council would allow for the tree removals to take place while the ground is still frozen, minimizing damage to the landscape in this area. The balance of the trail construction, new fence, guardrail, trees and kiosk installation would take place this spring.

I will be in attendance at your meeting on Tuesday February 18, 2020 to answer questions you may have pertaining to this proposed work.

**TOWN OF BRUNSWICK, MAINE  
TOWN COUNCIL**

**A Resolution Authorizing an Appropriation of \$47,000 from Recreation Impact Fees for the Purpose of Funding Costs of the Development and Construction of a Shared-Use Path Connecting Merriconeag Road to the Kate Furbish Preserve**

**WHEREAS**, on June 17, 2013, the Town Council adopted the Recreation, Trails and Open Space (RTOS) Management Plan (Plan) for the Kate Furbish Preserve on the former Brunswick Naval Air Station; and

**WHEREAS**, the Plan outlines a system of trails to be constructed by the Town on the Kate Furbish Preserve (“Trail”), including a connecting trail through an easement from Merriconeag Road to the town-owned Kate Furbish Preserve; and

**WHEREAS**, the Town has identified a project to re-align a 200 foot section of the shared-use path connecting Merriconeag Road to the Kate Furbish Preserve (the “Project”); and

**WHEREAS**, in accordance with the Army Corps of Engineers and Maine Department of Environmental Protection permits, as well as ground conditions, the tree work portion of the Project must be completed during the winter; and

**WHEREAS**, the Director of Parks and Recreation and the Public Works Director have estimated that the Project would cost \$47,000; and

**WHEREAS**, pursuant to its ordinances, the Town has collected Recreation Impact Fees through its subdivision and site development review process; and

**WHEREAS**, the Recreation Commission, the Director of Parks and Recreation, and the Town Manager have determined that the use of Recreation Impact Fees to fund the development and construction of the Trail is an appropriate use of those fees; and

**WHEREAS**, the Recreation Commission, at its February 12, 2020 meeting voted to recommend the use of up to \$47,000 of Recreation Impact Fees for the purpose of developing and constructing the Project; and

**WHEREAS**; the Town is required to appropriate Recreation Impact Fees in order to utilize those funds; and

**NOW THEREFORE, BE IT RESOLVED:**

**Section 1. Appropriation and Expenditure Authorization.** The Town transfers from its Recreation Impact Fee Fund the sum of Forty-Seven Thousand Dollars (\$47,000), and appropriates and authorizes the expenditure of that amount for the development and construction of a shared-use path connecting Merriconeag Road to the Kate Furbish Preserve Trail (the “Project”). The Town Manager is further authorized to expend additional funds to cover costs related to the Project that the Manager determines to be incidental and necessary to complete the Project.

**Section 2. Authorization to Execute Agreements and other Documents.** 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, developing, permitting, and constructing the Project;
- b. any other costs identified in the development and construction of the Project deemed to be costs under generally accepted accounting principles ("GAAP") as determined by the Town's Finance Director.

**Section 4. Other Actions Authorized.** Any actions taken to date by the Town Manager, Parks and Recreation Director, and the Public Works Director in connection with the Project are hereby ratified, confirmed, and approved.

Proposed to Town Council – February 18, 2020  
Adopted by Town Council –

## RECREATIONAL TRAIL EASEMENT

**MIDCOAST REGIONAL REDEVELOPMENT AUTHORITY**, a public instrumentality of the State of Maine established by 5 M.R.S. § 13083-G (hereinafter referred to as "Grantor,") with an address of 15 Terminal Road, Suite 200, Brunswick, Maine 04011, hereby grants as a gift, to the **TOWN OF BRUNSWICK**, a municipal corporation existing under the laws of the State of Maine, with a mailing address of 85 Union Street, Brunswick, Maine 04011 (hereinafter referred to as the "Grantee," which word shall, unless the context clearly indicates otherwise, include the Holder's successors and assigns), in perpetuity, a certain **Trail Easement** pursuant to the Maine Uniform Conservation Easement Act at 33 M.R.S.A. Section 476 et seq., and Sections 170(h), 2031(c), 2522, and 2055 of the Internal Revenue Code, over Grantor's land being located in said Town of Brunswick, Cumberland County, Maine and described in a deed to Grantor from the United States of America, dated June 27, 2012, and recorded at the Cumberland County Registry of Deeds at Book 29754, Page 1. The areas subject to this Recreational Trail Easement (hereinafter the "Trail Corridors") shall be located as depicted in Exhibit A. Trails established within the Trail Corridors shall be no more than twelve (12) feet in width and shall be contiguous with other trails located on land owned by the Town of Brunswick known as the Kate Furbish Preserve.

This grant is made exclusively for conservation purposes, to wit: to provide year-round outdoor recreational opportunities and education for the residents of and visitors to the Town of Brunswick, in particular along a traditional contiguous trail network all in accordance with the following provisions:

**TRAIL EASEMENT:** Within the Trail Corridors established hereby, Grantor and its successors and assigns agree to refrain from taking any action to prohibit or discourage or to exact a fee for use by the general public for outdoor recreation and education access. This easement should not be construed to permit mechanized or motorized equipment or vehicles of any nature within the Trail Corridors without the express permission of Grantor, except for trail work and other property maintenance by Grantee and its agents, emergency circumstances, or use of motorized wheelchairs or similar mobility devices for the disabled. This Easement shall also include authority for Grantee, upon reasonable notice to Grantor, to cross other land of Grantor as necessary to access portions of the Trail Corridors for trail construction or to address emergent conditions within the Trail Corridors. Grantor and Grantee have the right to require that public use is conducted in a manner that does not unreasonably disturb plant or wildlife habitat or the quiet use and enjoyment of nearby private property not subject to this Trail Easement. Grantor agrees that no more than a *de minimis* use of the Trail Easement shall be made for commercial outdoor recreation, in accordance with Internal Revenue Code § 2031(c). Grantor and Grantee may mutually consent in writing to relocate trails within the Trail Corridors as necessary and convenient over time to preserve the accessibility or contiguity of trail networks, or to prevent soil erosion and damage to fragile plant communities and wildlife habitat, such consent not to be unreasonably withheld, conditioned, or delayed.

Grantor and Grantee shall have the right to jointly agree to limit, restrict or prohibit public use of the all or any part of the Trail Easement or designated alternative locations, temporarily to assure safety or for maintenance purposes, and indefinitely as necessary or appropriate to achieve the

purposes of this grant. Nothing in this Trail Easement shall be construed as affording the general public access to or use of any portion of the Grantor's property outside of the Trail Corridors. Grantor may allow or prohibit access or use outside of the Trail Corridors at its complete and sole discretion, provided such access or use does not conflict with the purposes of this Trail Easement.

Prior to the construction of, or improvement to, trails within the Trail Corridors, Grantee shall obtain all licenses and permits from local, state, federal, and other regulatory entities as may be required for such work and shall comply with all terms and conditions of such licenses and permits.

Grantor and Grantee, and their respective successors and assigns, claim all of the rights and immunities against liability for injury to the public to the fullest extent of the law under Title 14 M.R.S.A. Chapter 741 (the Maine Tort Claims Act) and 14 M.R.S.A. Section 159-A, et seq. as amended and successor provision thereof (the Maine Recreational Use Statute), and under any other applicable provision of law and equity.

**HOLDER'S RIGHTS:** Grantee, its authorized representatives, successors, or assigns, are granted the right to enter the land of Grantor described above and the trails thereon, at any reasonable time and in any reasonable manner that is consistent with the conservation purposes hereof, including the right to enter over any rights-of-way pertaining to Grantor's land, after making reasonable efforts to notify residents of said premises, for the following purposes:

1. to monument, lay out, establish, maintain or (as limited above) to relocate recreational trails no greater than twelve (12) feet in width within the defined Trail Corridors, contiguous with trails on abutting properties now or hereafter established, including the right to make improvements to trails such as timber steps, boardwalks, fences, railings, and bridges, barriers to discourage prohibited uses, cairns, informational and directional signs, alterations necessary to prevent erosion, and to selectively cut, prune and remove trees and vegetation to maintain proper trail standards and preserve public safety. Grantee has no obligation to exercise this right, and Grantor has a coextensive right to undertake these activities. This right may be delegated or assigned to another entity upon prior written notice to Grantor or its successors or assigns.
2. to inspect the Protected Property for violations of the terms of this Trail Easement, and to enforce the same by actions at law or in equity.

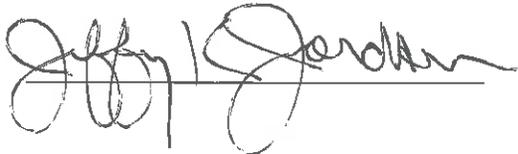
Grantee is also granted the right to assign this Trail Easement, but only to an entity that as a condition of transfer agrees to uphold the conservation purposes of this grant, and satisfies the requirements of Section 170(h)(3) of the Internal Revenue Code, (or successor provisions thereof) and the requirements of Section 476(2) of Title 33 of the Maine Revised Statutes Annotated, as amended (or successor provisions thereof), and the right to its proportional share, as calculated in accordance with Federal Treasury Regulation 1.170-A-14(g)(6)(2), of the proceeds of any sale or taking of the premises underlying this Trail Easement, should this Trail Easement be extinguished, which may be accomplished only by court order.

Grantee shall not cause any violation of the U.S. Navy's Environmental Restrictions, Provisions and Conditions including the groundwater use and soil disturbance restrictions associated with the Premises. Normal construction and use of a recreational trail according to the terms of this Easement is not considered to be a violation of said Restrictions, Provisions and Conditions.

IN WITNESS WHEREOF, the undersigned, Midcoast Regional Redevelopment Authority, the Grantor, has caused this instrument to be executed and sealed by Steve Levesque, its Executive Director, thereunto duly authorized, as of this 11<sup>th</sup> day of October, 2018.

WITNESS:

MIDCOAST REGIONAL  
REDEVELOPMENT AUTHORITY



Jeffrey K. Jordan  
Print Name

  
Executive Director

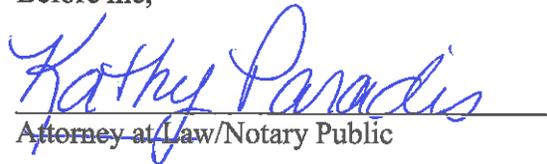
Steve Levesque  
Print Name

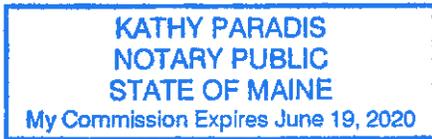
STATE OF MAINE  
COUNTY OF CUMBERLAND, ss.

October 11, 2018

Then personally appeared the above-named Steve Levesque, Executive Director of Midcoast Regional Redevelopment Authority and acknowledged the foregoing instrument to be their free act and deed in their said capacity and the free act and deed of said Midcoast Regional Redevelopment Authority.

Before me,

  
Attorney at Law/Notary Public



\_\_\_\_\_  
Print Name

My commission expires \_\_\_\_\_

HOLDER'S ACCEPTANCE

The above and foregoing Recreational Trail Easement was authorized to be accepted by the Town of Brunswick, Maine, Holder as aforesaid, the said Holder does hereby accept the foregoing Recreational Trail Easement, by and through John S. Eldridge, its Town Manager, hereunder duly authorized, this 10<sup>th</sup> day of OCTOBER, 2018.

WITNESS:

TOWN OF BRUNSWICK, MAINE

[Signature]

[Signature]  
Town Manager

E. Ryan Leighton  
Print Name

John S Eldridge  
Print Name

STATE OF MAINE  
COUNTY OF CUMBERLAND, ss.

10/10, 2018

Then personally appeared the above-named John S. Eldridge, Town Manager of the Town of Brunswick, Maine, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said Town of Brunswick, Maine.

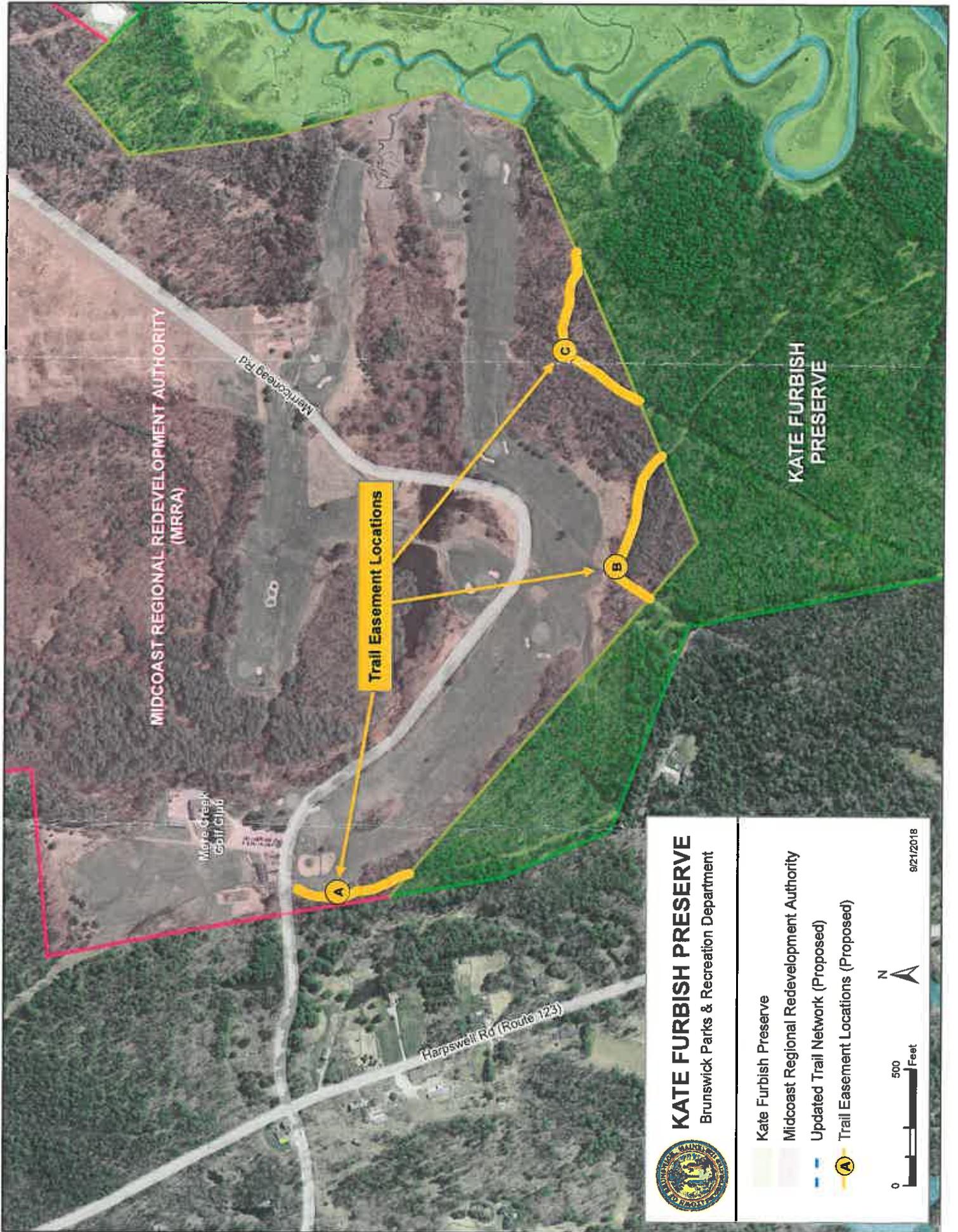
Before me, **Debra L. Blum**  
Notary Public  
State of Maine  
Commission Expires November 16, 2018

\_\_\_\_\_  
Attorney at Law/Notary Public

Debra L. Blum  
Print Name

My commission expires November 16, 2018

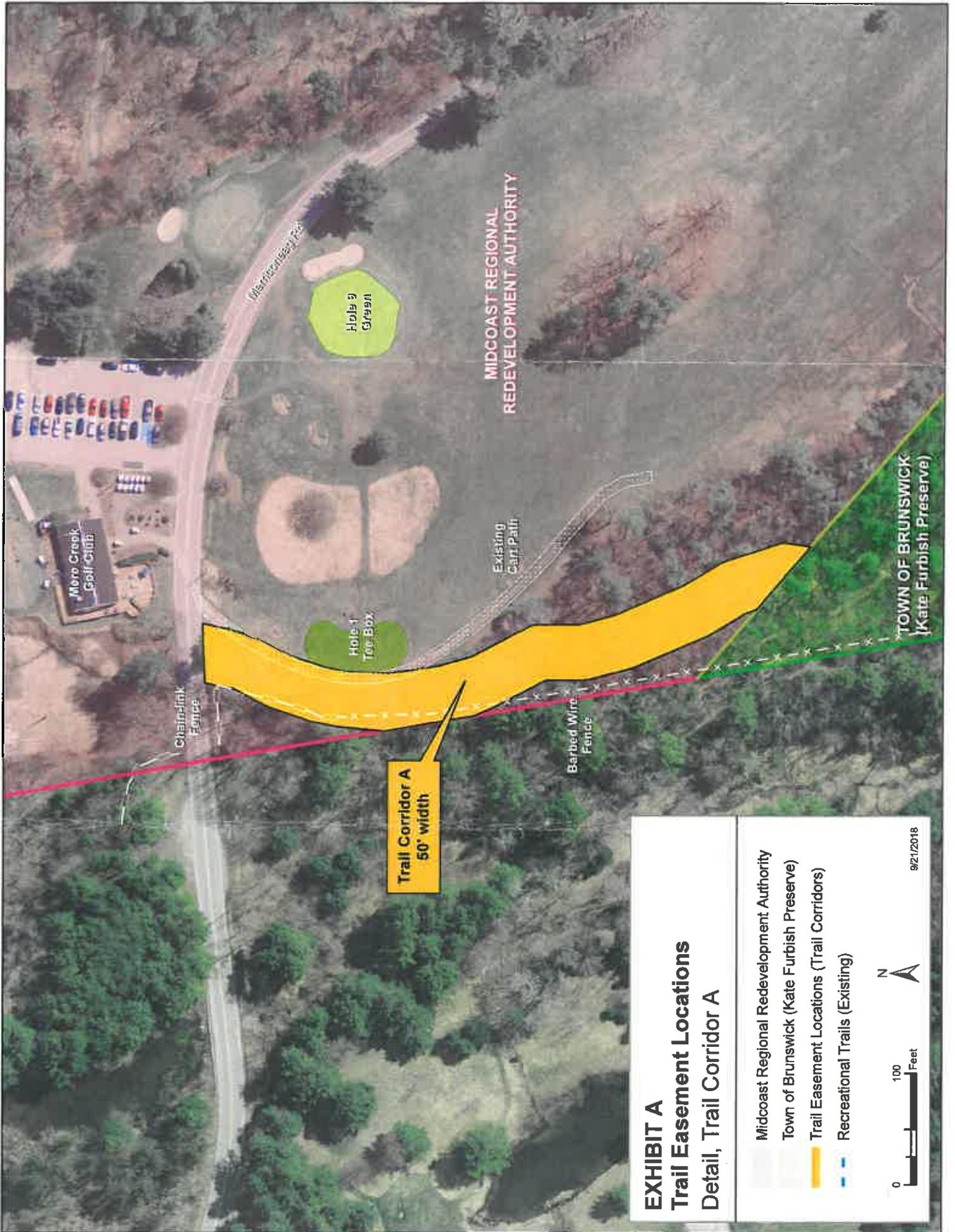
SEAL



**KATE FURBISH PRESERVE**  
 Brunswick Parks & Recreation Department

Kate Furbish Preserve  
 Midcoast Regional Redevelopment Authority  
 Updated Trail Network (Proposed)  
 Trail Easement Locations (Proposed)

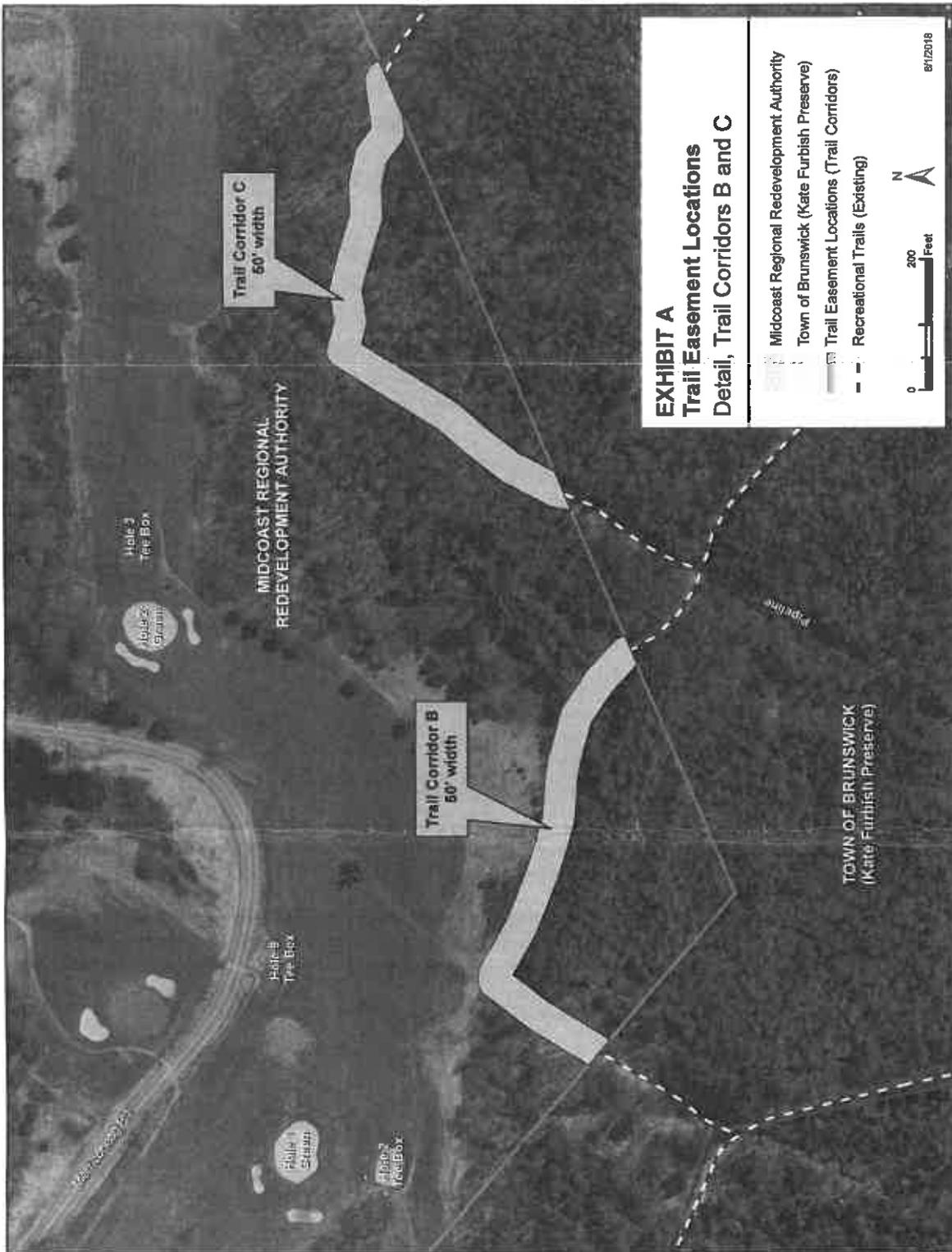
0 500 Feet  
 N  
 9/21/2018



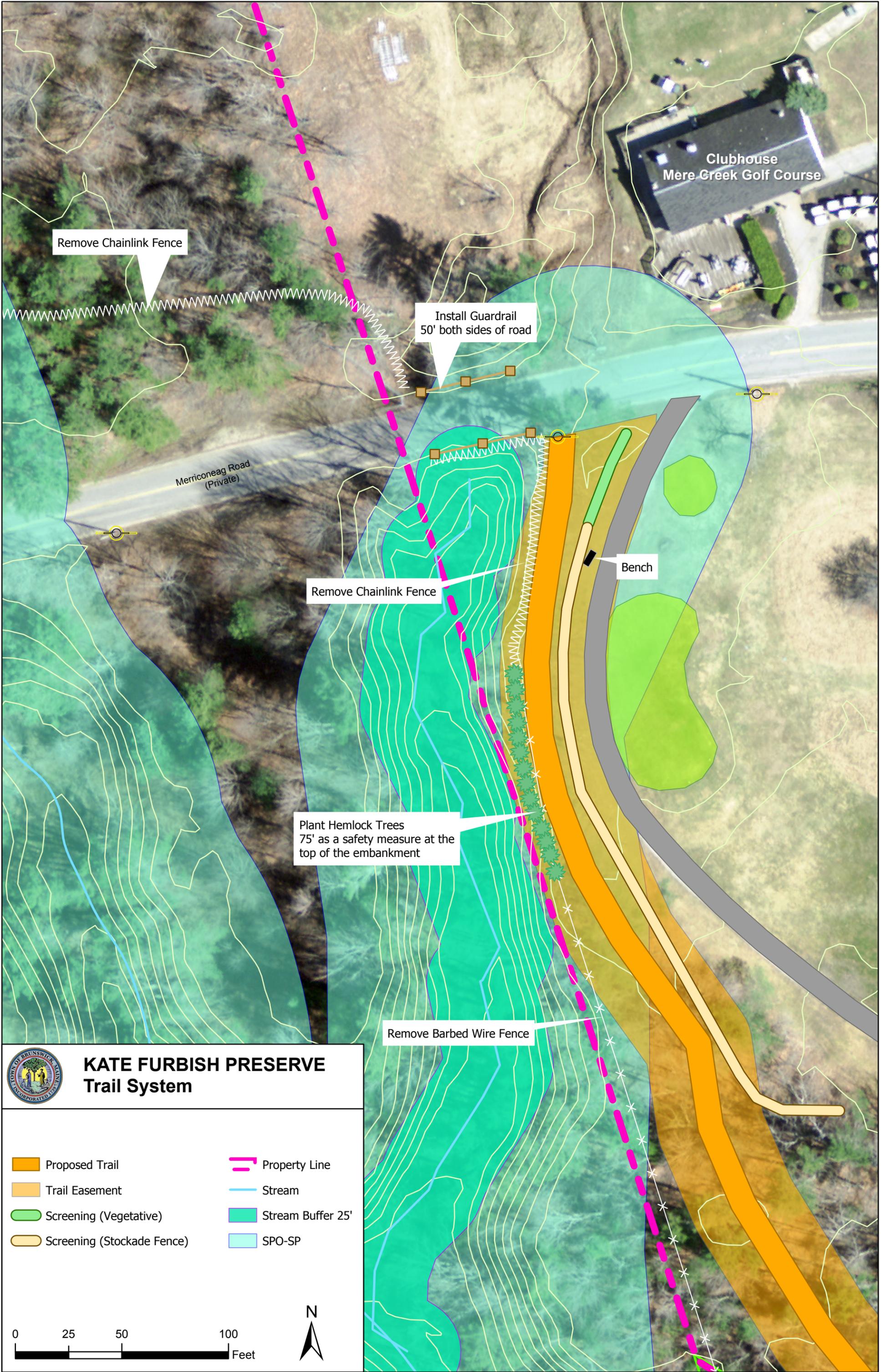
**EXHIBIT A**  
**Trail Easement Locations**  
**Detail, Trail Corridor A**

- Midcoast Regional Redevelopment Authority
- Town of Brunswick (Kate Furbish Preserve)
- Trail Easement Locations (Trail Corridors)
- Recreational Trails (Existing)

N  
  
  
 0 100 Feet  
 9/21/2018



Received  
 Recorded Register of Deeds  
 Oct 22, 2018 03:11:35P  
 Cumberland County  
 Nancy A. Lane



Clubhouse  
Mere Creek Golf Course

Remove Chainlink Fence

Install Guardrail  
50' both sides of road

Merriconeag Road  
(Private)

Remove Chainlink Fence

Bench

Plant Hemlock Trees  
75' as a safety measure at the  
top of the embankment

Remove Barbed Wire Fence



### KATE FURBISH PRESERVE Trail System

- Proposed Trail
- Trail Easement
- Screening (Vegetative)
- Screening (Stockade Fence)
- Property Line
- Stream
- Stream Buffer 25'
- SPO-SP



# MARRA TRAIL EASEMENT

## Cost Estimate for Improvements

### Expenses

#### Site Work for Trail

Tree removal			
Labor	15,000	41 mature trees 4" - 32" dbh;	
Trail Construction			
Material	2,269	To 12' width; 4" crushed 1 1/2" minus overlaid with 3" of crushed 1/4" minus; trail and shoulder	
Labor	3,500	Seven days @ \$500	
Removal of chainlink fence			
Labor	500	1 day @ \$500	
Vegetative barrier along hilltop			
Material	1,500	15 Eastern Hemlock @ \$100/ea for 3-gal container; distance of 75' with 5' spacing; includes topsoil	
Labor	500	1 day @ \$500	
Guard rail			
Material	1,231	100' of guard rail roadside	
Labor	1,500	Three days @ \$500	
Kiosk			
Material	5,000		
Labor	500	1 day @ \$500	

#### Screening of Golf Course

Vegetative barrier			
Material	1,000	10 Eastern Hemlock @ \$100/ea for 3-gal container; distance of 50' with 5' spacing; includes topsoil	
Labor	500	1 day @ \$500	
Fence			
Material	21,000	8' high solid stockade; distance of 300' per 8' section cedar board panel dog ear installed	

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**54,000**

(7,000) Savings from using internal staff for labor (excluding tree work and fence installation)

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**47,000**

ITEM 23  
BACKUP

# Town of Brunswick, Maine

OFFICE OF THE TOWN MANAGER

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## MEMORANDUM

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**TO:** Town Council

**FROM:** John Eldridge  
Town Manager

**DATE:** February 12, 2020

**SUBJECT:** Impact Fee Ordinance

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The Town of Brunswick has levied impact fees on projects subject to site development or subdivision review since the 1980s. The Town has long recognized the need to have a more comprehensive and cohesive approach to the calculation and imposition of these fees. However, with the Zoning Ordinance Re-write Committee (ZORC) process that culminated in 2017, only recreation impact fees were addressed in a substantive way in the new ordinance.

Attached is a draft impact fee ordinance that establishes a uniform framework for the calculation, assessment, and use of impact fees going forward. This draft specifies general conditions that would apply to all impact fees. When new fees are deemed necessary, those fees would be added as separate articles in an impact fee ordinance. Ultimately, this ordinance would include all impact fees levied by the Town, meaning that the recreation impact fee would be removed from the Zoning Ordinance and inserted in the new ordinance. We think this modular approach to the ordinance will offer the Town Council the opportunity to assess the policy and budgetary implications of projects funded with impact fees.

The draft ordinance leaves the recreation impact fee in the Zoning Ordinance for now and incorporates it by reference. It also calls for the establishment of a new fee related to traffic impacts associated with development in the Cook's Corner area. Our hope is that infrastructure improvements can be accomplished by a combination of impact fees, tax increment financing (TIF) funds, grants and other sources. The fee ultimately assessed could be determined once a capital improvement project and the appropriate shares are identified. With funding the Town Council approved last year, we have already begun some initial planning in coordination with the Maine Department of Transportation (MDOT). The proposed fee would be derived from those efforts.

We would like to discuss this concept with the Town Council, and if the Council deems it appropriate, would recommend that a future public hearing be set to consider the ordinance.

Attachment

Impact Fee Ordinance (DRAFT)

# Town of Brunswick, Maine

## Impact Fee Ordinance

### Chapter 20 – IMPACT FEES

#### ARTICLE I – GENERAL PROVISIONS

##### Sec. 20-101. Title.

This chapter shall be known and cited as the Impact Fee Ordinance of the Town of Brunswick, Maine (“Impact Fee Ordinance”).

##### Sec. 20-102. Authority.

The Town adopts this ordinance pursuant to the Charter of the Town of Brunswick, Maine and the authority granted in 30-A M.R.S.A §3001 and §4354.

##### Sec. 20-103. Purpose.

- a. The purpose of this ordinance is to ensure that new development or activities in the Town of Brunswick will bear a proportional or reasonably related share of the cost of new, expanded, or modified improvements necessary to service the needs resulting from the new development or activity. New development or activities may be required to contribute to the cost of improvements through either:
  1. the payment of impact fees, or
  2. the construction or acquisition of the improvements.
- b. Nothing in this ordinance may be construed to prohibit the Town, acting pursuant to the appropriate authority and finding that a proposed development or activity results in the need for a capital improvement(s), from requiring an applicant or property owner to construct or acquire the capital improvement(s).

##### Sec. 20-104. Definitions.

Unless otherwise defined herein, the terms used in this ordinance shall have the same meaning as defined in the Zoning Ordinance of the Town of Brunswick (“Zoning Ordinance”).

- a. Capital Improvement - is a developed, constructed, or acquired capital asset having a useful life greater than one year and a cost exceeding \$5,000. It includes items that are part of a larger network or system that when purchased individually may have a cost of less than \$5,000. The term shall be broadly interpreted but shall not include costs of routine maintenance or operational activities. The following costs may be included in the cost of the capital improvement:
  1. Acquisition of the capital improvement or any portion thereof,
  2. Acquisition of land, easements, or buildings,

3. The cost of developing and constructing the improvement including, without limitation, demolition costs, clearing and grading, mitigation costs, property assembly costs, relocation costs, and the cost of any required infrastructure, equipment, and fixtures.
  4. Engineering, surveying, and environmental assessment services directly related to the design, construction, and oversight of the construction of the improvement,
  5. Legal and administrative costs associated with the development, construction, or acquisition of the improvement,
  6. Other costs determined by the licensing or permitting authority, the town manager or the town's finance director to be directly related to the capital improvement or portion thereof,
  7. Debt service costs, to include principal, construction period interest, short-term interest, and long-term interest.
- b. Debt Service – is the repayment of principal and interest on funds borrowed to finance the capital improvement or portions thereof. It shall also include the cost of repaying the principal and interest of any advances, or internal borrowing or financing.
- c. Licensing or Permitting Authority – is the person, board, commission, or agency authorized by law, policy, or other authority, to issue a license or permit related to any activity that requires a license or permit. It includes, but is not limited to, the town council, planning board, and codes enforcement officer(s).

Sec. 20-105. Applicability.

- a. Any activity, development, construction, or change of use shall be subject to one or more of the fees as further described in this Impact Fee Ordinance.
- b. The impact fee levied shall be based on the fee in effect at the time an application is deemed complete by licensing or permitting authority.

Sec. 20-106. Calculation of Impact Fees.

- a. Impact fees shall be calculated in accordance with the formula(s) prescribed in this ordinance.
- b. Credit for Existing Use – In fee on an expansion of an existing activity or use, shall be calculated only on the expansion.
- c. Credits for Change of Use - In calculating the fee for changes of use, credit shall be given for the fee that would have been charged had the existing use been charged a fee. If the credit is greater than the calculated fee for the new use, no impact fee will be levied. Credits are not transferable to other properties in the same ownership as the applicant for the change of use. No credit shall be given for uses which have been discontinued for longer than one (1) year.
- d. Other Credits – Impact fees are levied to provide the capacity to serve new developments or activities. Credits may be given when the applicant demonstrates that the applicant has independently provided for the capacity associated with the fee, but only when the applicant demonstrates, to the satisfaction of the licensing or permitting authority, that the

applicant has a binding and non-revocable agreement for the capacity equal to the service capacity and life expectancy of the improvement that would be financed by the impact fee.

Sec. 20-107. Assessment of Fees.

- a. Applicant or Owner. Impact fees, as required by this ordinance, shall be assessed to the license or permit applicant or to the owner of the property at the time a license or permit application is deemed complete by the licensing or permitting authority.

Sec. 20-108. Payment of Impact Fees.

The required impact fee(s) shall be paid to the Town of Brunswick at the office of the treasurer. The impact fee shall be paid prior to the issuance of any building, plumbing, or any other license or permit required for the activity subject to the fee.

Sec. 20-109. Impact Fee Accounts

All impact fees collected under the provisions of this ordinance shall be segregated and accounted for in separate impact fee accounts designated for the particular capital improvements.

Sec. 20-110. Use of Impact Fees

Impact fees collected under this ordinance shall only be used to pay for the capital improvement, or the debt service related to those improvements, specifically associated with the fee as further described in this chapter. No portion of the fee shall be used for routine maintenance or operational activities.

Sec. 20-111. Refund of Impact Fees

Impact fees collected in accordance with this ordinance shall be refunded in the following cases:

- a. If the license, building, or other permit, is surrendered or lapses without commencement of construction, the permit holder or developer shall be entitled to a refund, without interest, of any impact fee paid in conjunction with that project. A request for a refund shall be made in writing to the Town within ninety (90) days of the lapse or the expiration of the permit.
- b. Any fees collected that are not spent or obligated by contract for the specified acquisitions or improvements within ten (10) years from the date the fee was paid shall be returned to the current owner of the property for which the fee was paid.

Sec. 20-112. Modification of Impact Fees

The licensing or permitting authority may waive the payment of a required impact fee, in whole or in part, if it finds that:

- a. The developer or property owner who would otherwise be responsible for the payment of the impact fee voluntarily agrees to construct the improvement for which the impact fee would be collected, or an equivalent improvement duly approved by the Town and for which a performance guarantee equal to 125 % of the estimated cost, as determined by the Town, is provided in a form satisfactory to the Town. The performance guarantee shall be

adjusted annually to account for construction inflation and to reflect portions of the project that are completed, and to reflect a new estimate of the cost remaining to complete the improvement. Unless an extension is approved by the Town Manager, all improvements must be completed within ten (10) years.

- b. The developer or property owner is required, as part of a development approval by the Town, or a state or federal agency, to make or to pay for infrastructure improvements that are of the same nature as the improvements to be funded by the impact fee.

#### Sec. 20-113. Review and Revision of Impact Fees

The Town shall periodically review each impact fee established under this ordinance. If the Town finds that the anticipated cost of the improvement has changed or that the identification of developments subject to the fee is no longer appropriate, the Town may consider changes in the impact fee. Any changes adopted by the Town as a result of such review shall apply to all future development, but shall not be applied retroactively to projects that have already paid an impact fee.

#### Sec. 20-114. Severability

Should any section or provision of this ordinance be determined in court to be unconstitutional, invalid, or unenforceable, such determination shall not affect the validity of any other portion of the ordinance or the remainder of the ordinance as a whole.

## ARTICLE II - RECREATION IMPACT FEES

### Sec. 20-201. General Standard

As required by the Zoning Ordinance of the Town of Brunswick, new dwelling units shall pay a recreation facilities impact fee or reserve land for recreational use to avoid the creation of additional burdens on the Town's ability to provide recreational services.

## ARTICLE III – SOLID WASTE IMPACT FEES

### Sec. 20-301. General Standard

The Town of Brunswick is currently collecting a solid waste impact fee from applicants to be used for capital improvements already constructed at the Graham Road Landfill. The Landfill is currently scheduled to be closed beginning in May of 2021 and as a result, the assessment of the Solid Waste Impact Fee shall end on May 1, 2020.

## ARTICLE IV – COOK'S CORNER TRANSPORTATION CORRIDOR ROADWAY IMPACT FEE

### Sec. 20-401. General Standard

This ordinance shall apply to all new development seeking subdivision or site plan approval, the expansion of previously approved subdivisions or site plans, all new extractive industry operations, and to any change in use requiring site plan approval when the proposed development, whether located within or outside the Cook's Corner Transportation Corridor, generates additional traffic to the Cook's Corner District. For the purposes of this ordinance the Cook's Corner Transportation Corridor shall be defined as:

- Bath Road from Merrymeeting Plaza to Medical Center Drive
- Gurnet Road from Bath Road to Landing Drive

### Sec. 20-402. Specific Standards

Any person who seeks a permit or approval for any development, activity or use described in Section 20-401 of this Ordinance is hereby required to pay a road impact fee in the manner and amount set forth in this ordinance.

The following development and construction shall be exempt from this ordinance:

- a. Alterations or expansions of an existing building which do not result in the generation of additional vehicle trips.
- b. Construction of accessory buildings or structures which do not generate additional vehicle trips.
- c. The replacement of a building or structure destroyed or damaged by fire, flood or natural disaster, with a new building or structure of the same size or use which does not generate additional vehicle trips.

Preliminary determinations regarding whether a proposed development will generate traffic within Cook's Corner shall be made by the town engineer. Actual traffic generation, impacts, and the corresponding fee shall be determined through a traffic analysis (in accordance with Section 20-

403 of this ordinance), which may accompany a more comprehensive traffic impact study depending on the scope of the development, prepared by a Licensed Professional Engineer with significant experience in traffic engineering and to be paid for by the developer. This traffic analysis shall be reviewed and approved by the town engineer and shall be incorporated into the review and approval of a development project by the Planning Board, or the Planning Department when applicable.

#### Sec. 20-403. Impact Fee Calculations

An impact fee shall be applied to development projects located in whole or in part within the Town of Brunswick that generate additional traffic within the Cook's Corner Transportation Corridor. This impact fee is structured to be in proportion to the development project's share of infrastructure costs necessitated by the development. The process for this impact fee calculation is as follows:

- a. As per Section 20-402 above, a traffic analysis shall be conducted by a Licensed Professional Engineer with significant experience in traffic engineering in order to determine the traffic impact, and requisite impact fee total, as measured by additional vehicle trips to be generated by a development project that passes through the Cook's Corner Transportation Corridor in the P.M. peak commuter hour.
- b. The impact fee calculation for individual development projects shall use generally accepted standards, such as the most current Institute of Transportation Engineers "Trip Generation" Handbook of traffic generation data or estimates from field measurements or data collected at similar development types, and shall be based on the P.M. peak commuter hour of traffic (between 3:00 and 6:00 PM on a weekday).
- c. The costs assigned to trips shall be based upon a fee per new trip (a.k.a. primary trip) to be generated by a development project that passes through the Cook's Corner Transportation Corridor within the P.M. peak commuter hour. All new trips that pass through the Corridor, regardless of whether they pass through the Cook's Corner Transportation Corridor, shall be counted as new trips. Other types of traffic associated with a development project, such as the capture of trips passing a site (a.k.a. pass-by trips) or trips in the area that are rerouted (a.k.a. diverted trips) shall not be utilized in the assessment.
- d. The fee determination shall be based on the following:
  1. For any development requiring subdivision review, site plan review or other Planning Board review, the Town engineer shall determine the total impact fee for the development calculated pursuant this Article, and then shall establish a payment schedule which apportions the impact fee to component parts of the development based on the estimated trip generation for each component part. Depending on the nature of the development, a component part may be a lot, a building, a dwelling unit (as defined in the Brunswick Zoning Ordinance), a unit of occupancy (as defined in the Brunswick Zoning Ordinance), or some combination thereof. The payment schedule shall specify the portion of the impact fee attributable to each component part and the point during the construction of the development at which the impact fee for each component part must be paid. The payment schedule shall be incorporated into the Planning Board's written approval document and endorsed on any final plan for the development.

2. For any development not requiring Planning Board review but requiring the payment of an impact fee under this ordinance, the Town Engineer shall determine the impact fee and payment schedule.
3. If, after a development has been approved, changes are proposed which would change the trip generation for the development or a component part of the development, then, on the initiative of the Town or the developer, the impact fee and payment schedule may be recalculated, and such recalculated impact fee and payment schedule shall apply to all subsequent permits issued within the development.

DRAFT

ITEM 24  
BACKUP

# Town of Brunswick, Maine

OFFICE OF THE TOWN MANAGER

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## MEMORANDUM

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**TO:** Town Council

**FROM:** E. Ryan Leighton  
Assistant Town Manager

**DATE:** February 11, 2020

**SUBJECT:** Transit Study Request

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Responding to the continued growth of Brunswick Landing and the diverse populations of the Town that would benefit from access to public transportation, staff has worked with Western Maine Transportation to determine if there are simple route modifications which could be made to the Brunswick Explorer service to provide additional stops on Brunswick Landing. Currently there are only a three regular stops on the Landing. With the explosion of development and the addition of nearly 100 asylum seekers living on the Landing the public outcry for public transportation to various locations on Landing and throughout Town is overwhelming.

Based on our conversations with Western Maine Transportation it was recommended that the Town approach Maine DOT to request funding and assistance with a service study and re-design of the Brunswick Explorer service. Maine DOT invited the Town to develop a scope of work for a Transit Study as well as an independent cost estimate with the expectation the Town would be responsible for funding 20% of the project costs and would manage the project.

Attached please find a DRAFT scope of services which has incorporated Maine DOT's input as well as a project cost estimate developed by the Brunswick Engineering Department. We request the Town Council approve moving forward with this project and authorize the Town Manager to enter into a project agreement with Maine DOT to complete this study.

Please contact me if you have any questions.

**TOWN OF BRUNSWICK, MAINE  
TOWN COUNCIL**

**A Resolution Authorizing a Transit Service Study and Re-Design of Local Bus Service, and  
Authorizing an Appropriation of up to \$20,000 from Available TIF Revenues for the Purpose of  
Funding the Transit Service Study and Re-Design**

**WHEREAS**, responding to the continued growth of Brunswick Landing and the diverse populations of the Town that would benefit from access to public transportation, it has become important to expand the Town's local bus service and add stops on Brunswick Landing; and

**WHEREAS**, in conversations with Western Maine Transportation it was recommended that the Town approach the Maine Department of Transportation (Maine DOT) to request funding and assistance with a service study and re-design of the Brunswick Explorer service; and

**WHEREAS**, Maine DOT invited the Town to develop a scope of work for a Transit Study as well as an independent cost estimate, with the expectation the Town would be responsible for funding 20% of the project costs and would manage the project; and

**WHEREAS**, the Town Engineer has developed a scope of work, and estimates the total cost of the Transit Study at \$98,180, 20% of which would be approximately \$20,000; and

**WHEREAS**, the use of Tax Increment Financing ("TIF") revenues from the Downtown Development and Transit-Oriented TIF District would be allowed for this purpose;

**NOW THEREFORE, BE IT RESOLVED:**

1. The amount of \$20,000 is appropriated from available TIF revenues for the purpose of funding a transit service study and re-design of local bus service (the Project).
2. The acceptance and use of grant funding from Maine DOT is hereby authorized and appropriated as needed to finance the costs of, and facilitate the Project, and the Town Manager is authorized to enter into a project agreement with Maine DOT to complete the Project.
3. 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.

Proposed to Town Council: February 18, 2020

Approved by Town Council:



# Town of Brunswick, Maine

INCORPORATED 1739

OFFICE OF THE TOWN MANAGER

85 UNION STREET

BRUNSWICK, MAINE 04011-2418

TELEPHONE 207-725-6659

FAX 207-725-6663

February 11, 2020

Ms. Lori Brann  
Transit Program Coordinator  
Maine Department of Transportation  
Bureau of Planning  
16 State House Station  
Augusta, ME 04333-0016

Re: Town of Brunswick Transit Study Request

Dear Ms. Brann,

Per your request, please find below a draft scope of services for your review to be included in a request for proposal for a transit study to be completed for the Town of Brunswick. Also, please find attached for your review a cost estimate for the study.

## **Background**

Western Maine Transportation currently operates the Brunswick Explorer, a flex-route transit system, servicing the Town of Brunswick. The Brunswick Explorer provides public transit service throughout Brunswick with buses running hourly, Monday through Friday from 7:00 a.m. to 4:45 p.m.

The Brunswick Explorer is a public-private partnership with funding provided by the Federal Transit Administration, Maine DOT, the Town of Brunswick and other local partners including Sweetser, and the Brunswick Housing Authority.

The Brunswick Explorer arose out of the work of the Midcoast Collaborative for Access to Transportation (MCAT). MCAT was started in 2003 when Independence Association, a non-profit provider of services for the developmentally disabled, applied for a grant from The Muskie School at USM to initiate a community based effort to bring citizens to the table to look at transportation needs of all. The first and most important activity was to gather together a group of service providers, other local agencies, municipal planning officers, and interested individuals to talk about how to improve access to transportation in the greater Brunswick area.

The Brunswick Explorer is operated by Western Maine Transportation Services (WMTS). WMTS is a nonprofit 501(c)(3) public transportation corporation established by statute in 1976.

Brunswick Explorer ridership for the last three years is as follows:

2017	21,277
2018	23,391
2019	22,122

Other public transportation in the region is as follows:

- Metro Breez provides regularly scheduled daily services to and from Brunswick to Portland with connections in Freeport and Yarmouth.
- Concord Coach Lines provides regularly scheduled daily services to and from the Brunswick Visitor Center as part of its Midcoast Route.
- Amtrak Downeaster provides five daily service trains to and from Brunswick seven days a week.
- Bath CityBus provided regularly scheduled daily services from 8:00 am to 5:30 pm. There are two service regions in town: the north loop, serving areas north of Route 1 and the south loop, serving areas south of Route 1.

### **Objective**

The current system design concept, routes, schedules, operating days and times, and flag stop configuration has been generally unchanged since the inception of the Brunswick Explorer. The goal of the study is to determine the most efficient and effective manner of managing and operating the system in order to enhance reliability and accessibility for all riders, limit the time required to travel between important origin and destination points to the extent practicable, and provide service in geographical areas on days and times with the highest demand for transit service.

This study shall evaluate the current overall system design and operations, and identify opportunities for improvements and/or system design changes that will create a framework for short-range and long-range strategic plans aimed at managing and operating the system in the most efficient and effective manner. The study shall address internal and external factors influencing the use of public transit, including, locations of populations needing service, parking supply, policy, fares, schedules, route design, amenities, marketing, development, etc while taking into account reasonable available state and federal funding available for any changes in transit services

The consultant shall provide recommendations regarding program goals and objectives, expanding and/or enhancing operations/service design, capital improvement planning,

funding models for various scenarios for expanded and enhanced service, management structure, partnership opportunities for connecting with other public transportation services coming into the area, marketing, and any related policy and procedure issues. This element shall also illustrate how the system can grow and be a viable and leading travel alternative of choice in the Brunswick area under both a fiscally constrained model, as well as under a funding model that would sustain the full implementation of the consultant's recommendations for service design and operation changes.

### **Scope of Services**

The consultant shall, at a minimum, perform the following tasks, which will result in a work plan to be included as part of the ultimate contract agreement.

#### *Public Participation and Community Stakeholder Involvement*

- Consultant shall hold at least one public stakeholder forum to launch the study, discuss the process and solicit input from the public.
- Consultant shall facilitate two public meetings. One to present the interim report and solicit public comment and one to present the final report.
- Consultant shall maintain and administer a project web page for the purposes of public outreach and participation. The service shall include a minimum of two outreach surveys and information distribution prior to each of the public meetings.
- Consultant shall meet with the Study Team, established by the Town of Brunswick, at key intervals of the study process and solicit input in the development of goals and recommendations.

#### *Examine and Analyze Demographics and Service Area*

- Conduct an analysis of the demographics in the Brunswick Explorer service area to include connectivity with Brunswick Landing which is experiencing significant growth in commercial and residential development and occupancy.
- Identify public transit demand (i.e., employment centers, medical facilities, educational institutions, human service agencies, housing developments, retail and food establishments, and civic, social, and religious organizations, etc.)

#### *Examine and Analyze Existing Service and System Design*

The consultant shall review past transportation studies, policies, and reports on the Brunswick Explorer system. The study will examine existing service and system design, identify gaps and opportunities for enhancements, as well as identify areas where efficiencies in processes and procedures can be realized. Peer system comparisons shall be included.

The consultant shall examine and analyze existing services, which at a minimum shall include:

- Administrative Structure
- Fleet
- Equipment
- Maintenance Plans
- Fare Systems and Fare Programs
- Ridership
- Operating and Capital Funding
- Connectivity to Other Transportation Links in the Region
- Marketing and Advertising Strategy
- Ridership Demand Analysis
- Geographical Areas Served
- Routes and Route schedules
- On Time Performance
- Operating Days and Times
- ADA Complementary Paratransit Service
- Hub and Spoke Pulse Design Concept
- Flag Stop System Public Outreach and Communication

#### *Outcomes and Goals*

The consultant shall develop recommendations that include short, medium and long- range strategies, enhancements, projects and policies, with estimated costs related to:

- System design concept and route configurations
- Service operating hours and days,
- Schedules and Service Frequencies
- Bus stop type and locations.
- Connections to other transportation links within the Brunswick and Midcoast area.
- Administrative and Staffing Structure
- Strategy to Enhance Marketing, Advertising, Public Outreach and Communication Efforts.
- Fare structures and Fare Programs.
- 10-Year Capital Improvement Plan with schedules and cost estimates for replacement, expansion and introduction of new technologies which includes, at a minimum, the following elements:
  - Buses
  - Bus Shelters/Stop
  - Bus Hubs/Transfer Stations
  - Information Systems
  - Other Technologies
  - Cost Neutral Improvements

- 5-Year Financial Plan projecting operating costs and revenues on an annual basis for each proposed service change and for proposed capital improvements.

The consultant shall also provide industry standards and best practice guidance related to:

- Attracting and Retaining Ridership
- Transit equipment needs and maintenance Practices
- Management and Administrative Structure
- Transit Marketing and Advertising
- Fare Structure and Fare Programs
- Public Involvement and Outreach Practices
- Financial and Capital Planning

### **Schedule**

The project shall be completed by August 31, 2020. Respondents may suggest alternative schedules.

Please contact me if you have any questions.

Sincerely,

E. Ryan Leighton  
Assistant Town Manager

## CONSULTANT COST PROPOSAL FORM

**Consultant Name:** \_\_\_\_\_  
**Project Title/Location:** Brunswick Explorer Transit Study  
**MaineDOT WIN:** N/A

**Date:** January 28, 2020  
**Contact Name:** Ryan Leighton  
**Contact e-mail address:** [leighton@brunswickme.org](mailto:leighton@brunswickme.org)

Consultant Positions =>

		Project Manager	Senior Transportation Planner	Transportation Planner	Senior Transportation Engineer	Transportation Engineer	CAD Operator	Admin			TOTAL
#	Task Descriptions	Hours	Hours	Hours	Hours	Hours	Hours	Hours	Hours	Hours	Hours
	<i>Public Participation and Community Stakeholder Involvement</i>										0.00
1	Public kick off meeting	4.00	4.00		4.00		2.00	2.00			16.00
2	Two public meetings (X2)	10.00	10.00		10.00		5.00	5.00			40.00
3	Stakeholder meetings (X5)	25.00	25.00	25.00	25.00	25.00	20.00	20.00			165.00
4	Project Webpage/Survey/Outreach	2.00	2.00	10.00	2.00	10.00	5.00	20.00			51.00
	<i>Examine and Analyze Demographics and Service Area</i>										0.00
5	Demographic analysis	2.00	5.00	20.00	2.00	10.00	4.00	2.00			45.00
6	Demand analysis	2.00	5.00	20.00	2.00	10.00	4.00	2.00			45.00
	<i>Examine and Analyze Existing Service and System Design</i>										0.00
7	Review of existing service	2.00	5.00	20.00	2.00	10.00	4.00	2.00			45.00
	<i>Outcomes and Goals</i>										0.00
8	System design/reconfiguration	2.00	2.00	10.00	4.00	20.00	10.00	4.00			52.00
9	Service hours/schedule	2.00	2.00	10.00			2.00	2.00			18.00
10	Bus stop locations and connectivity	2.00	2.00	10.00	2.00	10.00	4.00	4.00			34.00
11	Admin/Staffing structure	2.00	2.00	10.00				2.00			16.00
12	Marketing	2.00	4.00	20.00			10.00	20.00			56.00
13	Fare structure	2.00	4.00	20.00				2.00			28.00
14	10 Year capital improvement plan	2.00	4.00	20.00	2.00	10.00	10.00	20.00			68.00
15	5 Year financial plan	2.00	2.00	10.00	2.00	10.00		2.00			28.00
16	Best Practices and Outreach	2.00	2.00	20.00			20.00				64.00
	<b>TOTAL HOURS</b>	<b>65.00</b>	<b>80.00</b>	<b>225.00</b>	<b>57.00</b>	<b>115.00</b>	<b>100.00</b>	<b>129.00</b>	<b>0.00</b>	<b>0.00</b>	<b>771.00</b>
	HOURLY RATE	\$60.00	\$60.00	\$45.00	\$50.00	\$45.00	\$35.00	\$20.00	\$0.00	\$0.00	
	<b>DIRECT LABOR TOTAL</b>	<b>\$3,900.00</b>	<b>\$4,800.00</b>	<b>\$10,125.00</b>	<b>\$2,850.00</b>	<b>\$5,175.00</b>	<b>\$3,500.00</b>	<b>\$2,580.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$32,930.00</b>
	<b>DIRECT EXPENSES</b>										
	Subconsultant 1-List Name	\$0.00	NOTE: This proposal form must be accompanied by: (a) Description of Services; (b) Scope of Work; (c) Insurance Certificates; and (d) Subconsultant Proposal.								
	Subconsultant 2-List Name	\$0.00									
	Mileage (currently \$.44 per mile)	\$1,500.00									
	Postage	\$500.00									
	Printing	\$2,000.00									
	Other	\$0.00									
	Other	\$0.00									
	<b>TOTAL DIRECT EXPENSES =</b>	<b>\$4,000.00</b>									
									Overhead %	160.00%	\$52,688.00
									Profit/Fee %	10.00%	\$8,561.80
									<b>Subtotal =</b>		<b>\$94,179.80</b>
									<b>Total Direct Expenses =</b>		<b>\$4,000.00</b>
									<b>Total Proposed Cost</b>		<b>\$98,179.80</b>

ITEM 25  
BACKUP

# Town of Brunswick, Maine

OFFICE OF THE TOWN MANAGER

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## MEMORANDUM

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**TO:** Town Council

**FROM:** John Eldridge  
Town Manager

**DATE:** February 11, 2020

**SUBJECT:** Assessor – Consent to Appointment

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In accordance with section 302(a) of the Brunswick Town Charter, I request the Town Council's consent to the appointment of Taylor Burns, of Portland, Maine as the Assessor for the Town of Brunswick.

Mr. Burns is currently the Deputy Assessor for the Town of Wells, Maine. Prior to Wells, he worked for the Town of Windham.

Mr. Burns is a Certified Maine Assessor (CMA), a member of the Maine Association of Assessing Officers, and the International Association of Assessing Officers. He is a graduate of Wentworth Institute of Technology with a BS in Architecture.

Attachments  
Position Description

**Town of Brunswick**  
**Position Description**  
**FLSA: Exempt**

**Position Title:** Assessor

**Department:** Assessing

**Reports To:** Town Manager

**GENERAL SUMMARY:**

This is a highly responsible department head position, and a member of the Town's senior management team. Under the general direction of the Town Manager, and in accordance with applicable Maine law, this position is responsible for supervising and conducting the appraisal and assessment of real and personal property for tax purposes and developing the methods and procedures for administrating the assessing program. The incumbent also serves as the Street Addressing Officer and maintains the 911 addressing system.

**ESSENTIAL JOB FUNCTIONS:**

- Develops, implements, directs and maintains a mass appraisal program to appraise all real and personal property for property tax purposes; developing all building cost and land valuation tables as needed.
- Directs or performs the systematic review of all transfers of ownership of real and personal property; developing and carrying out all necessary recordkeeping.
- Directs or completes the annual municipal tax commitment and sets the tax rate in conformance with the budgetary requirements and Maine law.
- Directs the development of changes to the municipality's tax maps considering such information as deeds, boundary surveys, and aerial photographs.
- Directs the preparation of or prepares the annual Municipal Valuation Return and Sales Ratio Study (Turnaround Document) for Maine Revenue Services.
- Directs the design, implementation and evaluation of the department's records management system to facilitate department functions in an effective and efficient manner, and to meet the statutory requirements of the office.
- Reviews all exemption applications and renders a decision under the guidelines of the applicable State laws.
- Reviews and approves all current use classifications (Tree Growth, Open Space and Farmland Classification). Calculates withdrawal penalties.
- Reviews all abatement applications and renders a decision under the guidelines of the applicable State laws and accepted appraisal practices. Maintains accurate records.
- Prepares and presents abatement cases to the Brunswick Board of Assessment Review, the State Board of Assessment Review and Superior Court.
- Meets with taxpayers, interested citizens, municipal officials and professional appraisers or tax consultants to answer questions or provide requested factual data.

- Serves as chief spokesperson for the department, and assumes responsibility for public awareness, media relations, and speaking at community programs.
- Serves as the Street Addressing Officer for and maintains the 911 addressing system.
- Directs the development of, or develops and revises, department policies.
- Reviews, analyzes, and evaluates programs regularly, and makes suggestions for program enhancements/updates. Proactively develops and institutes new programs.
- Directs the day-to-day departmental operations and staff, including, but not limited to: hiring/firing, scheduling, supervision, performance evaluation, coaching and counseling, employee development.
- Prepares departmental revenues and expenditure budgets. Manages departmental appropriations, expenditures, and revenues; anticipates challenges and adjusts accordingly. Reviews and recommends adjustments in application and permit fees.
- Represents the department and the Town of Brunswick before various boards and commissions, including Town Council and Town Manager, and participates in various organizations as a representative of the Town and/or Department as appropriate.
- Serves as a member of the Town's administrative management team by participating in organizational development activities, training, strategic and comprehensive planning, problem-solving and other management programs as needed.
- Consults with and advises the Town Manager on appraisal and valuation issues as requested.
- Maintains personal professional development in own field of expertise by attending related training seminars and actively participating in professional associations.
- Performs other related duties as required.

### **SKILLS/EXPERIENCE/TRAINING REQUIRED:**

- Knowledge of public or business administration or related field equivalent to completion of a 4-year college degree and at least two 2 years of related experience, or equivalent combination of education and experience that allows for the effective performance of the position requirements.
- Certification as a Certified Maine Assessor is required. 36 MRSA § 341
- Knowledge of modern appraisal and assessment principles and practices, and proficiency in the application of various appraisal and costing methods.
- Knowledge of, and proficiency in, interpreting, explaining, and applying federal, state and local law and regulations governing appraisal and tax assessment.
- Experience in the administration of the property assessment office and in mass appraisal of land, buildings and personal property as well as the ability to plan, assign, and supervise the activities of a technical and clerical staff engaged in assessment administration.
- Knowledge and application of personnel management skills, including supervision, performance evaluation, and personnel recruitment, retention, and development. Ability to lead, motivate and direct the activities of department personnel.
- Knowledge of budget preparation and administration, and the ability to effectively prepare and monitor budget allocations and the efficient use of financial resources.
- Skill in the management of complex and long-term projects in order to complete them in a timely, efficient, and effective manner. Skill in establishing priorities, organizing work and developing short-term and long-range plans.

- Excellent customer service skills with the ability to proactively establish and maintain effective working relationships and deal courteously with business executives, vendors, associates, employees, internal departments, federal, state, regional and local agencies, community organizations and the general public.
- Excellent ability to communicate complex ideas and concepts effectively, both orally and in writing, including the ability to prepare and provide clear presentations to a variety of organizations and audiences.
- Excellent ability to develop clear, concise and comprehensive technical reports, correspondence and other written materials;
- Expertise and proficiency in personal computer usage including word processing, database and spreadsheet software (preferably Microsoft Office).
- Knowledge in the use of mass appraisal assessment software, utilizing various costing methodologies. Experience with Vision Appraisal and Marshall Swift is preferred.
- Knowledge of and ability in the use of computer aided drafting software.
- Understanding of the effective use of Geographical Information Systems (GIS) in an assessing environment.
- Knowledge of the federal and state legislative process and ability to keep up to date on legislation.
- Excellent records management skills and the ability to maintain confidentiality.
- Valid Maine Driver's license.

**SUPERVISORY RESPONSIBILITIES:**

Appraisers (2)

**WORKING CONDITIONS/PHYSICAL DEMANDS:**

Frequent periods of moderate physical exertion, requiring ability to walk, stand, bend and crawl. Frequent outside work subject to varying weather conditions. Regularly operates a desktop computer and other office equipment, requiring hand-eye coordination and finger dexterity. Communicates face-to-face and on the telephone while occasionally encountering disruptive circumstances. Frequently involves extended hours and evening meetings. Work involves travel and occasional off-site meetings.

The essential functions listed herein are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of responsibilities does not exclude them from the position if the work is similar, related, or a logical assignment. This job description is subject to change by the Town of Brunswick as the needs of the Town and requirements of the position change.

**\*External and internal applicants, as well as position incumbents who become disabled as defined under the Americans with Disabilities Act, must be able to perform the essential job functions (as listed) either unaided or with the assistance of a reasonable accommodation to be determined by management on a case-by-case basis.\***

SIGNED: \_\_\_\_\_

DATE: \_\_\_\_\_

ITEM 26  
BACKUP

# Town of Brunswick, Maine

OFFICE OF THE TOWN MANAGER

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## MEMORANDUM

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**TO:** Town Council

**FROM:** John Eldridge  
Town Manager

**DATE:** February 12, 2020

**SUBJECT:** LD 900 and LD 2090

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There are two bills working their way through the second session of the Legislature that would make profound changes to the laws regarding collective bargaining with public employees. Current law prohibits public employees from striking. Current law also limits binding arbitration to matters excluding salaries, pensions, and insurance.

### ***LD 900 - An Act To Expand the Rights of Public Employees under the Maine Labor Laws***

LD 900 would allow public employees, including municipal, county and state employees, but excluding public safety employees, to strike pursuant to the official procedures of the employees' organization or under a process in which an affirmative vote to strike is held. The bill specifies the procedures, including notice, that would need to be followed in order to strike.

Currently the bill has been reported out of committee, with amendments, and an "ought to pass" recommendation. Those amendments are not posted on the Legislative website.

### ***LD 2090 - An Act To Amend the Laws Governing Arbitration under Certain Public Employees Labor Relations Laws***

LD 2090 would also cover municipal, county, and state employees. Under current law, when an impasse is reached in collective bargaining negotiations, an arbitrator may be called upon to impose a binding settlement on all subjects of negotiation except salaries, pensions and insurance. LD 2090 would result in binding arbitration on all issues. A similar bill, LD 1177, was passed last year and vetoed by Governor Mills. In her veto letter, Governor Mills correctly pointed out that salaries, pensions and insurance comprise the "lion's share" of most operating budgets. She stated, "To delegate to private binding arbitrators the authority to set those amounts is to forfeit a fundamental function and responsibility of our school boards, city councils, town select boards, boards of trustees and governmental branch leaders." She added, "Forfeiting this responsibility is contrary to the principle of representative democracy that the people through their elected and appointed representatives control the raising and expenditure of public monies."

LD 2090 attempted to deal with some of the budgetary implications of the vetoed bill by allowing a delay in implementing an arbitration decision to an employer's next budget cycle. It would allow public employees, except public safety, to strike if the employer failed to implement the arbitrator's decision.

LD 2090 is still in committee and we have not heard when the committee will schedule the bill of hearing.

***Consideration for Town Council***

Last year, the Town Council voted to notify our legislative delegation that the Council opposed the approval of LD 1177, the bill the Governor ultimately vetoed. I am asking that the Town Council consider sending a similar message this year regarding LD 900 and 2090. If the Council votes to oppose LD 900 and LD 2090, I would ask you to authorize testimony from the Town in opposition to these bills and a letter to the Governor.

Attachments

LD 900  
LD 2090  
Governor Mills's Veto Letter of LD 1177



# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 900

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H.P. 664

House of Representatives, February 19, 2019

### **An Act To Expand the Rights of Public Employees under the Maine Labor Laws**

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Reference to the Committee on Labor and Housing suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative SYLVESTER of Portland.  
Cosponsored by Senator MIRAMANT of Knox and  
Representatives: ALLEY of Beals, COLLINGS of Portland, DOORE of Augusta,  
EVANGELOS of Friendship, FARNSWORTH of Portland, MELARAGNO of Auburn,  
RYKERSON of Kittery, TALBOT ROSS of Portland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 26 MRSA §964, sub-§2**, as enacted by PL 1969, c. 424, §1, is amended to  
3 read:

4 **2. Public employee prohibitions.** ~~Public~~ Except as provided under section 964-B,  
5 public employees, public employee organizations, their agents, members and bargaining  
6 agents are prohibited from:

7 A. Interfering with, restraining or coercing employees in the exercise of the rights  
8 guaranteed in section 963 or a public employer in the selection of his ~~the~~ public  
9 employer's representative for purposes of collective bargaining or the adjustment of  
10 grievances;

11 B. Refusing to bargain collectively with a public employer as required by section  
12 965; ~~or~~

13 C. Engaging in:

14 (1) A work stoppage;

15 (2) A slowdown;

16 (3) A strike; or

17 (4) The blacklisting of any public employer for the purpose of preventing ~~it~~ the  
18 public employer from filling employee vacancies.

19 **Sec. 2. 26 MRSA §964-B** is enacted to read:

20 **§964-B. Authorized strikes**

21 **1. Authorization to engage in a strike.** A public employee, except for an employee  
22 whose duties include protecting public safety, a public employee organization, an agent  
23 of a public employee or public employee organization, a member of a public employee  
24 organization or a bargaining agent of a public employee or public employee organization  
25 may engage in a strike and a public employee organization may authorize a strike of the  
26 members of the organization pursuant to the following procedures:

27 A. The membership of a public employee organization or unit of a public employee  
28 organization that is affected by the issue for which the strike is called must conduct a  
29 vote of a majority of members;

30 B. Upon an affirmative vote in paragraph A, the public employee organization or  
31 unit of the public employee organization shall deliver to the public employer of the  
32 employees voting to strike or the employer's agent a notice of the intent to strike and  
33 state the date upon which the strike will begin and the date upon which the strike will  
34 end; and

35 C. The public employee organization or unit of the public employee organization  
36 sending notice of a strike or public employer receiving notice of a strike under  
37 paragraph B may call for emergency bargaining within 3 days prior to the date upon  
38 which the strike is intended to start.

1           **Sec. 3. 26 MRSA §979-C, sub-§2**, as amended by PL 1997, c. 741, §5 and  
2 affected by §12, is further amended to read:

3           **2. State and legislative employee prohibitions.** ~~State~~ Except as provided under  
4 section 979-T, state and legislative employees, employee organizations, their agents,  
5 members and bargaining agents are prohibited from:

6           A. Interfering with, restraining or coercing employees in the exercise of the rights  
7 guaranteed in section 979-B or the public employer in the selection of ~~its~~ the public  
8 employer's representative for purposes of collective bargaining or the adjustment of  
9 grievances;

10          B. Refusing to bargain collectively with the public employer as required by section  
11 979-D; or

12          C. Engaging in:

13                 (1) A work stoppage;

14                 (2) A slowdown;

15                 (3) A strike; or

16                 (4) The blacklisting of the public employer for the purpose of preventing ~~it~~ the  
17 public employer from filling employee vacancies.

18           **Sec. 4. 26 MRSA §979-T** is enacted to read:

19           **§979-T. Authorized strikes**

20           **1. Authorization to engage in a strike.** A state or legislative employee, except for  
21 an employee whose duties include protecting public safety, a state or legislative employee  
22 organization, an agent of a state or legislative employee or state or legislative employee  
23 organization, a member of a state or legislative employee organization or a bargaining  
24 agent of a state or legislative employee or state or legislative employee organization may  
25 engage in a strike and a state or legislative employee organization may authorize a strike  
26 of the members of the organization pursuant to the following procedures:

27           A. The membership of a state or legislative employee organization or unit of a state  
28 or legislative employee organization that is affected by the issue for which the strike  
29 is called must conduct a vote of a majority of members;

30           B. Upon an affirmative vote in paragraph A, the state or legislative employee  
31 organization or unit of the state or legislative employee organization shall deliver to  
32 the state or legislative employer of the employees voting to strike in paragraph A or  
33 the employer's agent a notice of the intent to strike and state the date upon which the  
34 strike will begin and the date upon which the strike will end; and

35           C. The state or legislative employee organization or unit of the state or legislative  
36 employee organization sending notice of a strike or state or legislative employer  
37 receiving notice of a strike under paragraph B may call for emergency bargaining  
38 within 3 days prior to the date upon which the strike is intended to start.

1           **Sec. 5. 26 MRSA §1027, sub-§2**, as amended by PL 1989, c. 443, §72 and PL  
2 2003, c. 20, Pt. OO, §2 and affected by §4, is further amended to read:

3           **2. University, academy, community colleges; prohibitions.** University Except as  
4 provided under section 1027-A, university employees, university employee organizations,  
5 their agents, members and bargaining agents; academy employees, academy employee  
6 organizations, their agents, members and bargaining agents; and community college  
7 employees, community college employee organizations, their agents, members and  
8 bargaining agents are prohibited from:

9           A. Interfering with, restraining or coercing employees in the exercise of the rights  
10 guaranteed in section 1023 or the university, academy and community colleges in the  
11 selection of their representatives for the purposes of collective bargaining or the  
12 adjustment of grievances;

13           B. Refusing to bargain collectively with the university, academy and community  
14 colleges as required by section 1026; ~~and~~ or

15           C. Engaging in:

16                   (1) A work stoppage, slowdown or strike; and

17                   (2) The blacklisting of the university, academy or community colleges for the  
18 purpose of preventing them from filling employee vacancies.

19           **Sec. 6. 26 MRSA §1027-A** is enacted to read:

20           **§1027-A. Authorized strikes**

21           **1. Authorization to engage in a strike.** A university, academy or community  
22 college employee, except for an employee whose duties include protecting public safety;  
23 a university, academy or community college employee organization; an agent of a  
24 university, academy or community college employee or a university, academy or  
25 community college employee organization; a member of a university, academy or  
26 community college employee organization; or a bargaining agent of a university,  
27 academy or community college employee or university, academy or community college  
28 employee organization may engage in a strike and a university, academy or community  
29 college employee organization may authorize a strike of the members of the organization  
30 pursuant to the following procedures:

31           A. The membership of a university, academy or community college employee  
32 organization or unit of a university, academy or community college employee  
33 organization that is affected by the issue for which the strike is called must conduct a  
34 vote of a majority of members;

35           B. Upon an affirmative vote in paragraph A, the university, academy or community  
36 college employee organization or unit of the university, academy or community  
37 college employee organization shall deliver to the university, academy or community  
38 college employer of the employees voting to strike in paragraph A or the employer's  
39 agent a notice of the intent to strike and state the date upon which the strike will  
40 begin and the date upon which the strike will end; and

1            C. The university, academy or community college employee organization or unit of  
2            the university, academy or community college employee organization sending notice  
3            of a strike or university, academy or community college employer receiving notice of  
4            a strike under paragraph B may call for emergency bargaining within 3 days prior to  
5            the date upon which the strike is intended to start.

6            **Sec. 7. 26 MRSA §1284, sub-§2**, as enacted by PL 1983, c. 702, is amended to  
7            read:

8            **2. Judicial employee prohibitions.** ~~Judicial~~ Except as provided under section  
9            1284-B, judicial employees, judicial employee organizations, their agents, members and  
10           bargaining agents are prohibited from:

11           A. Interfering with, restraining or coercing employees in the exercise of the rights  
12           guaranteed in section 1283 or the public employer in the selection of its  
13           representative for purposes of collective bargaining or the adjustment of grievances;

14           B. Refusing to bargain collectively with the public employer, as required by section  
15           1285; or

16           C. Engaging in:

17                  (1) A work stoppage;

18                  (2) A slowdown;

19                  (3) A strike; or

20                  (4) The blacklisting of the public employer for the purpose of preventing ~~it~~ the  
21                  public employer from filling employee vacancies.

22           **Sec. 8. 26 MRSA §1284-B** is enacted to read:

23           **§1284-B. Authorized strikes**

24           **1. Authorization to engage in a strike.** A judicial employee, except for an  
25           employee whose duties include protecting public safety, a judicial employee organization,  
26           an agent of a judicial employee or judicial employee organization, a member of a judicial  
27           employee organization or a bargaining agent of a judicial employee or judicial employee  
28           organization may engage in a strike pursuant to the following procedures:

29           A. The membership of a judicial employee organization or unit of a judicial  
30           employee organization that is affected by the issue for which the strike is called must  
31           conduct a vote of a majority of members;

32           B. Upon an affirmative vote in paragraph A, the judicial employee organization or  
33           unit of the judicial employee organization shall deliver to the judicial employer of the  
34           employees voting to strike in paragraph A or the employer's agent a notice of the  
35           intent to strike and state the date upon which the strike will begin and the date upon  
36           which the strike will end; and

37           C. The judicial employee organization or unit of the judicial employee organization  
38           sending notice of a strike or judicial employer receiving notice of a strike under





# 129th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2020

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Legislative Document

No. 2090

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S.P. 739

In Senate, January 30, 2020

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**An Act To Amend the Laws Governing Arbitration under Certain  
Public Employees Labor Relations Laws**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Labor and Housing suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by President JACKSON of Aroostook.  
Cosponsored by Speaker GIDEON of Freeport and  
Senators: BELLOWS of Kennebec, LIBBY of Androscoggin, VITELLI of Sagadahoc,  
Representatives: FECTIONEAU of Biddeford, MOONEN of Portland, SYLVESTER of Portland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 26 MRSA §965, sub-§4**, as amended by PL 1975, c. 564, §18, is further  
3 amended to read:

4 **4. Arbitration.** In addition to the 30-day period referred to in subsection 3, the  
5 parties ~~shall~~ have 15 more days, making a total period of 45 days from the submission of  
6 findings and recommendations, in which to make a good faith effort to resolve their  
7 controversy.

8 If the parties have not resolved their controversy by the end of ~~said~~ the 45-day period,  
9 they may jointly agree to an arbitration procedure ~~which~~ that will result in a binding  
10 determination of their controversy. Such determinations ~~will be~~ are subject to review by  
11 the Superior Court in the manner specified by section 972.

12 If they do not jointly agree to such an arbitration procedure within 10 days after the end  
13 of ~~said~~ the 45-day period, then either party may, by written notice to the other, request  
14 that their differences be submitted to a board of 3 arbitrators. The bargaining agent and  
15 the public employer shall within 5 days of ~~such~~ the request each select and name one  
16 arbitrator and shall immediately thereafter notify each other in writing of the name and  
17 address of the person so selected. The 2 arbitrators so selected and named shall, within 10  
18 days from ~~such~~ the request, agree upon and select and name a neutral arbitrator from the  
19 panel of arbitrators established in accordance with subsection 4-A. ~~If either party shall~~  
20 ~~not select its arbitrator or if the 2 arbitrators shall fail to agree upon, select and name a~~  
21 ~~neutral arbitrator within said 10 days, either party may request the American Arbitration~~  
22 ~~Association to utilize its procedures for the selection of the neutral arbitrator. As soon as~~  
23 ~~possible after receipt of such request, the neutral arbitrator will be selected in accordance~~  
24 ~~with rules and procedures prescribed by the American Arbitration Association for making~~  
25 ~~such selection. If the 2 arbitrators cannot in 10 days select a neutral arbitrator, the~~  
26 ~~executive director shall appoint the neutral arbitrator from the panel of arbitrators~~  
27 ~~established in accordance with subsection 4-A.~~ The neutral arbitrator so selected ~~will~~  
28 may not, without the consent of both parties, be the same person who was selected as  
29 mediator pursuant to subsection 2 nor any member of the fact-finding board selected  
30 pursuant to subsection 3. As soon as possible after the selection of the neutral arbitrator,  
31 the 3 arbitrators ~~or if either party shall not have selected its arbitrator, the 2 arbitrators,~~  
32 ~~as the case may be,~~ shall meet with the parties or their representatives, or both, forthwith,  
33 either jointly or separately, make inquiries and investigations, hold hearings, or take such  
34 other steps as they ~~deem~~ determine appropriate. ~~If the neutral arbitrator is selected by~~  
35 ~~utilizing the procedures of the American Arbitration Association, the arbitration~~  
36 ~~proceedings will be conducted in accordance with the rules and procedures of the~~  
37 ~~American Arbitration Association.~~ The hearing ~~shall~~ must be informal, and the rules of  
38 evidence prevailing in judicial proceedings ~~shall~~ are not ~~be~~ binding. Any and all  
39 documentary evidence and other data ~~deemed~~ determined relevant by the arbitrators may  
40 be received in evidence. The arbitrators ~~shall~~ have the power to administer oaths and to  
41 require by subpoena the attendance and testimony of witnesses, the production of books,  
42 records and other evidence relative or pertinent to the issues represented to them for  
43 determination.

1 If the controversy is not resolved by the parties themselves, the arbitrators shall proceed  
2 as follows: ~~With respect to a controversy over salaries, pensions and insurance, the~~  
3 ~~arbitrators will recommend terms of settlement and may make findings of fact; such~~  
4 ~~recommendations and findings will be advisory only and will be made, if reasonably~~  
5 ~~possible, within 30 days after the selection of the neutral arbitrator; the arbitrators may in~~  
6 ~~their discretion, make such recommendations and findings public, and either party may~~  
7 ~~make such recommendations and findings public if agreement is not reached with respect~~  
8 ~~to such findings and recommendations within 10 days after their receipt from the~~  
9 ~~arbitrators; with respect to a controversy over all subjects other than salaries, pensions~~  
10 ~~and insurance, the arbitrators shall make determinations with respect thereto if reasonably~~  
11 ~~possible within 30 days after the selection of the neutral arbitrator; such determinations~~  
12 ~~may be made public by the arbitrators or either party; and if made by a majority of the~~  
13 ~~arbitrators, such determinations will be are binding on both parties and the parties will~~  
14 ~~shall enter an agreement or take whatever other action that may be appropriate to carry~~  
15 ~~out and effectuate such binding determinations; and such determinations will be are~~  
16 ~~subject to review by the Superior Court in the manner specified by section 972.~~  
17 Notwithstanding section 964, subsection 2, if the public employer fails to enter into an  
18 agreement or take whatever other action may be appropriate to carry out and effectuate  
19 binding determinations made by arbitrators pursuant to this subsection, the public  
20 employees represented by the bargaining agent, except for public employees whose duties  
21 include protecting public safety, may engage in a strike. The results of all arbitration  
22 proceedings, recommendations and awards conducted under this section shall must be  
23 filed with the Maine Labor Relations Board at the offices of its executive director  
24 simultaneously with the submission of the recommendations and award to the parties. In  
25 the event the parties settle their dispute during the arbitration proceeding, the arbitrator or  
26 the ~~chairman chair~~ of the arbitration panel will shall submit a report of ~~his~~ the arbitrator's  
27 or chair's activities to the Executive Director of the Maine Labor Relations Board not  
28 more than 5 days after the arbitration proceeding has terminated.

29 In reaching a decision under this subsection, the arbitrator shall consider the following:

30 A. The interests and welfare of the public and the financial ability of the public  
31 employer to finance the cost items proposed by each party to the impasse;

32 B. A comparison of the wages, hours and working conditions of the employees  
33 involved in the arbitration proceeding with the wages, hours and working conditions  
34 of other employees performing similar services in public and private employment in  
35 other jurisdictions competing in the same labor market;

36 C. The overall compensation presently received by the employees including direct  
37 wage compensation, vacation, holidays and excused time, insurance and pensions,  
38 medical and hospitalization benefits, the continuity and stability of employment and  
39 all other benefits received;

40 D. Factors other than those specified in paragraphs A to C that are normally and  
41 traditionally taken into consideration in the determination of wages, hours and  
42 working conditions through voluntary collective bargaining, mediation, fact-finding,  
43 arbitration or otherwise between the parties, in public or private employment,  
44 including the average Consumer Price Index;

45 E. The need of the public employer for qualified employees;

- 1           F. Conditions of employment in similar occupations outside public employment;  
2           G. The need to maintain appropriate relationships between different occupations in  
3           public employment; and  
4           H. The need to establish fair and reasonable conditions in relation to job  
5           qualifications and responsibilities.

6           Cost items in a collective bargaining agreement that is arrived at through arbitration in  
7           accordance with this subsection may not be submitted for inclusion in the municipality's  
8           operating budget for the fiscal year in which the agreement is ratified, but must be  
9           submitted for inclusion in the municipality's operating budget for the fiscal year following  
10           the fiscal year in which the agreement is ratified.

11           **Sec. 2. 26 MRSA §965, sub-§4-A** is enacted to read:

12           **4-A. Panel of arbitrators.** The Governor shall appoint a panel of arbitrators,  
13           consisting of no fewer than 5 nor more than 10 impartial arbitrators, to serve as impartial  
14           arbitrators of the interests of the public in the settlement of disputes between employers  
15           and employees or their representatives. The board shall supply to the Governor  
16           nominations for appointment to the panel. The arbitrators must reside in the State and be  
17           neutral and unbiased. The board shall adopt rules governing the necessary qualifications  
18           for appointment to the panel and allowable compensation for panel members.

19           **Sec. 3. 26 MRSA §979-D, sub-§4, ¶B,** as enacted by PL 1973, c. 774, is  
20           amended to read:

21           B. If the parties have not resolved their controversy by the end of ~~said~~ the 45-day  
22           period, either party may petition the board to initiate compulsory final and binding  
23           arbitration of the negotiations impasse. On receipt of the petition, the executive  
24           director of the board shall investigate to determine if an impasse has been reached. If  
25           ~~he so~~ the executive director determines that an impasse has been reached, he the  
26           executive director shall issue an order requiring arbitration and requesting the parties  
27           to select one or more arbitrators. If the parties within 10 days after the issuance of the  
28           ~~order have not selected an arbitrator or a Board of Arbitration, the~~ The board shall  
29           ~~then~~ order each party to select one arbitrator, and if these 2 arbitrators cannot in 5  
30           ~~days select a 3rd neutral arbitrator, the board shall submit a list from which the~~  
31           ~~parties may alternately strike names until a single name is left, who shall be~~  
32           ~~appointed by the board as arbitrator~~ the 2 arbitrators so named shall select a 3rd  
33           neutral arbitrator from the panel of arbitrators established in accordance with section  
34           965, subsection 4-A. If the 2 arbitrators cannot in 10 days select a neutral arbitrator,  
35           the executive director shall appoint the neutral arbitrator from the panel of arbitrators  
36           established in accordance with section 965, subsection 4-A.

37           **Sec. 4. 26 MRSA §979-D, sub-§4, ¶D,** as enacted by PL 1973, c. 774, is  
38           amended to read:

39           D. With respect to controversies over salaries, pensions and insurance, the arbitrator  
40           ~~will~~ shall recommend terms of settlement and may make findings of fact. Such  
41           recommendations and findings ~~shall be~~ are advisory and ~~shall be~~ are not binding upon

1 the parties. The determination by the arbitrator on all other issues shall be is final and  
2 binding on the parties.

3 **Sec. 5. 26 MRSA §979-D, sub-§4, ¶F** is enacted to read:

4 F. Notwithstanding section 979-C, subsection 2, if the public employer fails to enter  
5 into an agreement or take whatever other action may be appropriate to carry out and  
6 effectuate binding determinations made by arbitrators pursuant to this subsection, the  
7 state or legislative employees represented by the bargaining agent, except for  
8 employees whose duties include protecting public safety, may engage in a strike.

9 **Sec. 6. 26 MRSA §979-D, sub-§4, ¶G** is enacted to read:

10 G. Cost items in a collective bargaining agreement arrived at through arbitration in  
11 accordance with this subsection:

12 (1) May not be submitted for inclusion in the Governor's operating budget for the  
13 fiscal year in which the agreement is ratified; and

14 (2) Must be submitted for inclusion in the Governor's operating budget for the  
15 fiscal year following the fiscal year in which the agreement is ratified.

16 **Sec. 7. 26 MRSA §1026, sub-§4, ¶A**, as corrected by RR 2009, c. 2, §76, is  
17 amended to read:

18 A. At any time after participating in the procedures set forth in subsections 2 and 3,  
19 either party, or the parties jointly, may petition the board to initiate arbitration  
20 procedures. On receipt of the petition, the executive director shall within a reasonable  
21 time determine if an impasse has been reached; the determination must be made  
22 administratively, with or without hearing, and is not subject to appeal. If the  
23 executive director so determines, the executive director shall issue an order requiring  
24 arbitration and requesting the parties to select one or more arbitrators. If the parties,  
25 within 10 days after the issuance of the order, have not selected an arbitrator or a  
26 Board of Arbitration, the executive director shall then order each party to select one  
27 arbitrator and the 2 arbitrators so selected shall to select a 3rd neutral arbitrator from  
28 the panel of arbitrators established in accordance with section 965, subsection 4-A. If  
29 the 2 arbitrators cannot in 5 days select a 3rd neutral arbitrator, the executive director  
30 shall submit identical lists to the parties of 5 or more qualified arbitrators of  
31 recognized experience and competence appoint the 3rd neutral arbitrator from the  
32 panel of arbitrators established in accordance with section 965, subsection 4-A. Each  
33 party has 7 days from the submission of the list to delete any names objected to,  
34 number the remaining names indicating the order of preference and return the list to  
35 the executive director. In the event a party does not return the list within the time  
36 specified, all parties named therein are deemed acceptable. From the arbitrators who  
37 have been approved by both parties and pursuant to the order of mutual preference,  
38 the executive director shall appoint a neutral arbitrator. If the parties fail to agree  
39 upon any arbitrators named, or if for any other reason the appointment cannot be  
40 made from the initial list, the executive director shall then submit a 2nd list of 5 or  
41 more additional qualified arbitrators of recognized experience and competence from  
42 which they shall strike names with the determination as to which party shall strike  
43 first being determined by a random technique administered through the Executive

1 Director of the Maine Labor Relations Board. Thereafter, the parties shall alternately  
2 strike names from the list of names submitted, provided that, when the list is reduced  
3 to 4 names, the 2nd from the last party to strike shall be entitled to strike 2 names  
4 simultaneously, after which the last party to strike shall so strike one name from the  
5 then 2 remaining names, such that the then remaining name shall identify the person  
6 who must then be appointed by the executive director as the neutral arbitrator.

7 Nothing in this subsection may be construed as preventing the parties, as an  
8 alternative to procedures in the preceding paragraph, from jointly agreeing to elect  
9 arbitration from either the Federal Mediation and Conciliation Service or the  
10 American Arbitration Association, under the procedures, rules and regulations of that  
11 association, provided that these procedures, rules and regulations are not inconsistent  
12 with paragraphs B and C.

13 **Sec. 8. 26 MRSA §1026, sub-§4, ¶B**, as amended by PL 1983, c. 153, §2, is  
14 further amended to read:

15 B. If the controversy is not resolved by the parties themselves, the arbitrators shall  
16 proceed as follows: ~~With respect to a controversy over salaries, pensions and~~  
17 ~~insurance, the arbitrators will recommend terms of settlement and may make findings~~  
18 ~~of fact; such recommendations and findings will be advisory only and will be made,~~  
19 ~~if reasonably possible, within 60 days after the selection of the neutral arbitrator. The~~  
20 ~~arbitrators may in their discretion make such recommendations and findings public,~~  
21 ~~and either party may make such recommendations and findings public if agreement is~~  
22 ~~not reached with respect to such findings and recommendations within 10 days after~~  
23 ~~their receipt from the arbitrators. With with respect to a controversy over all subjects~~  
24 ~~other than salaries, pensions and insurance, the arbitrators shall make determinations~~  
25 ~~with respect thereto if reasonably possible within 60 days after the selection of the~~  
26 ~~neutral arbitrator. Such determinations may be made public by the arbitrators or~~  
27 ~~either party and if made by a majority of the arbitrators, such determinations will be~~  
28 ~~are binding on both parties and the parties will shall enter an agreement or take~~  
29 ~~whatever other action that may be appropriate to carry out and effectuate such~~  
30 ~~binding determinations, and such determinations will be are subject to review by the~~  
31 ~~Superior Court in the manner specified by section 1033. The results of all arbitration~~  
32 ~~proceedings, recommendations and awards conducted under this section shall must be~~  
33 ~~filed with the Maine Labor Relations Board at the offices of its executive director~~  
34 ~~simultaneously with the submission of the recommendations and award to the parties.~~  
35 ~~In the event the parties settle their dispute during the arbitration proceeding, the~~  
36 ~~arbitrator or the ~~chairman~~ chair of the arbitration panel will shall submit a report of~~  
37 ~~his the arbitrator's or chair's activities to the Executive Director of the Maine Labor~~  
38 ~~Relations Board not more than 5 days after the arbitration proceeding has terminated.~~

39 **Sec. 9. 26 MRSA §1026, sub-§4, ¶D** is enacted to read:

40 D. Notwithstanding section 1027, subsection 2, if the university, academy or  
41 community college fails to enter into an agreement or take whatever other action may  
42 be appropriate to carry out and effectuate binding determinations made by arbitrators  
43 pursuant to this subsection, the university, academy or community college employees

1 represented by the bargaining agent, except for employees whose duties include  
2 protecting public safety, may engage in a strike.

3 **Sec. 10. 26 MRSA §1026, sub-§4, ¶E** is enacted to read:

4 E. Cost items in a collective bargaining agreement arrived at through arbitration in  
5 accordance with this subsection:

6 (1) May not be submitted for inclusion in the Governor's operating budget for the  
7 fiscal year in which the agreement is ratified; and

8 (2) Must be submitted for inclusion in the Governor's operating budget for the  
9 fiscal year following the fiscal year in which the agreement is ratified.

10 **Sec. 11. 26 MRSA §1285, sub-§4,** as enacted by PL 1983, c. 702, is amended to  
11 read:

12 **4. Arbitration.**

13 A. In addition to the 30-day period referred to in subsection 3, the parties shall have  
14 15 more days, making a total of 45 days from the submission of findings and  
15 recommendations, in which to make a good faith effort to resolve their controversy.

16 B. If the parties have not resolved their controversy by the end of that 45-day period,  
17 either party may petition the board to initiate compulsory final and binding arbitration  
18 of the negotiations' impasse. On receipt of the petition, the executive director of the  
19 board shall investigate to determine if an impasse has been reached. If ~~he~~ the  
20 executive director so determines, ~~he~~ the executive director shall issue an order  
21 requiring arbitration and requesting ~~the parties to select one or more arbitrators. If~~  
22 ~~the parties, within 10 days after the issuance of the order, have not selected an~~  
23 ~~arbitrator or an arbitration panel, the board shall then order each party to select one~~  
24 ~~arbitrator and, if these 2 arbitrators cannot in 5 days select a 3rd neutral arbitrator, the~~  
25 ~~board shall submit a list from which the parties may alternately strike names until a~~  
26 ~~single name is left, who shall be appointed by the board as arbitrator~~ the 2 arbitrators  
27 so selected to select a 3rd neutral arbitrator from the panel of arbitrators established  
28 in accordance with section 965, subsection 4-A. If the 2 arbitrators cannot in 5 days  
29 select a 3rd neutral arbitrator, the executive director shall appoint the 3rd neutral  
30 arbitrator from the panel of arbitrators established in accordance with section 965,  
31 subsection 4-A. In reaching a decision under this paragraph, the arbitrator shall  
32 consider the following factors:

33 (1) The interests and welfare of the public and the financial ability of State  
34 Government to finance the cost items proposed by each party to the impasse;

35 (2) Comparison of the wages, hours and working conditions of the employees  
36 involved in the arbitration proceeding with the wages, hours and working  
37 conditions of other employees performing similar services in the executive and  
38 legislative branches of government and in public and private employment in  
39 other jurisdictions competing in the same labor market;

40 (3) The overall compensation presently received by the employees, including  
41 direct wage compensation, vacation, holidays and excused time, insurance and

1 pensions, medical and hospitalization benefits, the continuity and stability of  
2 employment, and all other benefits received;

3 (4) Such other factors not confined to the foregoing, which are normally and  
4 traditionally taken into consideration in the determination of wages, hours and  
5 working conditions through voluntary collective bargaining, mediation, fact-  
6 finding, arbitration or otherwise between the parties, in the public service or in  
7 private employment, including the average Consumer Price Index;

8 (5) The need of the Judicial Department for qualified employees;

9 (6) Conditions of employment in similar occupations outside State Government;

10 (7) The need to maintain appropriate relationships between different occupations  
11 in the Judicial Department; and

12 (8) The need to establish fair and reasonable conditions in relation to job  
13 qualifications and responsibilities.

14 C. Cost items in a collective bargaining agreement arrived at through arbitration in  
15 accordance with this subsection:

16 (1) May not be submitted for inclusion in the Judicial Department's operating  
17 budget for the fiscal year in which the agreement is ratified; and

18 (2) Must be submitted for inclusion in the Judicial Department's operating  
19 budget for the fiscal year following the fiscal year in which the agreement is  
20 ratified.

21 With respect to controversies over ~~salaries~~, pensions and insurance, the arbitrator shall  
22 recommend terms of settlement and may make findings of fact. The recommendations  
23 and findings ~~shall be~~ are advisory and ~~shall be~~ are not be binding upon the parties. The  
24 determination by the arbitrator on all other issues ~~shall be~~ is final and binding on the  
25 parties. Notwithstanding section 1284, subsection 2, if the public employer fails to enter  
26 into an agreement or take whatever other action may be appropriate to carry out and  
27 effectuate binding determinations made by arbitrators pursuant to this subsection, the  
28 judicial employees represented by the bargaining agent, except for employees whose  
29 duties include protecting public safety, may engage in a strike.

30 Any hearing ~~shall~~ must be informal and the rules of evidence for judicial proceedings  
31 ~~shall be~~ are not be binding. Any documentary evidence and other information ~~deemed~~  
32 determined relevant by the arbitrator may be received in evidence. The arbitrator may  
33 administer oaths and require by subpoena attendance and testimony of witnesses and  
34 production of books and records and other evidence relating to the issues presented. The  
35 arbitrator ~~shall have~~ has a period of 30 days from the termination of the hearing in which  
36 to submit ~~his~~ a report to the parties and to the board, unless that time limitation is  
37 extended by the executive director.

38 **Sec. 12. 26 MRSA §1285, sub-§5, ¶E**, as enacted by PL 1983, c. 702, is  
39 amended to read:

40 E. In reaching a decision, the mediator-arbitrator shall consider the factors specified  
41 in section 1285, subsection 4. With respect to controversies over ~~salaries~~, pensions

1 and insurance, the mediator-arbitrator shall recommend terms of settlement and may  
2 make findings of fact. Such recommendations and findings ~~shall be~~ are advisory and  
3 ~~shall~~ are not be binding on the parties. The determination of the mediator-arbitrator  
4 on all other issues ~~shall be~~ is final and binding on the parties.

5 **Sec. 13. Effective date.** This Act takes effect July 1, 2021.

6 **SUMMARY**

7 Under current law, arbitrations under labor relations laws governing municipal public  
8 employees, University of Maine System employees, state employees and judicial  
9 employees require that each party select one arbitrator and those 2 arbitrators select a  
10 neutral 3rd arbitrator. This bill requires that the neutral 3rd arbitrator be selected from a  
11 panel of arbitrators appointed by the Governor from a list of nominations supplied by the  
12 Maine Labor Relations Board. Under the bill, appointees to the panel of arbitrators serve  
13 as impartial arbitrators of the interests of the public in the settlement of disputes between  
14 employers and employees or their representatives, and each appointee must reside in the  
15 State. In addition, this bill:

16 1. Amends the labor relations laws governing municipal public employees and  
17 University of Maine System employees to provide that determinations by arbitrators with  
18 respect to controversies over all subjects, including salaries, pensions and insurance, are  
19 final and binding on the parties;

20 2. Amends the labor relations laws governing state employees to provide that, with  
21 respect to controversies over salaries, an arbitrator's determinations are final and binding  
22 on the parties;

23 3. Amends the labor relations laws governing judicial employees to provide that an  
24 arbitrator's determinations with respect to controversies over all subjects, including  
25 salaries, pensions and insurance, are final and binding on the parties and that, with respect  
26 to controversies over salaries, determinations by mediator-arbitrators are final and  
27 binding on the parties;

28 4. Adds specific factors an arbitrator must consider when a controversy is not  
29 resolved between a public employer and bargaining agent under the municipal public  
30 employees labor relations law;

31 5. Provides that, if a public employer fails to enter into an agreement to carry out and  
32 effectuate binding determinations made by arbitrators, the public employees are  
33 authorized to strike;

34 6. Requires that cost items in a collective bargaining agreement arrived at through  
35 arbitration may not be included in the state or local operating budget, as relevant, for the  
36 current fiscal year, but must instead be submitted for inclusion in the operating budget for  
37 the following fiscal year; and

38 7. Provides an effective date for the changes made in the bill of July 1, 2021.



Janet T. Mills  
GOVERNOR

STATE OF MAINE  
OFFICE OF THE GOVERNOR  
1 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0001

June 20, 2019

The 129<sup>th</sup> Legislature of the State of Maine  
State House  
Augusta, Maine

Dear Honorable Members of the 129<sup>th</sup> Legislature:

By the authority conferred by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing L.D. 1177, An Act to Improve Public Sector Labor Relations.

This bill would impose a significant change to the public labor relations laws that govern state, judicial, county, municipal, university, community college and Maritime Academy employees. Under current law, the dominant cost items of salaries, pensions and insurance for all these employees are subject to collective bargaining but not to binding arbitration. L.D. 1177 would eliminate this dividing line and require binding arbitration of salaries, pensions and insurance.

There are good reasons why our state has previously rejected this approach. Salaries, pensions and insurance comprise the lion's share of most operating budgets. Together, they set the expenditure platform from which all other strategic objectives of the governmental entity are pursued. To delegate to private binding arbitrators the authority to set those amounts is to forfeit a fundamental function and responsibility of our school boards, city councils, town select boards, boards of trustees and governmental branch leaders.

Forfeiting this responsibility is contrary to the principle of representative democracy that the people through their elected and appointed representatives control the raising and expenditure of public monies. When, for example, municipal citizens elect their city council members, or a governor nominates and the legislature confirms a college trustee, we do so mindful of the candidates' or nominees' local knowledge, fiscal philosophies and strategic priorities. The process of such elections and appointments tests our public trust, conveys our public expectations, and confirms our need for public accountability for how substantial public monies will be spent.

Not so with private arbitrators. They are often chosen by lawyers; are often from away; and their professional focus often divorces them from the local impacts of their decisions. Whatever their many talents, private arbitrators are not elected, not politically appointed, not locally attuned, and not accountable to taxpayers or the greater public. Their decisions under this bill would necessarily implicate the authorities to spend public monies, raise new public monies or adjust public services. Individuals who are publicly accountable – those who are duly elected or duly appointed by an elected official – should be the ones who make decisions of this nature.



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For the foregoing reasons, I return L.D. 1177 unsigned and urge the Legislature to sustain this veto.

Sincerely,



Janet T. Mills  
Governor  
State of Maine



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# CONSENT AGENDA - A BACK UP MATERIALS

**Draft**  
**BRUNSWICK TOWN COUNCIL**  
**Minutes**  
**February 3, 2020**  
**Executive Session - 6:15 P.M.**  
**Regular Meeting - 6:30 P.M.**  
**Council Chambers**  
**Town Hall**  
**85 Union Street**

**Councilors Present:** W. David Watson, Stephen S. Walker, Dan Jenkins, John M. Perreault, Christopher Watkinson, Toby McGrath, James Mason, Kathy Wilson, and Dan Ankeles

**Councilors Absent:** None

**Town Staff Present:** John S. Eldridge, III, Town Manager; Fran Smith, Town Clerk; Ryan Leighton, Assistant Town Manager; Matt Panfil, Director of Planning and Development; Tom Farrell, Director of Parks and Recreation; Jay Astle, Public Works Director; Dennis Wilson, Parks and Recreation Facilities Manager, and TV video crew

Chair John Perreault called the meeting to order and asked for roll call.

**Executive session to discuss acquisition of real property per 1 M.R.S.A. §405(6)(C)**

**Councilor Watson moved, Councilor Walker seconded, to go into executive session to discuss acquisition of real property per 1 M.R.S.A. §405(6)(C). The motion carried with six (6) yeas. Councilor Watkinson, Councilor Jenkins, and Councilor Mason arrived after the vote.**

Meeting Resumed:

Chair John Perreault led the Pledge of Allegiance.

**Adjustments to Agenda:**

**Councilor Ankeles moved, Councilor Mason seconded, to add Item 19 to send a letter of support for LD 2045, An Act Relating to the Valuation of Certain Retail Property. The motion carried with nine (9) yeas.**

**Public Comments/Announcements:** *(This item was discussed at 6:35 p.m.)*

**Lauren Washburn**, 333 Casco Road, recruiter for U.S. Census, made a pitch for census positions that need to be filled in Brunswick

**Leif Maynard**, Bowdoin Sunrise, reaffirmed their commitment to Climate Change and developing a Climate Action Plan.

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Chair Perreault, Councilor Watkinson, and Councilor Walker responded to Mr. Maynard's comments.

**MANAGER'S REPORT** *(This item was discussed at 6:43 p.m.)*

**a) Budget schedule**

Manager Eldridge provided information on this item.

**b) Mere Creek Golf Course**

Manager Eldridge provided information on this item.

**c) Asylum Seekers – Transportation**

Manager Eldridge provided information on this item.

**d) Downtown Streetscape Project**

Manager Eldridge provided information on this item.

**e) Village Review Guidelines**

Manager Eldridge provided information on this item.

**NEW BUSINESS**

- 13. The Town Council will consider the relocation of the Farmer's Market, possible changes to fees, and setting a public hearing for the proposed parking ordinance changes, and will take any appropriate action. (Town Manager Eldridge) *(This item was discussed at 6:51 p.m.)***

Manager Eldridge introduced this item.

Ryan Leighton, Assistant Town Manager, and Tom Farrell, Parks and Recreation Director, presented information on this item.

**Abby Sadauckas**, President of Brunswick Farmer's Market, and Mr. Farrell, responded to questions from Councilor Walker.

Councilor Wilson, Councilor McGrath, Councilor Ankeles, Councilor Watson, and Councilor Watkinson spoke regarding this item.

Jay Astle, Public Works Director, spoke regarding this item.

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

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**Barbara Kanter**, 72 Rossmore Road, spoke regarding this item.

A Council discussion took place with the following Councilors commenting: Chair Perreault, Councilor Ankeles, Councilor Watkinson, Councilor Wilson, Councilor Watson, Councilor Walker, and Councilor Jenkins.

Manager Eldridge and Mr. Astle responded to Councilors' questions.

**Councilor Watkinson moved, Councilor McGrath seconded, to relocate the Farmer's Market along existing sidewalks bisecting the Mall, as proposed. The motion carried with nine (9) yeas.**

**Councilor Mason moved, Councilor Wilson seconded, to set a public hearing for February 18, 2020, for amendments to portions of the Municipal Code of Ordinances, Chapter 15 – Traffic and Vehicles, to add farmer's market and food vendor permits and restricted on-street parking areas on Park Row. The motion carried with nine (9) yeas.**

**Councilor Ankeles moved, Councilor Watkinson seconded, to increase the fee for the Farmers' Market in the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B, from \$3,500.00 to \$5,000. The motion carried with nine (9) yeas.**

*(A copy of the adopted fee and the memo and supporting materials regarding the new location will be attached to the official minutes.)*

- 14. The Town Council will consider appointing a representative to the Metro Board, and will take any appropriate action. (Town Manager Eldridge) *(This item was discussed at 8:03 p.m.)***

Manager Eldridge introduced this item.

**Chair Perreault moved, Councilor Watson seconded, to appoint the Town Manager/designee to be Brunswick's representative on the Greater Portland Transit District Board. The motion carried with nine (9) yeas.**

- 15. The Town Council will consider setting a public hearing for March 2, 2020 regarding proposed text amendments relative to street standards to Chapters 14 and 15 of the Municipal Ordinance, and will take any appropriate action. (Town Manager Eldridge) *(This item was discussed at 8:04 p.m.)***

Manager Eldridge and Mr. Leighton introduced this item.

**Chair Perreault moved, Councilor Watkinson seconded, to set a public hearing for March 2, 2020, regarding proposed Municipal Ordinance text amendments pertaining to Chapters 14 and 15. The motion carried with nine (9) yeas.**

**Town Council Minute**

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- 16. The Town Council will consider setting a public hearing for February 18, 2020 regarding proposed zoning ordinance text amendments to define and allow Environmental Resource Center as a conditional use in the Growth Outdoor (GO) Zoning District, and will take any appropriate action. (Planning Board) (This item was discussed at 8:08 p.m.)**

Matt Panfil, Director of Planning and Development, introduced this item, and responded to questions from Councilor Walker, Councilor Ankeles, Councilor Watkinson, Councilor Wilson, and Chair Perreault.

Chair Perreault and Councilor Ankeles spoke regarding this item.

**Councilor Ankeles moved, Councilor Mason seconded, to table this item until further notice. The motion carried with eight (8) yeas. Councilor Watkinson was opposed.**

- 17. The Town Council will receive a report from the Planning Board detailing proposed text amendments to the Zoning Ordinance regarding outdoor lighting, and will take any appropriate action. (Planning Board) (This item was discussed at 8:22 p.m.)**

Mr. Panfil introduced this item and responded to questions from Councilor Walker, Chair Perreault, Councilor Watson, Councilor Watkinson, Councilor Wilson, Councilor Ankeles, and Councilor Mason

No action was taken on this item.

- 18. 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 8:43 p.m.)**

Councilor Ankeles made the following nominations:

**Conservation Commission**

- William Almeida for a balance of a 3-year term to begin now and expire on May 1, 2022

**Planning Board**

- Sande Updegraph (reappointment) for a 3-year term to begin February 24, 2020, and expire on February 23, 2023

**Village Review Board**

- Robert Jarratt for a balance of a 3-year term to begin now and expire on October 20, 2022

**Zoning Board of Appeals**

- Leland Gould as full member for a balance of a 3-year term to begin now and expire on November 20, 2022

The Council unanimously supported the slate.

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- 19. (ADDED) The Council will consider sending a letter of support regarding LD 2045, An Act Relating to the Valuation of Certain Retail Property, and take any appropriate action.) (This item was discussed at 8:45 p.m.)**

Councilor Ankeles, Chair Perreault, Councilor Mason, and Councilor Jenkins spoke regarding this item.

**Councilor Ankeles moved, Councilor Mason seconded, to send a letter of support regarding LD 2045, An Act Relating to the Valuation of Certain Retail Property, in time for Thursday's hearing. The motion carried with nine (9) yeas.**

**CORRESPONDENCE/COMMITTEE REPORTS** (This item was discussed at 8:51 p.m.)

Reports were given for the following committees: Recycling and Sustainability, Rivers and Coastal Waters Commission, Finance Committee, and Cable TV Advisory Committee.

Councilor Jenkins spoke about complaints on trash removal noise at the train layover facility.

**CONSENT AGENDA** (This item was discussed at 8:56 p.m.)

- a) Approval of the minutes of January 21, 2020
- b) Appointment of Fran Smith as Warden and Susan Karnes, Sara King and Joe Zrioka as Deputy Wardens for the March 3, 2020 Election

**Councilor Watkinson moved, Councilor Watson seconded, to approve the Consent Agenda. The motion carried with nine (9) yeas.**

**Councilor Watson moved, Councilor Walker seconded, to adjourn the meeting. The motion carried with nine (9) yeas**

The meeting adjourned at 8:57 p.m.

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

*Frances M. Smith  
Town Clerk  
February 11, 2020*

February 3, 2020  
*Date of Approval*

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Council Chair

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# CONSENT AGENDA - B BACK UP MATERIALS

**MUNICIPAL QUITCLAIM DEED**

The Town of Brunswick, a body corporate, located at 85 Union Street, Brunswick, Maine, by and through its Town Manager duly authorized by its Town Council, on February 18, 2020 for consideration paid, release to **Kempf, Sharon**, 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:

<b>Book</b>	<b>Page</b>	<b>Date Recorded</b>	<b>For Tax Year</b>
<b>34262</b>	<b>120</b>	<b>August 25, 2017</b>	<b>2016</b>
<b>35093</b>	<b>166</b>	<b>August 24, 2018</b>	<b>2017</b>
<b>35912</b>	<b>60</b>	<b>August 23, 2019</b>	<b>2018</b>

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 045 Lot 043 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, 2016, April 1, 2017, and April 1, 2018.

The Town of Brunswick has caused this instrument to be signed in its corporate name by its duly authorized Town Manager this 18<sup>th</sup> day of **February 2020**.

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.

February 18, 2020

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,

\_\_\_\_\_  
Chelsea Burnell  
Notary Public  
Commission expires – December 5, 2024