

**BRUNSWICK TOWN COUNCIL**

**Agenda**

**April 6, 2020**

**6:30 P.M. – Regular Meeting**

**MEETING VIA ELECTRONIC DEVICES**

*THIS MEETING IS BEING CONDUCTED VIA ELECTRONIC DEVICES  
WITH TOWN COUNCIL MEMBERS PARTICIPATING FROM REMOTE LOCATIONS*

*THERE IS NO OPPORTUNITY FOR THE PUBLIC TO VIEW THIS MEETING IN PERSON.  
THE PUBLIC CAN VIEW OR LISTEN TO THE MEETING ON TV3 (Channel 3 on Comcast) or  
VIA LIVE STREAM FROM THE TOWN'S WEBSITE*

<http://tv3hd.brunswickme.org/CablecastPublicSite/watch/1?channel=1>

**All Votes to be Taken Via Roll Call**

Roll Call of Members/Acknowledgement of Meeting Notice

Pledge of Allegiance

Adjustments to Agenda

**TABLED**

38. The Town Council will consider setting a public hearing for April 21, 2020 regarding establishing a 4-way stop at the intersection of Weymouth and Armory Streets, in Chapter 15 – Traffic and Vehicles, Article III, Sec. 15-49 – Four-way stop signs, and will take any appropriate action. (Councilor Toby McGrath) **NO PUBLIC COMMENT**

**ACTION**

**NEW BUSINESS**

48. The Town Council will consider setting a public hearing for April 21, 2020 for an “Ordinance Authorizing Various Health, Safety and ADA Compliance Improvements at the Brunswick Junior High School, with Total Projects Costs Not to Exceed \$153,777, and Further Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$95,511 (following loan forgiveness of \$58,266)”, and will take any appropriate action. (School Board) **NO PUBLIC COMMENT**

**ACTION**

49. The Town Council will consider setting a public hearing for April 21, 2020 for an “Ordinance Authorizing Health Improvements at the Coffin Elementary School, with Total Project Costs Not to Exceed \$296,006, and Further Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$183,849 (following loan forgiveness of \$112,157)”, and will take any appropriate action. (School Board)

**NO PUBLIC COMMENT**

**ACTION**

50. The Town Council will consider adopting “A Resolution Authorizing the Construction and Funding of the Veterans Plaza Memorial, Appropriating Tax Increment Financing Revenues to Fund Replacement of Banner Poles on Maine Street, and Authorizing Acceptance of Contributions to Fund the Costs of the Plaza and to Establish a Permanent Veterans Plaza Trust Fund”, and will take any appropriate action. (Town Manager Eldridge) **NO PUBLIC COMMENT**

**ACTION**

51. The Town Council will consider adopting “A Resolution Authorizing an Appropriation and Expenditure of \$128,000 from Available Tax Increment Financing Revenues to Serve as the Required Local Match for the Maine Department of Transportation’s Final Engineering, Right-of-Way Work and Construction of a Multimodal Parking Area and Park-and-Ride Lot on Cedar Street”, and will take any appropriate action. (Town Manager Eldridge) **PUBLIC COMMENT TAKEN– SEE BELOW**

**ACTION**

52. The Town Council will consider extending an Emergency Proclamation regarding the COVID-19 pandemic, and will take any appropriate action. (Town Manager Eldridge) **PUBLIC COMMENT TAKEN – SEE BELOW**

**ACTION**

### **CONSENT AGENDA**

- a) Approval of a quitclaim deed

### **HOW TO SUBMIT PUBLIC COMMENT**

Public Comments for the April 6, 2020 Town Council Meeting must be submitted through the Zoom platform by dialing **1-646-876-9923** and entering the Meeting ID number **840 695 437** when prompted. Please be advised message and data rates may apply.

To limit time spent on the phone, the Town Council Chair will indicate in advance when to call in for specific agenda items to give those watching live on TV3 or livestreaming the opportunity to call in. Attendees should indicate their desire to speak by “Raising Your Hand” utilizing \*9 on their phone. This should only happen during the appropriate point for public comment and the facilitator will unmute the connected device once called on by the Town Council Chair. Attendees should state their name and address for the record and will have up to five (5) minutes to speak.

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

To email Town Council: [towncouncil@brunswickme.org](mailto:towncouncil@brunswickme.org)

**Brunswick Town Council**  
**Agenda**  
**April 6, 2020**  
**Council Notes and Suggested Motions**

**TABLED**

38. **Notes:** The Council is asked to to set a public hearing for April 21, 2020 to consider establishing a 4-way stop at the intersection of Weymouth and Armory Streets. This change is requested by residents of Weymouth Street as a traffic-calming measure. A copy of a memo from Commander Waltz, the pertinent section of the ordinance, and traffic statistics for Weymouth Street are included in the packet.

**Suggested motion:**

Motion to set a public hearing for April 21, 2020 regarding the establishment of a 4-way stop at the intersection of Weymouth and Armory Streets.

**NEW BUSINESS**

48. **Notes:** The School Board voted unanimously at its March 11, 2020 meeting to accept School Revolving Renovation Fund Eligibility Certificate for ADA, health and safety improvements to the Brunswick Junior High School, and is requesting the Town Council authorize borrowing from the bond bank. The school will need to borrow \$95,511 for the project cost for the junior high school, following loan forgiveness of \$58,266. Some of the projects include hazardous materials abatement, illuminated exits signage and stair rails. They are asking the Town Council to set a public hearing for April 21, 2020. A copy of a letter from Superintendent Paul Perzanoski, the bond ordinance, the public hearing notice, a PowerPoint presentation by Julia Henze, Finance Director, and the 2020 presentation to the School Board and Town Council are included in the packet.

**Suggested motion:**

Motion to set a public hearing for April 21, 2020 for an “Ordinance Authorizing various Health, Safety and ADA Compliance Improvements at the Brunswick Junior High School, with Total Project Costs Not to Exceed \$153,777, and Further Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$95,511 (following loan forgiveness of \$58,266)”.

49. **Notes:** The School Board voted unanimously at its March 11, 2020 meeting to accept School Revolving Renovation Fund Eligibility Certificate for ADA, health and safety improvements to Coffin School, and is requesting the Town Council authorize borrowing from the bond bank. The school will need to borrow \$183,849 for the project cost of Coffin School, following loan forgiveness of \$112,157. Some of the projects include roof renovation, fire alarm and sprinkler system. They are asking the Town Council to set a public hearing for April 21, 2020. A copy of a letter from Superintendent Paul Perzanoski, the bond ordinance, the public hearing notice, a PowerPoint presentation by Julia Henze, Finance Director, and the 2020 presentation to the School Board and Town Council are included in the packet.

**Suggested motion:**

Motion to set a public hearing for April 21, 2020 for an “Ordinance Authorizing Health Improvements at the Coffin Elementary School, with Total Project Costs Not to Exceed \$296,006, and Further Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$183,849 (following loan forgiveness of \$112,157).

50. **Notes:** Staff is presenting a resolution to secure funding for the Cedar Street Park and Ride facility, which the Maine Department of Transportation has approved. Phase 1 will include the construction of the Park and Ride and the extension of the sidewalk on Cedar Street to the Park and Ride. Phase 2 will include a crossing of the railroad tracks and a path adjacent to the tracks to Union Street. A copy of a memo from Town Engineer Ryan Barnes that includes the history of the project, a modification document for the project, and the draft resolution are included in the packet.

**Suggested motion:**

Motion to adopt “A Resolution Authorizing an Appropriation and Expenditure of \$128,000 from Available Tax Increment Financing Revenues to Serve as the Required Local Match for the Maine Department of Transportation’s Final Engineering, Right-of-Way Work and Construction of a Multimodal Parking Area and Park-and-Ride Lot on Cedar Street”.

51. **Notes:** The Veterans Plaza Committee is seeking authorization from the Town Council to enter into contracts with contractors and suppliers in order to start the Veterans Plaza project in August of this year. This project was endorsed by the Town Council on February 20, 2018, and the design approved by the Village Review Board on September 18, 2018. The formal dedication is tentatively planned for Veterans Day, 2020. A copy of a memo from Tom Farrell, Director of Parks & Recreation, and the draft resolution are included in the packet.

**Suggested motion:**

Motion to adopt “A Resolution Authorizing the Construction and Funding of the Veterans Plaza Memorial, Appropriating Tax Increment Financing Revenues to Fund Replacement of Banner Poles on Maine Street, and Authorizing Acceptance of Contributions to Fund the Costs of the Plaza and to Establish a Permanent Veterans Plaza Trust Fund”.

**CONSENT AGENDA**

- a) **Approval of a quitclaim deed:** Approval will release the property back to the owner, who has paid owed taxes on building/property depicted as Map 045 Lot 003 Sub 000 Typ 192.

**Suggested motion:**

Motion to approve the Consent Agenda.

**Suggested Motion:**

Motion to adjourn the meeting.

ITEM 38  
BACKUP

Memorandum

To: TM Eldridge

From: Cmdr. Waltz

Re: Explanation of Proposed 4-Way Stop at Weymouth Street and Armory Street

Date: March 6, 2020

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Attached please find a proposed ordinance change which will create a 4-way stop at the Weymouth Street/Armory Street intersection. Currently, Weymouth Street traffic does not stop at the Armory Street intersection. It is my understanding that this change was requested by residents of Weymouth Street as a traffic calming measure.

Chapter 15 - TRAFFIC AND VEHICLES

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ARTICLE III. - SPECIFIC STREET REGULATIONS

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Sec. 15-49. - Four-way stop signs.

Stop signs must be placed near the intersection on the right-hand side of the street at all four (4) corners of the following intersections:

Columbia Avenue and Baribeau Drive.

Columbia Avenue and Barrows Street.

Elm and Middle Streets.

Hemlock Road and Sparwell Lane.

Pleasant Hill, Church and Casco Roads.

Spring Street and Columbia Avenue.

Spring and McKeen Streets.

Union Street and Cumberland Street.

*Weymouth Street and Armory Street*

(Ord. of 5-2-88, § 14; Ord. of 11-7-94; Ord. of 7-19-06)

# Statistics Summary Report

Technician Name: administrator

Location: Weymout St, WB, #38

Report Period: 11/13/2017 to 11/19/2017

Address: 38 Weymouth St, Brunswick, ME, USA, 04011

Total Vehicle Count: 12,574

Speed Limit: 25



Hour	Total Vehicles	Average Vehicles	Total Violations	% Violations	Min. Speed	Max. Speed	Avg. Speed	85% Speed
00-01	89	13	9	10 %	3	32	14	5
01-02	32	5	5	16 %	3	29	15	5
02-03	23	3	3	13 %	3	27	13	5
03-04	16	2	2	13 %	3	30	12	5
04-05	11	2	1	9 %	3	27	16	5
05-06	62	9	2	3 %	3	28	13	4
06-07	149	21	10	7 %	3	32	12	5
07-08	252	36	38	15 %	3	32	14	5
08-09	527	75	69	13 %	3	63	15	5
09-10	697	100	82	12 %	3	68	15	5
10-11	781	112	105	13 %	3	35	15	5
11-12	836	119	106	13 %	3	55	15	5
12-13	894	128	108	12 %	3	36	15	5
13-14	950	136	112	12 %	3	34	16	5
14-15	991	142	120	12 %	3	51	16	5
15-16	1,006	144	109	11 %	3	57	15	5
16-17	1,184	169	142	12 %	3	56	16	5
17-18	1,257	180	121	10 %	3	52	15	5
18-19	1,006	144	68	7 %	3	34	15	5
19-20	611	87	45	7 %	3	61	15	5
20-21	428	61	24	6 %	3	54	15	5
21-22	334	48	22	7 %	3	35	15	5
22-23	265	38	17	6 %	3	59	14	5
23-24	173	25	18	10 %	3	32	14	5
	<b>12,574</b>	<b>1,799</b>	<b>1,338</b>	<b>10 %</b>	<b>3</b>	<b>42</b>	<b>15</b>	<b>5</b>

Count by Speed Bins

Speed	Count
0...5	1,531
5...10	2,642
10...15	2,310
15...20	2,116
20...25	2,637
25...30	1,173
30...35	145
35...40	7
40...45	1
45...50	0
50...55	5
55...60	4
60...65	2
65...70	1
<b>Total:</b>	<b>12,574</b>

# Statistics Summary Report

Technician Name: administrator

Location: 44 Weymouth ST  
 Address: 44 Weymouth ST, Brunswick, ME, USA, 04011  
 Speed Limit: 25

Report Period: 11/11/2019 to 11/19/2019  
 Total Vehicle Count: 13,406



Hour	Total Vehicles	Average Vehicles	Total Violations	% Violations	Min. Speed	Max. Speed	Avg. Speed	85% Speed
00-01	64	9	7	11 %	3	31	15	5
01-02	41	6	14	34 %	3	33	21	6
02-03	15	2	1	7 %	3	31	18	5
03-04	7	1	2	29 %	8	29	21	6
04-05	30	4	0	0 %	3	24	16	5
05-06	15	2	2	13 %	3	30	12	5
06-07	103	15	9	9 %	3	80	14	5
07-08	224	32	23	10 %	3	68	14	5
08-09	635	91	93	15 %	3	75	16	5
09-10	924	132	112	12 %	3	86	16	5
10-11	859	123	128	15 %	3	76	16	5
11-12	955	136	141	15 %	3	56	16	5
12-13	960	137	123	13 %	3	82	16	5
13-14	1,070	153	176	16 %	3	76	16	6
14-15	1,037	148	152	15 %	3	73	16	5
15-16	1,142	163	164	14 %	3	78	16	5
16-17	1,251	179	201	16 %	3	78	17	6
17-18	1,292	185	161	12 %	3	75	16	5
18-19	1,196	171	130	11 %	3	75	16	5
19-20	639	91	77	12 %	3	80	16	5
20-21	364	52	42	12 %	3	71	16	5
21-22	307	44	36	12 %	3	34	15	5
22-23	166	24	26	16 %	3	79	17	6
23-24	110	16	15	14 %	3	72	15	5
	<b>13,406</b>	<b>1,916</b>	<b>1,835</b>	<b>14 %</b>	<b>3</b>	<b>62</b>	<b>16</b>	<b>5</b>

Count by Speed Bins

Speed	Count
0...5	2,721
5...10	1,919
10...15	1,523
15...20	1,902
20...25	3,506
25...30	1,544
30...35	208
35...40	9
40...45	1
45...50	1
50...55	5
55...60	4
60...65	9
65...70	19
70...75	23
75...80	9
80...85	2
85...90	1
<b>Total:</b>	<b>13,406</b>

The presentation to the School Board and the Finance presentation are found after Items 48 and 49.

ITEM 48  
BACKUP



PAUL K. PERZANOSKI  
*Superintendent of Schools*

SHAWN L. LAMBERT  
*Assistant Superintendent*

BARBARA J. GUNN  
*Director of Student Services*

## BRUNSWICK SCHOOL DEPARTMENT

Office of the Superintendent  
46 Federal Street  
Brunswick, Maine 04011  
Telephone (207) 319-1900  
FAX (207) 725-1700

KELLY WENTWORTH  
*Business Manager*

SHANNA CROFTON  
*Director of Curriculum, Assessment,  
Instruction, & Professional Development*

SUE WOODHAMS  
*Director of Technology Integration*

March 12, 2020

Town of Brunswick  
Attn: Mr. John Eldridge  
Town Manager  
85 Union Street  
Brunswick, ME 04011

Dear Mr. Eldridge:

The School Board, at its regularly scheduled meeting March 11, 2020, by a majority vote of the entire Board and by unanimous vote of all Board members present, voted to accept School Revolving Renovation Fund Eligibility Certificates for project 1432, 1433, 1436, and 1437 totaling \$153,777 for Brunswick Junior High School, and to proceed with the work authorized therein. A copy of the certificates and the Department of Education forwarding letter are attached.

It is requested that the Town Council concur in this action and authorize borrowing from the bond bank, and that the Town Finance Director prepare and submit the required financing application.

Thank you for your assistance in this matter.

Sincerely,

Paul K. Perzanoski  
Superintendent

**TOWN OF BRUNSWICK, MAINE**

**Ordinance Authorizing Various Health, Safety and ADA Compliance Improvements at the Brunswick Junior High School, with Total Projects Costs Not to Exceed \$153,777, and Further Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$95,511 (following loan forgiveness of \$58,266).**

**WHEREAS**, the Town Council (the “Town Council”) of the Town of Brunswick (the “Town”) has determined that the Town needs to address improvements at the Brunswick Junior High School; and

**WHEREAS**, the Town’s School Department has received eligibility certificates from the Maine Department of Education approving four improvement projects to be part of the Maine Municipal Bond Bank’s School Revolving Renovation Fund program and an estimated 37.89% of total cost loan forgiveness; and

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

**NOW THEREFORE THE FOLLOWING ORDINANCE IS ADOPTED.**

**Section 1. Authorization for Projects, Appropriation and Funding Appropriation through Bonds.** That ADA improvements (stair rails), hazardous materials abatement (cafeteria floor), life safety improvements (illuminated exits signage), and other safety (kiln enclosure) projects in the Brunswick Junior High School, including but not limited to the engineering, planning, development, construction, any necessary equipping, and financing costs associated with the projects described (the “Projects”) are hereby approved, and that \$153,777 is hereby appropriated to fund the Projects. In order to fund the appropriation, the Treasurer and the Chair of the Town Council are hereby authorized and empowered in the name and on behalf of the Town of Brunswick (the “Town”) to borrow up to \$153,777 through the Maine Municipal Bond Bank’s School Revolving Renovation Fund, (\$58,266 of which is to be forgiven pursuant to the terms of a Loan Agreement (the “Loan Agreement”) with the Maine Municipal Bond Bank (the “Bank”) leaving a total principal debt liability to the Town of \$95,511).

**Section 2. Loan Agreement.** That the Town Council hereby delegates authority and authorizes the Treasurer to enter into a Loan Agreement and the issuance, sale and delivery to the Bank, as evidence of the aforesaid loan and against payment therefor, of a 2020 School Revolving Renovation Fund Bond (the “Bond”) of the Town in the aggregate principal amount for these Projects not to exceed \$95,511, such Loan Agreement and Bond to be signed by the Treasurer and countersigned by the Chair of the Town Council and attested by its Town Clerk; and to contain such terms and provisions as the officials executing the same may approve, their approval to be conclusively evidences by their execution thereof. If the Treasurer, Chair of the Town Council or Town Clerk are for any reason unavailable to approve and execute the bonds or other documentation in connection with the Projects, execution and delivery of the bonds, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had performed such act.

**Section 3. Full Faith and Credit.** That the Bond shall be issued as a general obligation of the Town payable from the property taxes levied in the Town and for which payment the full faith and credit

and taxing power of the Town are hereby pledged. That the Town covenants and agrees that it will, at all times so long as the Bond is outstanding, collect taxes in such an amount that together with all other monies available to the Town will be fully sufficient to permit the performance of all covenants and obligations of the Town established herein and in the Loan Agreement and the Bond, including the prompt payment of principal of and interest on the Bond as and when due and payment of principal and interest on all other indebtedness of the Town as and when due.

**Section 4. Delegation to Execute Documents.** The Treasurer and Chair of the Town Council and all other proper officials of the Town, be and hereby are authorized and empowered in its name and on its behalf to do or cause to be done all such acts and things as may be deemed necessary or desirable in order to effect the borrowing authorized by this vote, including without limitation the execution and delivery of such further agreements, documents, certificates and other instruments as may be necessary or appropriate in connection herewith.

**Section 5. Advances and Declaration of Official Intent.** The Town is authorized to make advances from the Town's general fund in an aggregate amount not to exceed \$153,777 in anticipation of the receipt of bond or note proceeds for the Projects. Advances used in lieu of bonds or notes authorized hereunder are appropriated to finance the cost, or any part thereof, of the Projects. The Treasurer is authorized to establish and amend all details of any advances including, but not limited to the term, interest rates and payment schedule. Advances from the Town's general fund may finance the original expenditures related to the Projects. It is expected that those advances will be reimbursed in part or in whole by the issuance of or receipt of proceeds for bonds or notes authorized hereunder. It is the intent of the Town Council that this Ordinance shall constitute the Town's declaration of official intent within the meaning of Treasury Regulation 1.150-2.

**Section 6. Abandonment of Borrowing Authority.** The Treasurer is empowered to declare abandoned, the authority to issue any bonds or notes the Treasurer deems to be in excess of the amount necessary to complete the Projects. Such a declaration once made may not be reversed other than by ordinance.

Proposed to Town Council: March 16, 2020  
Public Hearing:  
Adopted by Town Council:

**TOWN OF BRUNSWICK  
NOTICE OF PUBLIC HEARING**

The Town Council will hold a public hearing on Monday, April 21, 2020 at 6:30 p.m. in the Council Chambers of the Brunswick Town Hall, 85 Union Street, to consider the following:

**Ordinance Authorizing various Health, Safety and ADA Compliance Improvements at the Brunswick Junior High School, with Total Project Costs Not to Exceed \$153,777, and Further Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$95,511 (following loan forgiveness of \$58,266).**

The text of the proposed ordinance is too extensive to be included with this notice. Anyone having questions about the proposed ordinance or wishing to obtain copies of it should contact the Brunswick Town Clerk's or Town Manager's Office during regular office hours (Mon-Weds 8:30 am to 4:30 pm, Thursday 8:30 am to 6:00 pm, and Friday 8:30 am to 3:00 pm).

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

Frances M. Smith  
Town Clerk of Brunswick, Maine

\_\_\_\_\_, 2020

Printed in the *Times Record* on \_\_\_\_\_, 2020

ITEM 49  
BACKUP



PAUL K. PERZANOSKI  
*Superintendent of Schools*

SHAWN L. LAMBERT  
*Assistant Superintendent*

BARBARA J. GUNN  
*Director of Student Services*

## BRUNSWICK SCHOOL DEPARTMENT

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Instruction, & Professional Development*

SUE WOODHAMS  
*Director of Technology Integration*

March 12, 2020

Town of Brunswick  
Attn: Mr. John Eldridge  
Town Manager  
85 Union Street  
Brunswick, ME 04011

Dear Mr. Eldridge:

The School Board, at its regularly scheduled meeting March 11, 2020, by a majority vote of the entire Board and by unanimous vote of all Board members present, voted to accept School Revolving Renovation Fund Eligibility Certificate for project 1431 totaling \$296,006 for Coffin Elementary School, and to proceed with the work authorized therein. A copy of the certificate and the Department of Education forwarding letter are attached.

It is requested that the Town Council concur in this action and authorize borrowing from the bond bank, and that the Town Finance Director prepare and submit the required financing application.

Thank you for your assistance in this matter.

Sincerely,

Paul K. Perzanoski  
Superintendent

**TOWN OF BRUNSWICK, MAINE**

**Ordinance Authorizing Health Improvements at the Coffin Elementary School, with Total Project Costs Not to Exceed \$296,006, and Further Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$183,849 (following loan forgiveness of \$112,157).**

**WHEREAS**, the Town Council (the “Town Council”) of the Town of Brunswick (the “Town”) has determined that the Town needs to address improvements at the Coffin Elementary School; and

**WHEREAS**, the Town’s School Department has received an eligibility certificate from the Maine Department of Education approving an Indoor Air Quality improvement project to be part of the Maine Municipal Bond Bank’s School Revolving Renovation Fund program and an estimated 37.89% of total cost loan forgiveness; and

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

**NOW THEREFORE THE FOLLOWING ORDINANCE IS ADOPTED.**

**Section 1. Authorization for Project, Appropriation and Funding** **Appropriation through Bonds.** That Indoor Air Quality improvements in the Coffin Elementary School, including but not limited to the engineering, planning, development, construction, any necessary equipping, and financing costs associated with the project described (the “Project”) are hereby approved, and that \$296,006 is hereby appropriated to fund the Project. In order to fund the appropriation, the Treasurer and the Chair of the Town Council are hereby authorized and empowered in the name and on behalf of the Town of Brunswick (the “Town”) to borrow up to \$296,006 through the Maine Municipal Bond Bank’s School Revolving Renovation Fund, (\$112,157 of which is to be forgiven pursuant to the terms of a Loan Agreement (the “Loan Agreement”) with the Maine Municipal Bond Bank (the “Bank”) leaving a total principal debt liability to the Town of \$183,849).

**Section 2. Loan Agreement.** That the Town Council hereby delegates authority and authorizes the Treasurer to enter into a Loan Agreement and the issuance, sale and delivery to the Bank, as evidence of the aforesaid loan and against payment therefor, of a 2020 School Revolving Renovation Fund Bond (the “Bond”) of the Town in the aggregate principal amount for this Project not to exceed \$183,849, such Loan Agreement and Bond to be signed by the Treasurer and countersigned by the Chair of the Town Council and attested by its Town Clerk; and to contain such terms and provisions as the officials executing the same may approve, their approval to be conclusively evidences by their execution thereof. If the Treasurer, Chair of the Town Council or Town Clerk are for any reason unavailable to approve and execute the bonds or other documentation in connection with the Project, execution and delivery of the bonds, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had performed such act.

**Section 3. Full Faith and Credit.** That the Bond shall be issued as a general obligation of the Town payable from the property taxes levied in the Town and for which payment the full faith and credit and taxing power of the Town are hereby pledged. That the Town covenants and agrees that it will, at all

times so long as the Bond is outstanding, collect taxes in such an amount that together with all other monies available to the Town will be fully sufficient to permit the performance of all covenants and obligations of the Town established herein and in the Loan Agreement and the Bond, including the prompt payment of principal of and interest on the Bond as and when due and payment of principal and interest on all other indebtedness of the Town as and when due.

**Section 4. Delegation to Execute Documents.** The Treasurer and Chair of the Town Council and all other proper officials of the Town, be and hereby are authorized and empowered in its name and on its behalf to do or cause to be done all such acts and things as may be deemed necessary or desirable in order to effect the borrowing authorized by this vote, including without limitation the execution and delivery of such further agreements, documents, certificates and other instruments as may be necessary or appropriate in connection herewith.

**Section 5. Advances and Declaration of Official Intent.** The Town is authorized to make advances from the Town's general fund in an aggregate amount not to exceed \$296,006 in anticipation of the receipt of bond or note proceeds for the Project. Advances used in lieu of bonds or notes authorized hereunder are appropriated to finance the cost, or any part thereof, of the Project. The Treasurer is authorized to establish and amend all details of any advances including, but not limited to the term, interest rates and payment schedule. Advances from the Town's general fund may finance the original expenditures related to the Project. It is expected that those advances will be reimbursed in part or in whole by the issuance of or receipt of proceeds for bonds or notes authorized hereunder. It is the intent of the Town Council that this Ordinance shall constitute the Town's declaration of official intent within the meaning of Treasury Regulation 1.150-2.

**Section 6. Abandonment of Borrowing Authority.** The Treasurer is empowered to declare abandoned, the authority to issue any bonds or notes the Treasurer deems to be in excess of the amount necessary to complete the Project. Such a declaration once made may not be reversed other than by ordinance.

Proposed to Town Council:      March 16, 2020  
Public Hearing:  
Adopted by Town Council:

**TOWN OF BRUNSWICK  
NOTICE OF PUBLIC HEARING**

The Town Council will hold a public hearing on Monday, April 21, 2020 at 6:30 p.m. in the Council Chambers of the Brunswick Town Hall, 85 Union Street, to consider the following:

**Ordinance Authorizing Health Improvements at the Coffin Elementary School, with Total Project Costs Not to Exceed \$296,006, and Further Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$183,849 (following loan forgiveness of \$112,157).**

The text of the proposed ordinance is too extensive to be included with this notice. Anyone having questions about the proposed ordinance or wishing to obtain copies of it should contact the Brunswick Town Clerk's or Town Manager's Office during regular office hours (Mon-Weds 8:30 am to 4:30 pm, Thursday 8:30 am to 6:00 pm, and Friday 8:30 am to 3:00 pm).

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

Frances M. Smith  
Town Clerk of Brunswick, Maine

\_\_\_\_\_, 2020

Printed in the *Times Record* on \_\_\_\_\_, 2020

# Presentation of the State of Maine's School Revolving Renovation School Fund

March 11 & 16, 2020

1

## Description of School Revolving Renovation Fund

The School Revolving Renovation Fund provides loans to School Departments to finance project expenditures. A portion of the loan is forgiven with the remaining balance paid back over five years at a zero percent interest rate.

2

## Justification / Project Priority

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The Brunswick School Department applied for \$915,834 of priority one repairs for Coffin Elementary and Brunswick Junior High School. These repairs are needed due to the age and condition of the buildings and include health, safety, and compliance issues.

All of the requests were also included in the repair projects of these two buildings that have been the object of discussion for several years. CHA Architects provided the project estimates as required.

3

## Capital Cost- Coffin

On January 31, 2020 we received confirmation of a \$296,096 award for Coffin School.

The award is broken down as follows:

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<u>Project 1431 - Indoor Air Quality (Gymnasium)</u>	\$ 296,096
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Total Amount of Project to Accept:	\$ 296,096
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Loan Forgiveness (as of state subsidy)	\$ 112,517 (37.89%)
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Loan Repayment	\$ 183,849 (62.11%)
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Length of Loan	5 years
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4

## Capital Cost- BJHS

We also received confirmation of a \$160,790 award for BJHS.

The award is broken down as follows:

ADA (Stair Rails)	\$ 34,554
Hazmat Asbestos	\$ 83,054
<del>Security Vestibule</del>	<del>\$ 7,013</del> Not Recommending Acceptance
Life Safety (signage)	\$ 10,335
Safety (kiln enclosure)	\$ 25,834
<b>Total Amount of Projects to Accept:</b>	<b>\$153,777</b>
Loan Forgiveness (as of state subsidy)	\$ 58,266 (37.89%)
Loan Repayment	\$ 95,511 (62.11%)
Length of Loan	5 years

5

## Brief Approved Project Summaries

Project 1431- IAQ- Coffin- Install ventilation system in gymnasium

Project 1432- ADA BJHS- Remove and replace current non compliant (too open, too low, and do not meet graspability standards) stair rail system on north end of main corridors

Project 1433- Hazmat BJHS- Remove, abate, and replace asbestos flooring in cafeteria

Project 1434- Security- BJHS- Renovate entrance to install security features. Total project cost is \$100,782- *Not recommending acceptance*

Project 1436- Life Safety- BJHS- Replace illuminated exit signs throughout the building

Project 1437- Safety- BJHS- Build a fire-rated enclosure for kiln that is adjacent to educational areas

6

## Assumptions and Constraints

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We assume that the approval of this project could decrease any future bond request for BJHS

All projects over \$25,000 would require a request for qualifications process for the architectural design services

All projects under \$100,000 will be require soliciting a minimum of 3 proposals.

All projects over \$100,000 will be subject to the competitive bidding process.

Constraints are the July 31, 2020 deadline for the loan application completion; and July 31, 2021 work completion deadline.

Delaying or rejecting the projects is a loss of opportunity to improve the health and safety of these two buildings with a zero percent loan and 37.89% forgiven.

We also could breach the opportunity if we don't meet the deadlines aforementioned.

7

## Coffin Information

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One could ask the question about why would we spend money on Coffin if we just built a new school for Grades PreK-2?

•Exploration of potential uses for Coffin are currently underway, the School Board has not any final made a decisions as of this date

8



STATE OF MAINE  
DEPARTMENT OF EDUCATION  
23 STATE HOUSE STATION  
AUGUSTA, ME 04333-0023

JANET T. MILLS  
GOVERNOR

PENDER MAKIN  
COMMISSIONER

January 31, 2020

Paul Perzanoski  
Superintendent of Schools  
Brunswick School Department  
46 Federal Street  
Brunswick, ME 04011

RE: Eligibility Certificates – SRRF Project #1431, 1432, 1433, 1434, 1436, and 1437

Dear Superintendent Perzanoski:

I am pleased to inform you that your School Revolving Renovation Fund applications for Projects #1431, 1432, 1433, 1434, 1436 and 1437 have been approved for funding for the amounts listed on the attached eligibility certificates.

The loan process for your projects must be initiated within 30 days. Please contact Toni Reed, Program Loan Officer, Maine Municipal Bond Bank at 622-9386 for assistance.

Awardees must comply with all applicable statutory and rule requirements for public improvement projects. Please see the attached post award guidance. You may contact Valerie Chiang, School Construction Coordinator, at 624-6693 for technical assistance.

Please note that failure to comply with SRRF program requirements and all applicable statutes and rules may result in revocation of your SRRF eligibility certificates and cancellation of your SRRF awards.

I wish you good luck as you complete your projects. If you have any questions regarding the School Revolving Renovation Fund, please contact Ann Pinnette at 624-6885 or [ann.pinnette@maine.gov](mailto:ann.pinnette@maine.gov).

Sincerely,

Pender Makin  
Commissioner

Enclosures: SRRF Eligibility Certificates  
SRRF Post Award Information

cc: Toni Reed, Maine Municipal Bond Bank



**School Revolving Renovation Fund  
Eligibility Certificate**

School Administrative Unit	Brunswick
Facility	Coffin School
Priority	1- Health, Safety and Compliance Repairs
Project #	1431
Scope of Work	IAQ
Amount Funded	\$296,006
Maximum Loan Amount	<b>\$296,006</b>
Portion of Loan to be Forgiven	\$112,157      37.89%
Portion of Loan to be Repaid	\$183,849      62.11%
Length of Loan	5 years      (loans \$500,000 or less)

This Eligibility Certificate for the above listed School Revolving Renovation Fund project is hereby approved. Work authorized under this certificate must be materially completed and all loan proceeds must be expended by July 31, 2021.

January 31, 2020  
Date

*Pender Makin*  
Pender Makin  
Commissioner



**School Revolving Renovation Fund  
Eligibility Certificate**

<b>School Administrative Unit</b>	Brunswick				
<b>Facility</b>	Brunswick Jr. High School				
<b>Priority</b>	1- Health, Safety and Compliance Repairs				
<b>Project #</b>	1432	1433	1434	1436	1437
<b>Scope of Work</b>	ADA	HazMat	Other - Security	Other - Life Safety signage	Other - Safety-kiln
<b>Amount Funded</b>	\$34,554	\$83,054	\$7,013	\$10,335	\$25,834
<b>Maximum Loan Amount</b>	\$160,790				
<b>Portion of Loan to be Forgiven</b>	\$60,923	37.89%			
<b>Portion of Loan to be Repaid</b>	\$99,867	62.11%			
<b>Length of Loan</b>	5 years (loans \$500,000 or less)				

This Eligibility Certificate for the above listed School Revolving Renovation Fund projects is hereby approved. Work authorized under this certificate must be materially completed and all loan proceeds must be expended by July 31, 2021.

January 31, 2020  
Date

*Pender Makin*  
Pender Makin  
Commissioner

**BRUNSWICK SCHOOL DEPARTMENT FY2020 REVOLVING RENOVATION PROJECT SUMMARY**

					37.89%	62.11%	
Project #	Project Description	Location	Application Amount	Approved Amount	Forgiveness Amount	BSD Responsibility	Notes
1431	IAQ- Ventilation in Gym	Coffin	\$ 296,006.00	\$ 296,006.00			
	<b>Coffin Total</b>			<b>\$ 296,006.00</b>	<b>\$ 112,156.67</b>	<b>\$ 183,849.33</b>	
1432	Stair Rails	BJHS	\$ 29,395.00	\$ 34,554.00			budget adj by DOE
1433	Cafeteria Floor Abatement	BJHS	\$ 81,077.00	\$ 83,054.00			budget adj by DOE
1434	<del>Security Vestibule</del>	BJHS	<del>\$ 100,782.00</del>	<del>\$ 7,013.00</del>			hit funding limit
1435	PA System	BJHS	\$ 164,374.00	\$ -			hit funding limit
1436	Safety- Illuminated Exits	BJHS	\$ 10,334.00	\$ 10,335.00			
1437	Kiln Enclosure	BJHS	\$ 25,255.00	\$ 25,834.00			budget adj by DOE
1438	Sinking Floor Slab	BJHS	\$ 208,611.00	\$ -			hit funding limit
	<b>BJHS Total</b>			<b>\$ 153,777.00</b>	<b>\$ 58,266.11</b>	<b>\$ 95,510.89</b>	
	<b>Total Loan</b>					<b>\$ 279,360.22</b>	
	<b>5 year loan</b>					<b>5</b>	
	<b>Annual Debt Service</b>					<b>\$ 55,872.04</b>	

**Anticipated Timeline for FY 2020 SRRF Application Cycle**

July 1, 2019	DOE application process begins
September 30, 2019	SAU deadline for applications to be received by DOE
October 31, 2019	DOE completes review and rating process
December 31, 2019	DOE reviews technical content and completes cost analysis
January 16, 2020	DOE prepares final priority list
February 1, 2020	DOE issues eligibility certificates (award date)
July 31, 2020	SAU deadline for MMBB loan application process to be completed
July 31, 2021	SAU deadline for SRRF project work completion and submission of final payment requisition for all projects

### SRRF Process

The following steps take you through the School Revolving Renovation Fund process from application submittal to project completion:

1. School Administrative Units (SAUs) submit completed applications to the Maine Department of Education (DOE).
2. DOE reviews and rates applications.
3. DOE conducts a technical and cost review. The review addresses three areas:
  - Has the SAU conducted a thorough evaluation of the issue(s) to be able to identify the cause(s) and other associated issues?
  - Has the SAU identified and considered potential solutions and selected the one most appropriate for that facility and the SAU?
  - Is the cost of the solution reasonable?
4. DOE communicates with SAUs or their consultants to clarify details, request further documentation, or conduct a site visit.
5. DOE prepares a funding priority list which funds as many eligible projects as resources allow.
6. DOE provides Eligibility Certificates to SAUs with projects on the priority list.
7. SAUs contact the Maine Municipal Bond Bank (MMBB) within 30 days of award notification to begin the loan application process. The loan closing must be completed within 6 months of the date on the Eligibility Certificate or the award will be forfeited. SAUs should plan well in advance for any necessary local votes.
8. SAUs may contact DOE with questions regarding procurement of professional, architectural, and engineering services; review of plans, specifications and contracts; and other technical issues.
9. As projects proceed, SAUs submit requisitions for disbursement of loan proceeds and copies of paid project invoices to the MMBB. The MMBB forwards requisitions and invoices to DOE for authorization of payment.
10. All project work is completed and all requisitions for payment are submitted within 18 months of the date on the eligibility certificate. Requisitions submitted after the 18 month deadline will not be approved for payment.

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**Information for SRRF Applicants**

**Project Type and Eligibility**

For fiscal year 2020, applications for the School Revolving Renovation Fund (SRRF) will be accepted for Priority One: health, safety, and compliance projects and Priority Two: repairs and improvements not related to health, safety and compliance. Priority One SRRF projects include structural roof repairs, Americans with Disabilities Act compliance upgrades, indoor air quality improvements, and hazardous material abatement or removal. Priority Two SRRF projects include school building structures, windows and doors, and water and septic systems. Eligible Priority One projects will receive funding preference over Priority Two projects. Retroactive projects (those that have begun work or been completed) are not eligible for funding consideration.

**Project Loan Amount**

The maximum loan amount is \$1,000,000 per priority per building over any 5 year period. Please review your SRRF funding history to ensure your current request does not exceed the statutory limit when combined with past SRRF loans provided for your school building. School administrative units may raise additional local funds to support SRRF projects.

**Professional Services Procurement and Document Development**

Project estimates, budgets and bidding documents are to be developed by licensed architects and professional engineers. These professional services shall be procured by advertising a Request for Qualifications in the Kennebec Journal and a newspaper local to the project 2 times, in 2 separate weeks. Allow a minimum of 7 days after the second advertisement for the submissions to be received. Submissions shall be evaluated based on qualifications, firms short-listed and interviewed, and a contract negotiated with the highest ranked firm. The design professional will be responsible for assisting the SAU with meeting all regulatory code requirements.

**Project Budget**

The Department will not revise eligibility certificates for additional funding should conditions or estimates change during the course of a project or if the project is delayed. School administrative units are responsible for project cost overruns. The final loan amount may be adjusted downward to equal the approved costs incurred at project completion. Surplus funds from a project may not be used for another project.

**Construction Procurement**

Projects estimated to be under \$100,000 may make use of a select list of bidders, soliciting a minimum of 3 proposals. Projects over \$100,000 must be advertised for sealed proposals. The Request for Proposals advertisements shall appear in the Kennebec Journal and a newspaper local to the project 2 times, in 2 separate weeks. Allow a minimum of 7 days after the second advertisement, or the pre-bid site walk if applicable, whichever is the latter, for the closing of bids. Proposals shall remain sealed until publicly opened and read aloud. Construction shall be awarded to the lowest responsive bidder.

**Project Loan Deadlines**

All SAUs with approved projects must contact the Maine Municipal Bond Bank (MMBB) within 30 days of award notification to begin the loan process. Loans must be closed within 6 months of the award date of the eligibility certificate. All requisitions for loan disbursements must be submitted to the MMBB within 18 months of the award date.

**Project Completion**

Projects must be completed within 18 months of the award date.

**Statutory and Rule Requirements**

SAUs must comply with all applicable statutory requirements of 5 M.R.S. Chapter 153 and Rule Chapter 64: Maine School Facilities Program and School Revolving Renovation Fund. Failure to comply with statutes, rules and program requirements will result in revocation of the SRRF eligibility certificate and cancellation of any SRRF award.

**Information for SRRF Awardees**

**Professional Services Procurement and Document Development**

Project estimates, budgets and bidding documents are to be developed by licensed architects and professional engineers. These professional services shall be procured by advertising a Request for Qualifications in the Kennebec Journal and a newspaper local to the project 2 times, in 2 separate weeks. Allow a minimum of 7 days after the second advertisement for the submissions to be received. Submissions shall be evaluated based on qualifications, firms short-listed and interviewed, and a contract negotiated with the highest ranked firm. The design professional will be responsible for assisting the SAU with meeting all regulatory code requirements.

**Project Budget**

The Department will not revise eligibility certificates for additional funding should conditions or estimates change during the course of a project or if the project is delayed. School administrative units are responsible for project cost overruns. The final loan amount may be adjusted downward to equal the approved costs incurred at project completion. Surplus funds from a project may not be used for another project.

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**Project Loan**

All SAUs with approved projects must contact the Maine Municipal Bond Bank (MMBB) within 30 days of award notification to begin the loan process. Loans must be closed within 6 months of the award date of the eligibility certificate. All requisitions for loan disbursements must be submitted to the MMBB within 18 months of the award date. SAUs with awards for multiple projects must track costs separately for each individual project by assigned SRRF project number.

**Project Completion**

Projects must be completed within 18 months of the award date.

**Statutory and Rule Requirements**

SAUs must comply with all applicable statutory requirements of 5 M.R.S. Chapter 153 and Rule Chapter 64: Maine School Facilities Program and School Revolving Renovation Fund. Failure to comply with statutes, rules and program requirements will result in revocation of the SRRF eligibility certificate and cancellation of any SRRF award.

# School Revolving Renovation Fund

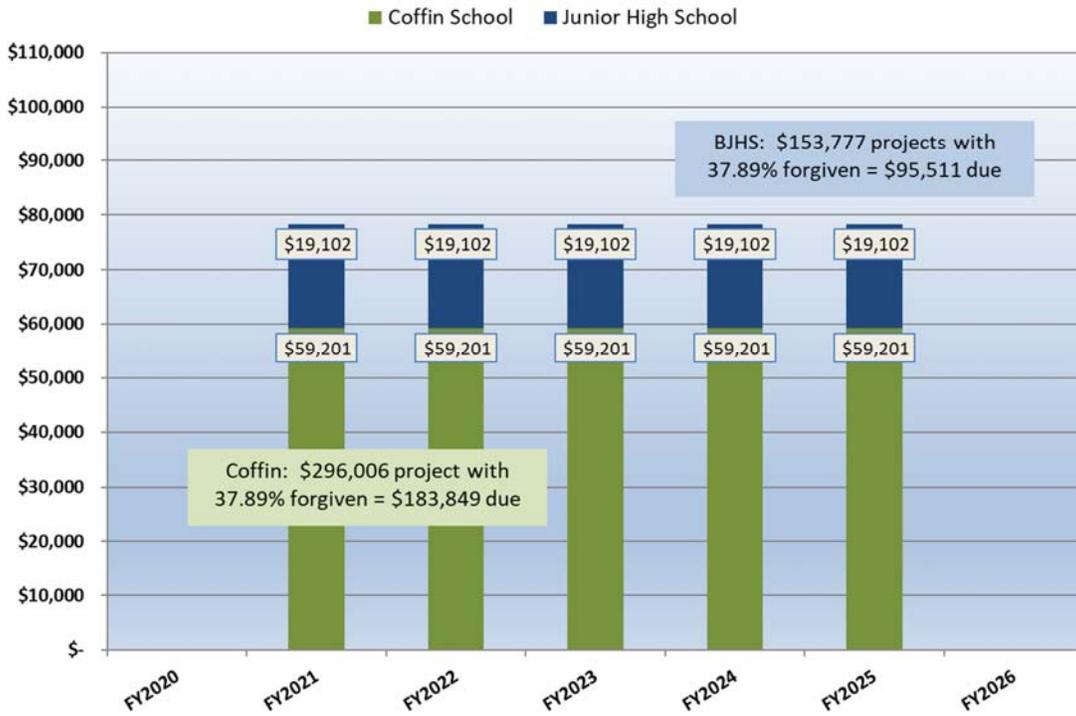
## 2020 projects

March 16, 2020

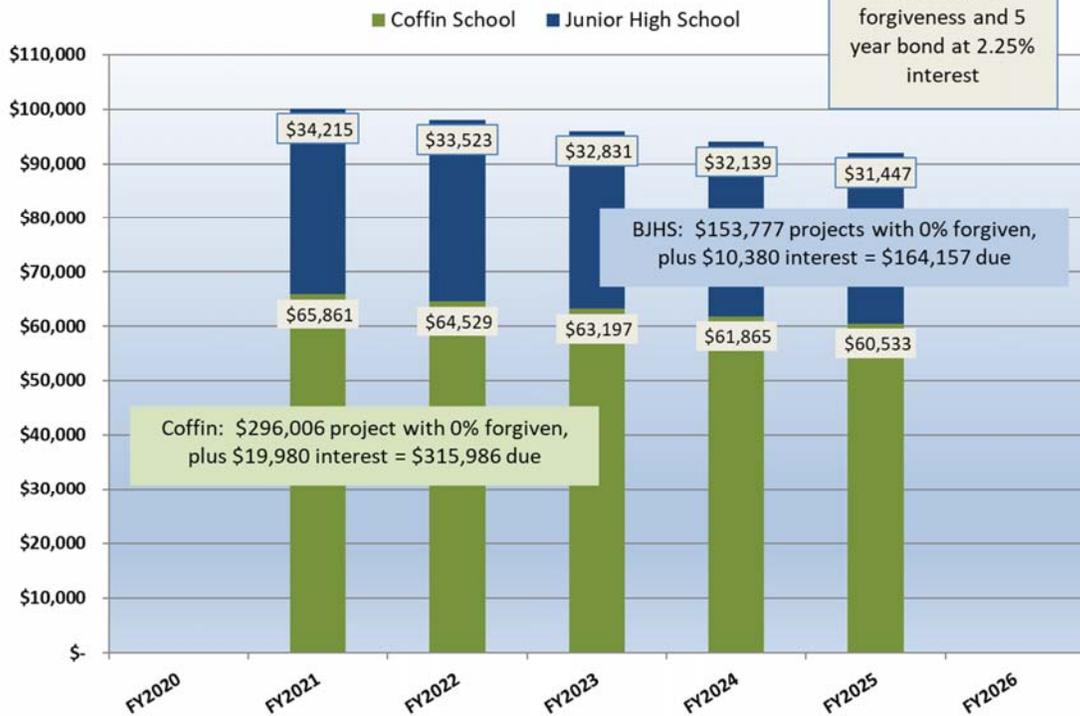
### School Revolving Renovation Fund Maximum \$1,000,000 per school, per 5 years

SRRF Year	Proj	School	Project Type	Project	DOE Share	Brunswick Share
2016	1186	Coffin	Other-Sprinkler	136,968.00	52,609.41	84,358.59
2016	1187	Coffin	Roof Renovations	49,868.00	19,154.30	30,713.70
2016	1188	Coffin	Other-Fire Alarm	61,145.27	23,485.90	37,659.37
2016	1189	Coffin	ADA-Toilets	57,528.00	22,096.50	35,431.50
2016	1190	Coffin	ADA-Doors, etc	62,728.54	24,094.03	38,634.51
				<b>368,237.81</b>	<b>141,440.14</b>	<b>226,797.67</b>
2020	1431	Coffin	Indoor Air Quality	296,006.00	112,157.00	183,849.00
			<b>Total Coffin Elem School</b>	<b>664,243.81</b>	<b>253,597.14</b>	<b>410,646.67</b>
2016	1192	BJHS	Other-Sprinkler	229,390.00	88,108.70	141,281.30
2016	1193	BJHS	Roof Renovations	248,803.00	95,565.23	153,237.77
2016	1194	BJHS	Other-Fire Alarm	96,353.51	37,009.38	59,344.13
2016	1195	BJHS	ADA-Toilets. Etc	97,864.64	37,589.81	60,274.83
2016	1196	BJHS	ADA-Eyewash Stations	24,102.69	9,257.84	14,844.85
2017	1283	BJHS	Other-Sprinkler	106,384.16	42,298.34	64,085.82
				<b>802,898.00</b>	<b>309,829.31</b>	<b>493,068.69</b>
2020	1432	BJHS	ADA - stair rails	34,554.00	13,092.51	21,461.49
2020	1433	BJHS	Hazmat - Cafeteria floor	83,054.00	31,469.16	51,584.84
2020	1434	BJHS	Other - Security vestibule	7,013.00	2,657.23	4,355.77
2020	1436	BJHS	Other - Exit signage	10,335.00	3,915.93	6,419.07
2020	1437	BJHS	Other - Kiln enclosure	25,834.00	9,788.50	16,045.50
				<b>160,790.00</b>	<b>60,923.33</b>	<b>99,866.67</b>
			<b>Total Brunswick Junior High School</b>	<b>963,688.00</b>	<b>370,752.64</b>	<b>592,935.36</b>

### School Revolving Renovation Fund - Annual Debt Service



### Conventional Bond - Annual Debt Service



### School Revolving Renovation Fund

	Coffin School	Junior High School	Total
Construction Costs	\$296,006	\$153,777	\$449,783
Forgiveness 37.89%	\$112,157	\$58,266	\$170,423
<b>SRRF bond</b>	<b>\$183,849</b>	<b>\$95,511</b>	<b>\$279,360</b>
Term	5	5	10
Rate	0.00%	0.00%	0.00%
Start Year	2	2	2

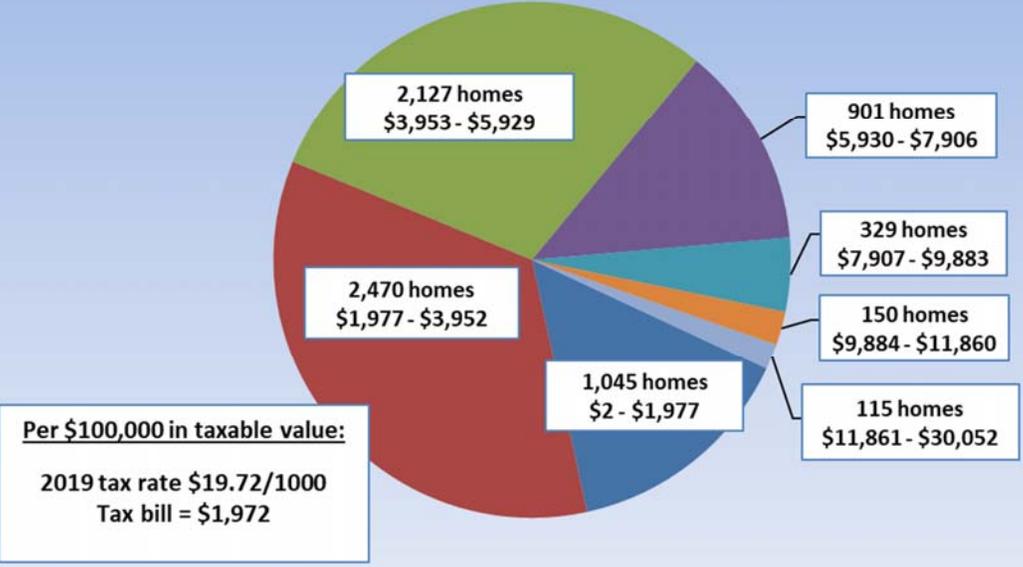
	Year	Principal	Int.	Principal	Int.	Annual Debt Service	YOY Tax Impact	Cost per \$200,000 property
FY2020	1					-	0.00%	-
FY2021	2	36,770	-	19,102	-	55,872	0.12%	4.79
FY2022	3	36,770	-	19,102	-	55,872	0.00%	4.79
FY2023	4	36,770	-	19,102	-	55,872	0.00%	4.79
FY2024	5	36,770	-	19,102	-	55,872	0.00%	4.79
FY2025	6	36,770	-	19,102	-	55,872	0.00%	4.79
FY2026	7					-	-0.12%	-
	<b>Total</b>	<b>\$183,849</b>		<b>\$95,511</b>		<b>\$279,360</b>		<b>\$23.95</b>

### Conventional Bond, without forgiveness

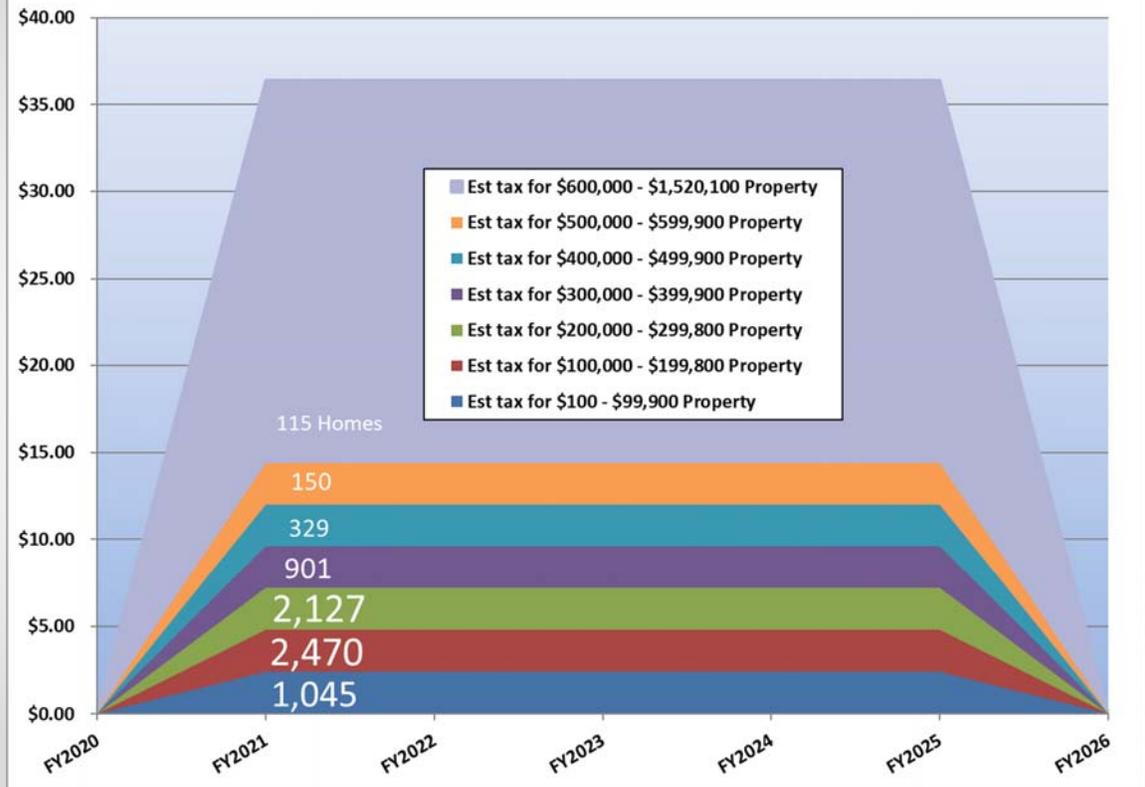
	Coffin School	Junior High School	Total
Construction Costs	\$296,006	\$153,777	\$449,783
Forgiveness	\$0	\$0	\$0
<b>SRRF bond</b>	<b>\$296,006</b>	<b>\$153,777</b>	<b>\$449,783</b>
Term	5	5	10
Rate	2.25%	2.25%	0.00%
Start Year	2	2	2

	Year	Principal	Int.	Principal	Int.	Annual Debt Service	YOY Tax Impact	Cost per \$200,000 property
FY2020	1					-	0.00%	-
FY2021	2	59,201	6,660	30,755	3,460	100,077	0.22%	8.58
FY2022	3	59,201	5,328	30,755	2,768	98,053	0.00%	8.41
FY2023	4	59,201	3,996	30,755	2,076	96,029	0.00%	8.23
FY2024	5	59,201	2,664	30,755	1,384	94,005	0.00%	8.06
FY2025	6	59,201	1,332	30,755	692	91,981	0.00%	7.89
FY2026	7					-	-0.20%	-
	<b>Total</b>	<b>\$296,006</b>	<b>\$19,980</b>	<b>\$153,777</b>	<b>\$10,380</b>	<b>\$480,143</b>		<b>\$41.17</b>

### 2019 Property Taxes 7,137 Taxable Residential Properties



### 2020 SRRF Debt Service (both Coffin & BJHS) Estimated Annual Tax Cost by Taxable Property Values



ITEM 50  
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:** March 31, 2020

**Re:** *Veterans Plaza Project*

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The Veterans Plaza Committee has been working since the fall of 2018 in an effort to raise the necessary funds to pay for the construction of the Veterans Plaza to be located on the north end of the Lower Mall. The project was originally endorsed by the Brunswick Town Council at its meeting on February 20, 2018. The Village Review Board subsequently approved the design for the project at its meeting on September 18, 2018.

Brunswick American Legion Post #20 has raised just over \$400,000 in cash and pledges to date and a preferred contractor has been identified to construct the project beginning in August of this year. A formal dedication is tentatively planned to occur on Veterans Day 2020.

In order for the Town to enter necessary contracts with the preferred contractor and suppliers of certain materials, authorization from the Brunswick Town Council is necessary in the form of a Resolution Authorizing the Construction and Funding the Veteran's Plaza.

A draft resolution for this purpose is included with this memorandum and I will be in attendance at the Council's April 6, 2020 meeting to address any questions members may have regarding the draft resolution and project.

**TOWN OF BRUNSWICK, MAINE**

**A Resolution Authorizing the Construction and Funding of the Veterans Plaza Memorial, Appropriating Tax Increment Financing Revenues to Fund Replacement of Banner Poles on Maine Street, and Authorizing Acceptance of Contributions to Fund the Costs of the Plaza and to Establish a Permanent Veterans Plaza Trust Fund**

**WHEREAS**, the Town Council (the “Town Council”) of the Town of Brunswick (the “Town”) has adopted a Capital Improvement Program for the fiscal years ending June 30, 2020–2024 (the “CIP”); and,

**WHEREAS**, the CIP recommends construction of a Veterans Plaza on the north end of the Town Mall (the “Veterans Plaza” or “Project”); and,

**WHEREAS**, the American Legion George T. Files Post 20 (“American Legion”) has coordinated a volunteer fundraising effort to raise funds to construct and maintain the Veterans Plaza; and

**WHEREAS**, to date, the American Legion has raised over \$400,000 in contributions and pledges, a portion of which is intended for a permanent maintenance fund; and

**WHEREAS**, in 2017 the Town contracted with Richardson and Associates for architectural services to design and manage construction of the Project; and

**WHEREAS**, to accommodate the Project, the banner poles supporting the banner over Maine Street will need to be replaced; and

**WHEREAS**, the estimated total cost to put the Project in service is \$437,932, of which \$34,719 is to replace the banner poles on Maine Street; and

**WHEREAS**, the use of Tax increment Financing (“TIF”) revenues from the Downtown Development and Transit-Oriented TIF District would be allowed for the purpose of replacing the banner poles;

**NOW THEREFORE, BE IT RESOLVED:**

**Section 1. Funding Sources and Appropriations.**

- a. The amount of thirty-four thousand, seven hundred and nineteen dollars (\$34,719) is hereby appropriated from available TIF revenues for the purpose of funding replacement of the banner poles on Maine Street.
- b. The acceptance and use of financial contributions and other valuable considerations from the American Legion and other contributors are hereby authorized and appropriated to fund the Project.
- c. The acceptance and use of financial contributions are hereby authorized and appropriated to establish a permanent maintenance trust fund.
- d. The Town is authorized to make advances from the Town’s general fund to a capital projects fund in anticipation of the receipt of contributions. Advances used in lieu of contributions are appropriated to finance the cost, or any part thereof, of the Project. The Treasurer is authorized to establish and amend all details of any advances, with cash contributions used to repay the advance(s), or any portion thereof.

**Section 2. Authorization to Develop, Construct, and Equip the Project.**

- a. Any actions taken to date by the Town Manager, or his designee, in connection with the planning and design phase of the Project, are hereby ratified, confirmed, and approved.
- b. The Town Manager, or his designee, is authorized to accept and expend contributions to fund the Project.
- c. The Town Manager, or his designee, 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. Any action taken by the Town of Brunswick relating to this project, including the solicitation of proposals, or participation in any process that solicited proposals, as well as any subsequent negotiations or contracts with vendors, are hereby ratified, confirmed, and approved.

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

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

**Section 4. Capital Project Fund.**

- a. The Town is authorized to establish a capital project fund to account for the Project. No interest shall accrue to this fund. Fund balances will roll forward from year to year.
- b. The Town is authorized to accept contributions into the capital project fund to cover the costs of the Project.

- c. The Town is authorized to make advances from the Town's general fund to the capital projects fund in anticipation of the receipt of contributions, with cash contributions used to repay the advance(s), or any portion thereof.
- d. The Project costs are estimates. The Town Manager is authorized to accept any contributions and adjust the amounts directed to the cost of planning and construction, and to the permanent maintenance trust fund.

**Section 5. Permanent Maintenance Fund.**

- a. The Town is authorized to accept contributions from the American Legion for the purpose of funding future maintenance and improvements to the Veterans Plaza.
- b. The Town is authorized to establish a Veterans Plaza Trust Fund ("Trust Fund"), with the Town Council to serve as Trustee. The fund will be administered with the other Town trust funds by the Trust Fund Advisory Committee.
- c. The Town is authorized to accept additional and on-going contributions from the American Legion and others to capitalize or enhance the Trust Fund.
- d. Distributions from the Trust Fund will be used for maintenance or improvement of the Veterans Plaza, at the discretion of the Director of Parks and Recreation and the Town Manager.

Proposed to Town Council: March 2, 2020

Adopted by Town Council:

ITEM 51  
BACKUP

# Town of Brunswick, Maine

OFFICE OF THE TOWN ENGINEER

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## MEMORANDUM

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**TO:** Brunswick Town Council  
**FROM:** Ryan Barnes, PE, CPESC, Town Engineer  
**DATE:** March 31, 2020  
**SUBJECT:** Cedar Street Funding Resolution



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### I. BACKGROUND

2004 to 2015: Maine Eastern Railroad operated passenger service between Brunswick and Rockland, Maine Eastern used the open lot on Cedar Street prior to the construction of the first phase of Maine Street Station.

Spring 2008: The Brunswick Planning Board approved the development of the Maine Street Station project to construct a mixed-use multi-tenant development including the construction of a new platform for the Amtrak Downeaster. Construction began in the fall of 2009.

Summer 2008: The Town of Brunswick applied for a MaineDOT Quality Community Programs grant to construct a Park and Ride facility at the Cedar Street lot.

Spring 2010: A temporary platform was constructed at Maine Street station to allow for the boarding of passengers without the use of the Cedar Street lot.

Summer 2010: Pan Am Railways began working on \$35 million dollars' worth of track and signal upgrades between Portland and Brunswick.

Spring 2012: Amtrak built a longer high-level platform in preparation for the extension of Downeaster service. Service to Freeport and Brunswick began in November 2012.

Summer 2018: MainedOT approved the funding of the Cedar Street Park and Ride facility and entered into an agreement to complete the design work associated with the project. To speed up the process the project is being completed in two phases. Phase 1 will include the construction of the Park and Ride and the extension of the sidewalk on Cedar Street to the Park and Ride. Phase 2 will include a crossing of the railroad tracks and a path adjacent to the tracks to Union Street.

Fall 2019: Two public hearings were held for the project the first in November was held with invitations to all the residents abutting Cedar Street as well as all direct abutters. The formal public hearing was held in December with invitations sent to the abutters above as

well as a Public Notice in the Times Record and notification through the Town web page and social media pages.

## **II. PROJECT MILESTONES AND SCHEDULE**

August 2018 – MaineDOT Authorization of Project

November 2018 – MaineDOT began surveying the project area

March 2019 – Request for Proposals sent to consultants for design of the Park and Ride

April 2019 – Gorrill-Palmer Consulting Engineers of South Portland selected to complete the design of the Park and Ride.

May 2019 – Survey Completed by MaineDOT and Gorrill-Palmer began design.

November 2019 – Public Meeting held with abutters of the Park and Ride facility and abutters of Cedar Street.

December 2019 – Formal Public Hearing Held for the project.

March 2020 – Preliminary Design Report submitted and approved by MaineDOT.

May 13, 2020 (Anticipated) – Submission of final Plans, Specifications, and Estimate for construction authorization.

May 27, 2020 (Anticipated) – Advertise for construction

July 8, 2020 (Anticipated) – Begin Construction

November 2, 2020 (Anticipated) – Construction Complete

## **III. SUMMARY OF COMMENTS RECEIVED AT THE TWO PUBLIC HEARINGS**

- a. The public requested that the Downeast Energy propane tank be removed from the site.

*The tank has been removed and associated foundations and fencing will be removed prior to the start of construction.*

- b. The public expressed the need for a buffer (either existing vegetation or proposed landscaping) along the Cedar Street frontage.

*Additional landscaping along the frontage was not included in the plans submitted to MaineDOT. Our intention would be to install additional landscaping as local resources allow and grading allows, a small detention pond may be required in the front of the facility, however, landscaping could be planted around the pond.*

- c. The public identified an existing drainage issue along the railroad tracks north of Cedar Street that backs up the drainage adjacent to the parking lot.

*This area is outside the limits of the project on right of way owned by MDOT. We have had several conversations with MaineDOT regarding the issue and will work with them towards an improvement. Stormwater detention is being included with this project to help reduce flows to this area, these are not required but will help to maintain flows below at or below the existing conditions.*

- d. The public expressed the need for a path along the railroad tracks to connect the proposed parking facility to Union Street.

*This work is in progress with MaineDOT. They are in conversation with the railroads regarding the pedestrian path. Depending on what happens with the railroads, we will work on establishing an agreement for the work and begin design.*

- e. The public questioned whether VRAP fabric was originally installed on the site due to the duration/speed of construction.

*This has not been confirmed, however, it was not a requirement of the VRAP permit and will not impact construction. Paving over an impacted can be a method of remediation.*

- f. The public expressed concern for the potential increase in traffic along Cedar Street as a result of this project.

*We will review and monitor traffic along Cedar street before and after construction. The engineers are not expecting a significant increase in traffic.*

- g. The public expressed concerns regarding the winter maintenance of the facility.

*The intent, to the extent practical, would be to maintain only driving paths during nighttime hours in an effort to minimize noise. As much as possible, we would prefer snow removal operations to occur in daylight hours.*

- h. There were some questions raised outside of the public session about landscaping within the parking lot.

*Currently, there are no plans to add landscaping within the lot. Due to the nature of park and ride facilities removal of snow is exceptionally challenging as a result of the long-term parking that occurs in a park and ride. Again, our focus has been on screening the lot from Cedar Street.*

#### IV. FUNDING SUMMARY

	Phase 1
Preliminary Engineering	\$ 70,000
Right of Way	\$ -
Construction	\$ 690,000
Construction Engineering	\$ 50,000
<b>Total</b>	<b>\$ 810,000</b>
Federal (58%)	\$ 472,000
State (25%)	\$ 200,000
<b>Local (17%)</b>	<b>\$ 138,000</b>

	Phase 2
Preliminary Engineering	\$ 45,000
Right of Way	\$ 30,000
Construction	\$ 450,000
Construction Engineering	\$ 45,000
<b>Total</b>	<b>\$ 570,000</b>
Federal (60%)	\$ 342,000
State (20%)	\$ 114,000
<b>Local (20%)</b>	<b>\$ 114,000</b>

**V. RECOMMENDED ACTION**

It is recommended that the Town Council move to approve the funding resolution for the Cedar Street Park and Ride.

**VI. ATTACHMENTS**

- a. Phase 1 Schematic Plan
- b. Phase 2 Schematic Plan
- c. Funding Resolution





**TOWN OF BRUNSWICK, MAINE  
TOWN COUNCIL**

**A Resolution Authorizing an Appropriation and Expenditure of \$128,000 from Available Tax Increment Financing Revenues to Serve as the Required Local Match for the Maine Department of Transportation's Final Engineering, Right-of-Way Work and Construction of a Multimodal Parking Area and Park-and-Ride Lot on Cedar Street.**

**WHEREAS**, over the past several years, the Town of Brunswick (the "Town") has explored several solutions for parking in the downtown area; and

**WHEREAS**, the Cedar Street Parking project ("Project") was included in the Capital Improvement Program adopted by the Town Council for the fiscal years 2019-2023; and

**WHEREAS**, in August, 2018 the Maine Department of Transportation ("MaineDOT") has approved a grant and \$50,000 project of "Preliminary engineering and right-of-way work for a multimodal parking area and park-and-ride lot serving Brunswick Station"; and

**WHEREAS**, on August 6, 2018 the Town Council appropriated \$10,000 in Tax Increment Financing ("TIF") Revenues to serve as the 20% local match for the MaineDOT grant; and

**WHEREAS**, the MaineDOT has approved a modification of the grant to cover the construction engineering and construction of the Project for a total project cost of \$810,000; and

**WHEREAS**, the MaineDOT approval provides for a total grant of \$672,000, requiring a total local match of \$138,000 from the Town, of which \$10,000 has already been appropriated; 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**, the Town Manager is authorized to accept and expend the MDOT grant totaling \$672,000;

**BE IT FURTHER RESOLVED**, that the amount of \$128,000 is appropriated from available Downtown Development and Transit-Oriented TIF District revenues, and is authorized to be expended as the required local match for the MDOT grant;

**BE IT FURTHER RESOLVED**, that the Town is authorized to make advances from the Town's general fund to a capital projects fund in anticipation of the receipt of TIF revenues. Advances are appropriated to finance the cost, or any part thereof, of the Project. The Treasurer is authorized to establish and amend all details of any advances, with available TIF revenues used to repay the advance(s), or any portion thereof.

Proposed to Town Council – April 6, 2020  
Adopted by Town Council -



❑ **Federal Requirements.** Because federal funds were added to the Project for construction and construction engineering work after execution of the original Agreement, the following paragraphs shall be added to the original Agreement through this Modification 2:

- Paragraph 8 on page 5, labeled National Environmental Policy Act, shall be replaced with the following: “MaineDOT will carry out the National Environmental Policy Act (NEPA) compliance process. Upon finalization of the Preliminary Design Report for the Project, the Municipality shall provide MaineDOT with Letter 11 from the LPA Manual and the completed NEPA Documentation Checklist to assist with this work.”
- Paragraph 1 on page 7 under Miscellaneous Provisions shall be replaced with the following: “GOVERNING LAW. The Parties agree to comply with all applicable federal, state and local laws, regulations, executive orders and ordinances including, but not limited to, Title 23 in the U.S. Code of Federal Regulations (CFR) Highways, and 2 CFR §200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.”

All other terms and conditions of the original Agreement shall remain in effect with no gap. MaineDOT and the Town of Brunswick, by their duly authorized representatives, have executed this modification to the original Agreement on the date last signed below.

## Town of Brunswick

## Maine Department of Transportation

By: \_\_\_\_\_  
**John Eldridge, Town Manager \***

By: \_\_\_\_\_  
**Richard J. Crawford, P.E., Director \***  
Bureau of Project Development

Date: \_\_\_\_\_

Date: \_\_\_\_\_

*\* I certify that the foregoing signature is true and accurate. I further certify – pursuant to 10 M.R.S.A. §9502, et seq. – that the signature, if electronic: (a) is intended to have the same force as my manual signature, (b) is unique to me, (c) is capable of verification, (d) is under my control, and (e) is linked to data such that it is invalidated if the data are changed.*

## **Federal Funding Accountability and Transparency Act**

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The **Town of Brunswick** and its contractors may be subject to the provisions of the Federal Funding Accountability and Transparency Act of 2006 as amended and any regulations, policies, procedures and guidance documents adopted pursuant thereto or in connection therewith.

If the Federal portion of the Project exceeds \$25,000, an authorized representative from the Municipality shall sign this document under (B) below and return it with the Project Agreement. Additionally, the Municipality shall provide the following information, if applicable:

A) The total compensation and names of the top five officers if:

- More than 80% of the Municipality's annual gross revenues are from the U.S. Federal Government; and
- Those revenues are greater than \$25 million annually; and
- Compensation information is not already available through reporting to the U.S. Securities and Exchange Commission (SEC).

B) Legal name and DUNS® number on file with the Central Contractor Registration (CCR):

**Town of Brunswick, Maine**  
Sign and Print Legal CCR Name

077466274  
DUNS® Number

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Authorized Representative: \_\_\_\_\_  
**John Eldridge, Town Manager**

# **U.S. Department of Transportation (USDOT)**

## **Federal Highway Administration – Standard Title VI / Nondiscrimination Assurances**

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### **DOT Order No. 1050.2A**

The **Town of Brunswick** (the Recipient) **AGREES THAT**, as a condition of receiving Federal financial assistance from the U.S. Department of Transportation (USDOT) through the Federal Highway Administration (FHWA), it is subject to and will comply with the following:

### **Statutory/Regulatory Authorities**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d et seq., 78 stat. 252), which prohibits discrimination based on race, color, national origin;
- 49 C.F.R. Part 21 (entitled Nondiscrimination in Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of The Civil Rights Act of 1964);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory citations are referred to hereinafter as the "Acts" and "Regulations" respectively.

### **General Assurances**

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to assure that:

*“No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity,” for which the Recipient receives Federal financial assistance from the USDOT, including the FHWA.”*

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other nondiscrimination requirements (the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973) by restoring the broad, institutional-wide scope and coverage of these nondiscrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

### **Specific Assurances**

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its federally assisted Federal-aid Highway Program:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (regarding an "activity facilitated, or will be (regarding a "facility operated, or will be (regarding a "program conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests for Proposals for work, or material subject to the Acts and the Regulations made regarding all Federal-Aid Highway Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

“The Town of Brunswick, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively assure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”

**3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.**

4. If applicable, the Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. If applicable, the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
  - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
  - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
  - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement regarding any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the Town of Brunswick also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the FHWA and USDOT access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the FHWA and USDOT. You must keep records, reports, and submit the material for review upon request to the FHWA and USDOT, or their designees, in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The Town of Brunswick gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal and Federal financial assistance extended after the date hereof to the recipients by the USDOT under the Federal-Aid Highway Program. This ASSURANCE is binding on the State of Maine, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Federal-Aid Highway Program. The person signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

## **Town of Brunswick**

By: \_\_\_\_\_  
**John Eldridge, Town Manager**

DATED: \_\_\_\_\_

Encl.: Appendices A and E

## APPENDIX A TO THE TITLE VI ASSURANCES

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During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, **Federal Highway Administration (FHWA)**, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, regarding the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations as set forth in Appendix E, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor’s obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the **FHWA**, to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the **FHWA**, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor’s noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the **FHWA** may determine to be appropriate, including, but not limited to:
  - a. withholding payments to the contractor under the contract until the contractor complies; and/or
  - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will act with respect to any subcontract or procurement as the Recipient or the **FHWA** may direct as a means of enforcing such provisions, including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

## APPENDIX E TO THE TITLE VI ASSURANCES

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During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees to comply with the following non-discrimination statutes and authorities, including but not limited to:

### **Pertinent Non-Discrimination Authorities:**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d et seq., 78 stat. 252), (prohibits discrimination based on race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. §4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal programs and projects);
- Federal Highway Act of 1973, (23 U.S.C. §324 et seq.), (prohibits discrimination based on sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. §794 et seq.), as amended, (prohibits discrimination based on disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. §6101 et seq.), (prohibits discrimination based on age);
- Airport and Airway Improvement Act of 1982, (49 U.S.C. §471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination based on disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. Parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. §47123) (prohibits discrimination based on race, color, national origin and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which assures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To assure compliance with Title VI, you must take reasonable steps to assure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating of sex in education programs or activities (20 U.S.C. 1681 et seq.).

ITEM 52  
BACKUP

# Town of Brunswick, Maine



## *Emergency Proclamation and Order of the Town Manager*

The following proclamation and order are issued pursuant to Chapter 2, Division 4 of the Municipal Code of Ordinances of the Town of Brunswick ("Code of Ordinances").

**WHEREAS**, on March 13<sup>th</sup> the President of the United States issued a Proclamation Declaring a National Emergency Concerning the Novel Coronavirus Disease; and

**WHEREAS**, on March 18<sup>th</sup> the Governor of the State of Maine declared a Civil State of Emergency related to the spread of coronavirus disease 2019 ("COVID-19");

**WHEREAS**, the risk of community spread of COVID-19 seriously impacts the life, health, and safety of the public, and public health is imperiled by the person-to-person spread of COVID-19, and these risks are likely to continue at least through April 6, 2020; and

**WHEREAS**, on March 23, 2020, the Town Council ordered, and the Town Manager issued, an Emergency Proclamation and Order, pursuant to Section 2-122 of the Code of Ordinances, to respond to the public health concerns outlined above, which order is now expired; and

**WHEREAS**, on March 24, 2020 the Governor of the State of Maine, issued an Executive Order Regarding Essential Businesses and Operations that is in effect until April 8, 2020; and

**WHEREAS**, on March 30, 2020, the Town Council ordered the Town Manager to issue another Emergency Proclamation and Order, extending through April 6, 2020, a slightly modified version of the Town Manager's previous order;

**NOW THEREFORE**, pursuant to the powers vested in me through the statutes of the State of Maine, the Code of Ordinances, and common law authority to protect the public's health, safety, and welfare in the event of an emergency, I, John S. Eldridge, Town Manager of Brunswick, Maine after consultation with the chairperson of the Brunswick Town Council do hereby find and **PROCLAIM** an emergency exists as defined in section 2-121 of the Code of Ordinances.

**FURTHER**, I, John S. Eldridge, Town Manager of Brunswick, Maine, in consultation with John M. Perreault, chairperson of the Town Council, do hereby **ORDER** as follows:

1. No auditorium, stadium, arena, large conference room, meeting hall, theater, gymnasium, fitness center, private club, movie theater, museum, dance club, music venue, adult entertainment facility, casino, gymnasium, fitness center, yoga studio, or indoor cycling studio shall be open while this **ORDER**, and the renewal thereof, remains in effect.

2. No dining facilities, including but not limited to restaurants, take-outs, and bars, shall be open, except as allowed under the subsections below, while this **ORDER**, and the renewal thereof, remains in effect.
  - a. Notwithstanding the prohibitions cited above, a dining facility may operate in a delivery, take-out, or drive-through fashion provided that:
    - i. no customer enters any such restaurant and all transfers of food or other product shall occur either outside of the facility, or through an open window or doorway; and
    - ii. the facility takes steps to ensure that no groups of individuals, other than those remaining in motor vehicles, congregate on its premises; and
    - iii. under no condition shall the facility permit the food provided to be eaten at the site where it is provided, or at any other gathering site on that facility's premises.
  - b. Notwithstanding the prohibitions cited above, schools and other entities that typically provide free food services to students or members of the public may continue to do so under this **ORDER** on the condition that the food is provided to students or members of the public on a pick-up and takeaway basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site on the premises.
  - c. Notwithstanding the prohibitions cited above, the restrictions shall not apply to any entity that serves meals, and is exempt from these regulations.
3. No other establishment of any kind that sells or otherwise provides goods or services shall be open while said **ORDER**, and the renewal thereof, remains in effect except those listed as Essential Businesses and Organizations on the attached Exhibit A.

A single employee or agent may be in an establishment closed under this **ORDER** in order to perform necessary business functions that do not involve in-person contact with others. No customers or clients may enter the establishment, and no more than one employee or agent may be in the establishment at once.

An entity exclusively of employees, contractors, or other agents performing activities at their own residences or places of rest are not subject to this **ORDER**.

This Emergency Proclamation and Order of the Town Manager supersedes the one issued on March 24th. It shall terminate on April 6, 2020, unless sooner revoked.

Issued at Brunswick, Maine this 30<sup>th</sup> day of March 2020.

/s/  
\_\_\_\_\_  
*John S. Eldridge, Town Manager*

/s/  
\_\_\_\_\_  
*John M. Perreault, Council Chair*

## EXHIBIT A

### Essential Businesses and Organizations

The following businesses are exempted from the Emergency Proclamation and Order of the Town Manager dated March 30, 2020. These entities are deemed to be essential.

1. Health care operations and pharmacies;
2. Grocery stores, certified farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;
3. Food cultivation and processing, including farming, livestock, and fishing;
4. Businesses and organizations that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
5. Newspapers, television, radio, and other media services;
6. Gas stations and auto-supply, auto-repair, and related facilities;
7. Banks and related financial institutions;
8. Hardware and building material stores;
9. Plumbers, electricians, exterminators, building cleaning and maintenance, bottle redemption, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences and Essential Businesses and Organizations;
10. Businesses and organizations providing mailing and shipping services, including post office boxes;
11. Colleges, universities, community colleges, trade schools, and other schools exclusively for the purpose of facilitating distance learning - no in-person instruction is authorized;
12. Laundromats, dry cleaners, and laundry service providers;
13. Businesses that manufacture or supply products needed for people to work from home;
14. Businesses that ship or deliver groceries, food, goods or services directly to residences;
15. Airlines, taxis, public transportation, and other transportation providers providing transportation services necessary for purposes expressly authorized in this Regulation;
16. Home-based care for seniors, adults, or children;
17. Residential facilities and shelters for seniors, adults, and children;
18. Professional services, such as legal, accounting, or title services, that cannot be reasonably accommodated remotely;

19. Childcare facilities providing services that enable employees of essential businesses and organizations as defined herein to work as permitted. To the extent possible, childcare facilities are recommended to operate under the following conditions:
  - A. Childcare should be carried out in stable groups of twelve (12) or fewer (“stable” means that the same twelve (12) or fewer children are in the same group each day).
  - B. Children should not change from one group to another.
  - C. If more than one group of children is cared for at one facility, each group should be in a separate room. Groups should not mix with each other.
  - D. Childcare providers should remain solely with one group of children.
20. Medical marijuana facilities;
21. Funeral homes, crematoriums and cemeteries;
22. Animal shelters, veterinary clinics, animal feed and pet supply stores;
23. Government facilities, agencies, and services needed to ensure the continuing operation of the government and provide for the public health, safety and welfare, including but not limited to police, fire, EMS, code enforcement, and trash collection;
24. Businesses and organizations providing for the construction and maintenance of essential infrastructure, including utilities such as water, wastewater, electricity, telecommunications, and internet service providers;
25. Industrial manufacturing facilities;
26. Construction businesses;
27. Insurance businesses;
28. Hotels and other places of accommodation, except to the extent that said hotels and places of accommodation include bars, restaurants, meeting facilities, and other facilities required to be closed by Town or State emergency declaration, including but not limited to section 2 of the Emergency Proclamation and Order of the Town Manager dated March 23, 2020;
29. Businesses that manufacture or supply goods or services, necessary to operate other Essential Businesses and Organizations.



OFFICE OF  
THE GOVERNOR

NO. 28 FY 19/20  
DATE March 31, 2020  
Corrected

**AN ORDER REGARDING FURTHER RESTRICTIONS ON  
PUBLIC CONTACT AND MOVEMENT, SCHOOLS, VEHICLE TRAVEL  
AND RETAIL BUSINESS OPERATIONS**

**WHEREAS**, I proclaimed a state of emergency on March 15, 2020 to authorize the use of emergency powers in order to expand and expedite the State's response to the serious health and safety risks of the highly contagious COVID-19; and

**WHEREAS**, Executive Order No. 14 FY 19/20 dated March 18, 2020 restricted certain social gatherings and certain use of restaurants and bars, prohibited gatherings of more than ten people that are primarily social, personal or discretionary events, and strongly recommended use of social distancing to reduce the transmission of COVID-19; and

**WHEREAS**, Executive Order No. 19 FY 19/20 dated March 25, 2020 restricted the operations of essential and non-essential business in order to further reduce the transmission of COVID-19; and

**WHEREAS**, because of unhealthy crowds, the Maine Department of Agriculture, Conservation and Forestry has closed many state-owned beaches and other public venues; and

**WHEREAS**, other New England states have seen a dramatic rise in positive COVID-19 tests and deaths related to the COVID-19 virus in recent days; and

**WHEREAS**, the Maine Center for Disease Control and Prevention advises that additional social/physical distancing measures are warranted to slow the spread of this life-threatening virus in order to save lives and improve the ability of the health care system to respond; and

**WHEREAS**, on March 28, 2020, the President of the United States and his Coronavirus Response Team extended the national guidelines for social distancing and other measures to quell the virus to April 30; and

**WHEREAS**, a governor's emergency powers expressly include the authorities to:

- a. Control the movement of persons and occupancy of premises within the State pursuant to 37-B M.R.S. §742(1)(C)(8);

- b. Enlist the aid of any person to assist in the effort to control the emergency and aid in the caring for the safety of persons pursuant to 37-B M.R.S. §742(1)(C)(5) and 37-B M.R.S. §827;
- c. Utilize all available resources of the State as reasonably necessary to cope with the emergency pursuant to 37-B M.R.S. §742(1)(C)(2); and
- d. Take whatever action is necessary to mitigate a danger that may exist within the State pursuant to 37-B M.R.S. §742(1)(C)(12);

**NOW, THEREFORE**, I, Janet T. Mills, Governor of the State of Maine, pursuant to 37-B M.R.S. Ch. 13, including but not limited to the provisions referenced above, do hereby Order as follows:

**I. STAY AT HOME**

**A. ORDER**

All persons living in the State of Maine are hereby ordered, effective as of 12:01AM on April 2, 2020 to stay at their homes or places of residence (“homes”) except:

- 1. To conduct or participate in Essential Activities (defined below);
- 2. Workers at Essential Businesses and Operations that are not required to close pursuant to Executive Orders 19 FY 19/20 may travel:
  - a. between their Homes and those businesses and organizations;
  - b. to and from child care; and
  - c. to and from customers for the purpose of delivering goods or performing services; and
- 3. Workers of Non-Essential Businesses and Operations under Executive Orders 19 FY 19/20 may travel:
  - a. between their Homes and those Non-Essential Businesses for the purpose of engaging in Minimal Operations; and
  - b. to and from customers for the purpose of delivering goods.

**B. ESSENTIAL ACTIVITIES**

For purposes of this section, “Essential Activities” means:

- 1. Obtaining necessary supplies or services for one’s self, family, household members, pets, or livestock, including, without limitation: groceries, supplies for household consumption or use, supplies and equipment needed

to work from home, laundry, and products needed to maintain safety, sanitation, and essential maintenance of the home or residence;

2. Engaging in activities essential for the health and safety of one's self, one's family, household members, pets, or livestock, including such things as accessing child care, seeking medical or behavioral health or emergency services, and obtaining medication or medical supplies;
3. Caring for a family member, friend, pet, or livestock in another household or location, including, without limitation, transporting a family member, friend, pet, or livestock animal for essential health and safety activities, and obtaining necessary supplies and services;
4. Traveling to and from an educational institution for purposes of receiving meals or instructional materials for distance learning;
5. Engaging in outdoor exercise activities, such as fishing, walking, hiking, running or biking, but only in compliance with the gathering restriction in Executive Order 14 FY 19/20 and all applicable social distancing guidance published by the U.S. and Maine Centers for Disease Control and Prevention;
6. Travel required by a law enforcement officer or court order; and
7. Traveling to and from a federal, State, or local government building for a necessary purpose.

When out of the home or when at work at an essential business, all individuals shall maintain a minimum distance of six feet from other persons.

## **II. VEHICLE TRAVEL**

- A. No one shall use public transportation unless absolutely necessary, for an essential reason or for an essential job that cannot be done from home.
- B. Persons traveling in private vehicles shall limit passengers to persons within their immediate household, unless transporting for medical necessity.

## **III. SCHOOL CLOSURES**

Public and private k-12 schools statewide have terminated in-classroom instruction in accordance with my recommendation of March 15, 2020. It is hereby Ordered that all such schools shall remain closed for classroom or other in-person instruction until at least May 1, 2020 unless otherwise ordered.

## **IV. ESSENTIAL RETAIL BUSINESSES AND OPERATIONS**

### **A. APPLICATION**

This section applies to those retailers identified as Essential Businesses and Operations by the Department of Economic and Community Development. All Non-Essential Businesses and Operations must continue to limit their activities consistent with Executive Order 19 FY 19/20 and this Order.

### **B. PRIORITIZING REMOTE ORDER AND CURBSIDE PICK-UP**

To reduce the risk of community spread, essential stores shall:

1. Prioritize opportunities to offer and transact as much business as possible by curbside order-pick up or other like limited in-person contact method.
2. Broadly advertise and promote this method, including how to best reach the facility and continue services by telephone or remotely.

### **C. IN-STORE GATHERING LIMITS**

To reduce the risk of community spread, essential stores with retail space of:

1. Less than 7,500 square feet shall limit the number of customers in the store at one time to 5. Examples of such stores typically include gas stations and convenience and specialty food stores
2. More than 7,500 and less than 25,000 square feet shall limit the number of customers in the store at one time to 15. Examples of such stores typically include stand-alone pharmacies and certain hardware stores.
3. More than 25,000 and less than 50,000 square feet shall limit the number of customers in the store at one time to 50. Examples of such stores typically include mid-sized and locally owned grocery stores.
4. More than 50,000 and less than 75,000 square feet shall limit the number of customers in the store at one time to 75. Examples of such stores typically include chain grocery stores.
5. More than 75,000 square feet shall limit the number of customers in the store at one time to 100. Examples of such stores typically include Lowes, Wal-Mart, Target and Home Depot.

Such retailers shall actively monitor and enforce these limits. Any customer lines outside the store must enforce the six-foot separation requirement between waiting customers and such line areas shall be marked with signage and ground lines designed to impose that distancing.

#### **D. ADDITIONAL IN-STORE REQUIREMENTS**

To reduce the risk of community spread, essential stores shall:

1. Implement and actively enforce social distancing requirements in and around their facilities.
2. Prominently post signage at all public entrances instructing customers to remain six feet away from other people inside and outside the store.
3. Mark every customer line with signage and floor lines designed to impose social distancing.
4. Disinfect the handles of every used cart and basket prior to customer reuse.
5. Take all reasonable steps to minimize customer handling of unpurchased merchandise.
6. Offer separate operating hours for persons over the age of 60 and customers with medical conditions to be the only customers in the store.

#### **E. ADDITIONAL REQUIREMENT FOR ESSENTIAL STORES WITH MORE THAN 75,000 SQUARE FEET**

Essential stores with more than 75,000 square feet shall as soon as practicable install protective shields between the customer and checkout and pharmacy personnel.

#### **F. COMPLIANCE**

A violation of this Order may be construed to be a violation of any such license, permit and other authorization to which pertinent penalties may be assessed. Failure to comply may result in further on-site restrictions or closure until the violations are remedied.

#### **G. INTERPRETATION**

The Department of Economic and Community Development is designated as the lead agency for addressing questions regarding the interpretation and application of this section of the Order.

#### **V. PREEMPTION**

This Order preempts any local ordinance or emergency order of the same subject matter that is less restrictive than or otherwise inconsistent with this Order.

**VI. ENFORCEMENT**

Pursuant to 37-B M.R.S. §786, this Order shall be enforced by law enforcement as necessary and violations are a class E crime subject to up to six months days in jail and a \$1000 fine. In addition, compliance with Section IV of this Order may also be enforced by government officials who regulate licenses, permits or any other authorization to operate a business or occupy a building.

**VII. EXECUTIVE ORDER 14 FY 19/20 EXTENDED**

The previous requirement that all restaurants and bars shall close their dine-in facilities remains in effect until at least April 30, 2020 unless otherwise ordered.

**VIII. EFFECTIVE DATE**

This Order takes effect at 12:01 AM on April 2, 2020 and shall remain in effect until at least April 30, 2020 unless otherwise ordered.



Janet T. Mills  
Governor

# CONSENT AGENDA - A 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 April 2, 2020 for consideration paid, release to **Mark D. Richard**, 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>35093</b>	<b>133</b>	<b>August 24, 2018</b>	<b>2017</b>
<b>35911</b>	<b>336</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 Mobile Home on land depicted as Map 045 Lot 003 Sub 000 Typ 192 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, 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 2<sup>nd</sup> day of **April 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.

April 2, 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