

BRUNSWICK TOWN COUNCIL

Agenda

August 17, 2020

6:30 P.M. - Regular Meeting

Council Chambers

Town Hall

85 Union Street

MEETING VIA ELECTRONIC DEVICES

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

***THERE IS AN OPPORTUNITY FOR THE PUBLIC TO ATTEND THIS MEETING
IN PERSON, ALTHOUGH WE STRONGLY ENCOURAGE PARTICIPANTS TO
USE THE ZOOM PLATFORM. THE MEETING WILL BE LIMITED TO 20
PUBLIC PARTICIPANTS, WHO SHOULD WEAR MASKS AND MAINTAIN
SOCIAL DISTANCING BY USING THE PROVIDED SEATING.***

*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>

HOW TO SUBMIT PUBLIC COMMENT

Public Comments must be submitted through the Zoom platform by dialing +1 646 876 9923 and entering the Meeting ID number 834 7002 4807 and the passcode 730364 when prompted. Please be advised message and data rates may apply. The Council Chair will make an announcement when it is time for public comment.

All Votes to be Taken Via Roll Call

Roll Call of Members/Acknowledgement Notice

Pledge of Allegiance

Adjustments to Agenda

Public Comments/Announcements (for items not on the agenda)

MANAGER'S REPORT

a) Financial update

b) Nomination papers

PUBLIC HEARING

116. The Town Council will hear public comments on proposed amendments to the Town Charter, and will take any appropriate action. (Town Manager)

HEARING/ACTION

117. The Town Council will hear public comments on proposed zoning ordinance text amendments regarding Conditional Use Permits, and will take any appropriate action. (Planning Board)

HEARING/ACTION

NEW BUSINESS

118. The Town Council will consider adopting “A Proclamation Recognizing September as National Childhood Cancer Awareness Month”, and will take any appropriate action. (Chair John Perreault)

ACTION

119. The Town Council will consider setting a public hearing for September 8, 2020 for acceptance of an Economic Development/Business Assistance CDBG grant for Natural Selections, Inc., (Wild Oats), and will take any appropriate action. (Town Manager Eldridge)

ACTION

120. The Town Council will consider “A Resolution Authorizing the Town Manager to Continue Developing the Downtown Streetscape Enhancement Project and to Pursue Grant Funding to Finance the Project, and Stating the Council’s Intention to Utilize TIF Revenues for the Purpose of Financing the Project”, and will take any appropriate action. (Town Manager Eldridge)

ACTION

121. The Town Council will consider providing return postage for absentee ballots, and will take any appropriate action.

ACTION

122. The Town Council will consider the slate of proposed nominees to serve on the Maine Municipal Association’s (MMA) Executive Committee as selected by the MMA Nominating Committee, and will take any appropriate action. (Town Manager Eldridge)

ACTION

**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

**Brunswick Town
Council Agenda
August 17, 2020
Council Notes and Suggested Motions**

MANAGER’S REPORT

- a) **Financial update:** A copy of the financial reports are included in the packet.
- b) **Nomination papers:** The Town Clerk will give this update.

PUBLIC HEARING

116. **Notes:** This is the public hearing for proposed amendments to the Town Charter. Most of these are housekeeping changes that remove outdated language and clarify wording. A copy of a memo from Town Manager Eldridge with justification for the changes and the proposed amendments are included in the packet.

Suggested motion:

Motion to direct the Town Attorney to draft the ballot question(s) to be voted on by Brunswick citizens in November.

117. **Notes:** This is the public hearing for proposed amendments to the to the zoning ordinance regarding Conditional Use Permits. At the request of the Town Council, the Planning Board held a workshop and a public hearing to review and make a recommendation on proposed Zoning Ordinance text amendments relating to Conditional Use Permit, because it was identified that zoning language is often at odds with the intent. At the Planning Board’s public hearing, they recommended the inclusion of a criteria pertaining to adverse impact of a use on necessary facilities, and expressed satisfaction with Criteria 2,3 and 4. A copy of a memo from Matt Panfil, Director of Planning & Development and the proposed text amendments are included in the packet.

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

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

Suggested Motion:

Motion to adopt proposed zoning ordinance text amendments to the Brunswick Zoning Ordinance regarding Conditional Use Permits.

NEW BUSINESS

118. **Notes:** The Town Council is asked to approve a proclamation recognizing September as National Childhood Cancer Awareness Month. The family of Madison Arndt will be at your meeting via ZOOM in support of this proclamation. Madison was diagnosed with stage 3 high risk neuroblastoma on July 20th, 2016 at 20 months old,

and had 6 rounds of chemotherapy, a long and intense surgery to remove her tumor, a stem cell transplant, 12 days of sedated radiation and lastly antibody therapy, all of which lasted about 14 months. She has had clear scans for three and a half years now, and will be turning 6 in October. Madison loves swimming, art activities and watching Disney movies. A copy of the proclamation is included in your packet.

Suggested motion:

Motion to adopt “A Proclamation Recognizing September as National Childhood Cancer Awareness Month”.

119. **Notes:** The Town received notification that their Community Development Block Grant (CDBG) application for \$500,000 was evaluated and that funding has been reserved for the project. The next phase of the CDBG process involves submitting additional information required by the Department of Housing and Urban Development. Staff is asking the Town Council to set a public hearing for September 8, 2020. A copy of a memo from Sally Costello, Economic Development Director, the public hearing notice and the grant application are included in the packet.

Suggested motion:

Motion to set a public hearing for September 8, 2020 to move forward with the CDBG grant process.

120. **Notes:** The adopted CIP for 2021-2025 recommends a Downtown Streetscape Enhancement Project to improve and/or replace sidewalks, lighting, trees and landscaping on both sides of Maine Street for an approximate half mile section. An RFP was awarded to Milone & MacBroom in December of 2019, and public meetings were held as the initial planning phase was conducted. Currently, the project is still in the Design Development Phase and staff is working to identify potential funding sources. As part of that effort, Town staff has applied for \$2,100,000 in grant funding through the FT 2020 Public Works and Economic Adjustment Assistance Program, and is recommending that, if the Town is awarded that grant, the Town Council consider funding the balance of the costs (approximately \$900,000) from Downtown TIF revenues. A copy of a memo from Sally Costello, Economic Development Director, and the resolution are included in the packet.

Suggested motion:

Motion to adopt “A Resolution Authorizing the Town Manager to Continue Developing the Downtown Streetscape Enhancement Project and to Pursue Grant Funding to Finance the Project, and Stating the Council’s Intention to Utilize TIF Revenues for the Purpose of Financing the Project”.

121. **Notes:** The Council will discuss and take action regarding providing postage for the return of absentee ballots for the November election. A copy of a memo from Town Clerk Fran Smith is included in the packet.

Suggested Motion:

No suggested motion.

122. **Notes:** This item is the annual election of the proposed Maine Municipal Association (MMA) Vice President and municipal officials to serve on the MMA Executive Committee. A nominating committee was appointed in March to review nominations submitted by municipal officials and conduct interviews. The MMA Nominating Committee completed its task in May and put forth a Proposed Slate of Nominees for 2021, and it is now time to cast your official vote. The deadline is Friday, August 21, 2020, by 12:00 noon. A copy of a memo from MMA with a brief biographical sketch for each nominee, and the voting ballot is included in your packet.

Suggested Motion:

Motion to accept the slate of nominees for MMA Vice President and Executive Committee members as presented on the ballot.

Suggested Motion:

Motion to adjourn.

MANAGER'S REPORT

MANAGER'S REPORT - A BACK UP MATERIALS

FOR 2021 01

	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
<hr/>							
00 Fill							
19000 General Fund Transfers Out	1,888,000	2,529,000	2,529,000.00	2,529,000.00	.00	.00	100.0%
TOTAL Fill	1,888,000	2,529,000	2,529,000.00	2,529,000.00	.00	.00	100.0%
<hr/>							
10 General Government							
11000 Administration	569,964	569,964	35,405.06	35,405.06	3,125.71	531,433.23	6.8%
11100 Finance Department	794,328	794,328	61,634.03	61,634.03	.00	732,693.97	7.8%
11150 Technology Services Dept	360,528	360,528	95,130.52	95,130.52	35,787.62	229,609.86	36.3%
11200 Municipal Officers	261,369	261,369	.00	.00	.00	261,369.00	.0%
11210 Munic Bldg - 85 Union	169,650	169,650	11,340.92	11,340.92	9,525.00	148,784.08	12.3%
11230 Risk Management	611,393	611,393	140,608.80	140,608.80	.00	470,784.20	23.0%
11240 Employee benefits	0	0	-48,120.15	-48,120.15	.00	48,120.15	100.0%
11250 Cable TV	95,133	95,133	6,148.82	6,148.82	.00	88,984.18	6.5%
11300 Assessing	304,876	304,876	25,206.64	25,206.64	.00	279,669.36	8.3%
11600 Town Clerk & Elections	422,470	422,470	38,592.32	38,592.32	.00	383,877.68	9.1%
11800 Engineering	276,999	276,999	18,642.46	18,642.46	12,785.83	245,570.71	11.3%
11900 Planning Department	625,539	625,539	35,515.13	35,515.13	.00	590,023.87	5.7%
11950 Economic Development Dept	142,999	142,999	8,452.36	8,452.36	.00	134,546.64	5.9%
TOTAL General Government	4,635,248	4,635,248	428,556.91	428,556.91	61,224.16	4,145,466.93	10.6%
<hr/>							
20 Public Safety							
12100 Fire Department	4,046,295	4,046,295	272,562.28	272,562.28	33,302.62	3,740,430.10	7.6%
12150 Central Fire Station	46,775	46,775	1,700.75	1,700.75	1,020.45	44,053.80	5.8%
12160 Emerson Fire Station	62,700	62,700	6,126.76	6,126.76	1,433.08	55,140.16	12.1%
12200 Police Department	4,431,687	4,431,687	335,533.88	335,533.88	2,047.66	4,094,105.46	7.6%
12210 Police Special Detail	0	0	7,192.78	7,192.78	.00	-7,192.78	100.0%
12220 Emergency Services Dispatch	973,899	973,899	58,764.65	58,764.65	.00	915,134.35	6.0%
12250 Police Station Building	119,306	119,306	8,879.42	8,879.42	8,695.89	101,730.69	14.7%
12280 Marine Resources	117,696	117,696	6,420.39	6,420.39	.00	111,275.61	5.5%
12310 Streetlights	216,000	216,000	15,800.85	15,800.85	.00	200,199.15	7.3%
12320 Traffic Signals	33,000	33,000	1,272.78	1,272.78	.00	31,727.22	3.9%
12330 Hydrants	600,000	600,000	5,508.64	5,508.64	.00	594,491.36	.9%
12340 Civil Emergency Preparedness	2,000	2,000	.00	.00	.00	2,000.00	.0%

FOR 2021 01

	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
TOTAL Public Safety	10,649,358	10,649,358	719,763.18	719,763.18	46,499.70	9,883,095.12	7.2%
<hr/> 30 Public Works							
13100 Public Works Administration	300,875	300,875	20,876.09	20,876.09	.00	279,998.91	6.9%
13110 PW General Maintenance	1,933,515	1,933,515	88,646.97	88,646.97	16,354.46	1,828,513.57	5.4%
13130 Refuse Collection	659,899	659,899	9,415.20	9,415.20	.00	650,483.80	1.4%
13140 Recycling	496,518	496,518	.00	.00	725.00	495,793.00	.1%
13150 PW Central Garage	665,178	665,178	18,446.54	18,446.54	18,217.41	628,514.05	5.5%
TOTAL Public Works	4,055,985	4,055,985	137,384.80	137,384.80	35,296.87	3,883,303.33	4.3%
<hr/> 40 Human Services							
14100 General Assistance	732,159	732,159	14,836.87	14,836.87	5,303.00	712,019.13	2.8%
14120 Health & Social Services	102,250	102,250	6,896.13	6,896.13	.00	95,353.87	6.7%
TOTAL Human Services	834,409	834,409	21,733.00	21,733.00	5,303.00	807,373.00	3.2%
<hr/> 45 Education							
14500 School Department	42,748,055	42,748,055	1,120,749.11	1,120,749.11	.00	41,627,305.89	2.6%
TOTAL Education	42,748,055	42,748,055	1,120,749.11	1,120,749.11	.00	41,627,305.89	2.6%
<hr/> 50 Recreation and Culture							
15000 Recreation Administration	484,168	484,168	39,319.81	39,319.81	469.78	444,378.41	8.2%
15050 Rec Buildings and Grounds	857,008	857,008	58,012.23	58,012.23	7,231.09	791,764.68	7.6%
15250 Rec Building 211	233,573	233,573	2,495.61	2,495.61	283.30	230,794.09	1.2%
15300 Teen Center	18,051	18,051	18,051.00	18,051.00	.00	.00	100.0%
15310 People Plus	140,553	140,553	130,988.00	130,988.00	50.38	9,514.62	93.2%
15400 Curtis Memorial Library	1,533,441	1,533,441	128,430.12	128,430.12	.00	1,405,010.88	8.4%
TOTAL Recreation and Culture	3,266,794	3,266,794	377,296.77	377,296.77	8,034.55	2,881,462.68	11.8%
<hr/> 60 Intergovernmental							

FOR 2021 01

60	Intergovernmental	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
16000	County tax	1,674,551	1,674,551	.00	.00	.00	1,674,551.00	.0%
	TOTAL Intergovernmental	1,674,551	1,674,551	.00	.00	.00	1,674,551.00	.0%
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70	Unclassified							
17000	Promotion and Development	308,209	308,209	186,465.44	186,465.44	.00	121,743.56	60.5%
17010	Additional School Assistance	10,000	10,000	.00	.00	.00	10,000.00	.0%
17020	Cemetery Care	3,200	3,200	250.00	250.00	.00	2,950.00	7.8%
17030	Wage Adjustment Account	200,000	200,000	.00	.00	.00	200,000.00	.0%
	TOTAL Unclassified	521,409	521,409	186,715.44	186,715.44	.00	334,693.56	35.8%
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80	Debt Service							
18020	2006 CIP G/O Bonds	204,000	204,000	.00	.00	.00	204,000.00	.0%
18030	2011 GO CIP Bonds	204,015	204,015	.00	.00	.00	204,015.00	.0%
18040	Police Station Bond	372,625	372,625	.00	.00	.00	372,625.00	.0%
18070	2017 CIP GO Bonds	167,797	167,797	.00	.00	.00	167,797.00	.0%
	TOTAL Debt Service	948,437	948,437	.00	.00	.00	948,437.00	.0%
	GRAND TOTAL	71,222,246	71,863,246	5,521,199.21	5,521,199.21	156,358.28	66,185,688.51	7.9%

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

FOR 2021 01

			ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
10 Taxes								
111190	41101	Property Taxes	46,934,482	46,934,482	.00	.00	46,934,482.00	.0%
111190	41103	Deferred Property Tax	-200,000	-200,000	.00	.00	-200,000.00	.0%
111190	41104	Tax Abatements	-75,000	-75,000	.00	.00	-75,000.00	.0%
111190	41105	Interest on Taxes	73,000	73,000	19,510.17	19,510.17	53,489.83	26.7%
111190	41106	Tax Lien Costs Revenu	13,000	13,000	881.10	881.10	12,118.90	6.8%
111190	41107	Tax Lien Interest Rev	17,000	17,000	.00	.00	17,000.00	.0%
111190	41109	Payment in Lieu of Ta	390,000	390,000	.00	.00	390,000.00	.0%
111190	41199	Miscellaneous tax adj	-672	-672	.00	.00	-672.00	.0%
111191	41110	Excise Tax - Auto	3,275,000	3,275,000	469,942.32	469,942.32	2,805,057.68	14.3%
111191	41111	Excise Tax Boat/ATV/S	24,000	24,000	2,948.00	2,948.00	21,052.00	12.3%
111191	41112	Excise Tax - Airplane	8,000	8,000	.00	.00	8,000.00	.0%
TOTAL Taxes			50,458,810	50,458,810	493,281.59	493,281.59	49,965,528.41	1.0%
TOTAL REVENUES			50,458,810	50,458,810	493,281.59	493,281.59	49,965,528.41	
20 Licenses & Fees								
121111	42207	Passport Fees	20,000	20,000	.00	.00	20,000.00	.0%
121111	42209	Passport Picture Reve	6,500	6,500	.00	.00	6,500.00	.0%
121411	42100	Building Permits	220,000	220,000	37,661.30	37,661.30	182,338.70	17.1%
121411	42101	Electrical Permits	40,000	40,000	4,135.20	4,135.20	35,864.80	10.3%
121411	42102	Plumbing Permits	35,000	35,000	5,437.50	5,437.50	29,562.50	15.5%
121611	42200	Hunting & Fishing Lic	700	700	.00	.00	700.00	.0%
121611	42201	Dog License Fee	2,600	2,600	12.00	12.00	2,588.00	.5%
121611	42202	Vital Statistics	47,500	47,500	3,017.00	3,017.00	44,483.00	6.4%
121611	42203	General Licenses	31,225	31,225	2,345.00	2,345.00	28,880.00	7.5%
121611	42204	Victulars/Innkeepers	23,785	23,785	2,210.00	2,210.00	21,575.00	9.3%
121611	42205	Shellfish Licenses	37,100	37,100	150.00	150.00	36,950.00	.4%
121611	42206	Neutered/Spayed Dog L	4,500	4,500	14.00	14.00	4,486.00	.3%
121611	42210	Mooring fees	17,492	17,492	162.00	162.00	17,330.00	.9%
121611	42215	Marijuana Licenses	10,800	10,800	4,900.00	4,900.00	5,900.00	45.4%
121911	42300	Planning Board Appl F	40,000	40,000	23,161.90	23,161.90	16,838.10	57.9%
122121	42400	Fire Permits	2,000	2,000	.00	.00	2,000.00	.0%
122221	42500	Conc Weapons Permits	400	400	.00	.00	400.00	.0%
122221	42501	Parking Permit fee	300	300	75.00	75.00	225.00	25.0%
123131	42600	Public Works Opening	30,000	30,000	200.00	200.00	29,800.00	.7%
TOTAL Licenses & Fees			569,902	569,902	83,480.90	83,480.90	486,421.10	14.6%
TOTAL REVENUES			569,902	569,902	83,480.90	83,480.90	486,421.10	

FOR 2021 01

			ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
30 Intergovernmental								
131132	43103	Highway Grant Fund	200,000	200,000	.00	.00	200,000.00	.0%
131142	43104	State General Assista	400,000	400,000	.00	.00	400,000.00	.0%
131152	43108	IFW-MerePoint Boat La	9,999	9,999	.00	.00	9,999.00	.0%
131190	43102	State Tax Exemption R	55,000	55,000	.00	.00	55,000.00	.0%
131192	43101	State Revenue Sharing	1,800,000	1,800,000	223,455.59	223,455.59	1,576,544.41	12.4%
131192	43106	Snowmobile Receipts	1,500	1,500	.00	.00	1,500.00	.0%
134546	43120	State Education Subsi	12,399,982	12,399,982	927,985.64	927,985.64	11,471,996.36	7.5%
TOTAL Intergovernmental			14,866,481	14,866,481	1,151,441.23	1,151,441.23	13,715,039.77	7.7%
TOTAL REVENUES			14,866,481	14,866,481	1,151,441.23	1,151,441.23	13,715,039.77	
40 Charges for services								
141111	44110	Agent Fee Auto Reg	70,000	70,000	8,356.00	8,356.00	61,644.00	11.9%
141111	44111	Agent Fee Boat/ATV/Sn	1,600	1,600	191.00	191.00	1,409.00	11.9%
141211	44121	Rental of Property	7,092	7,092	591.85	591.85	6,500.15	8.3%
141611	44131	Advertising Fees	0	0	361.39	361.39	-361.39	100.0%
142121	44155	Ambulance Service Fee	1,000,000	1,000,000	84,861.40	84,861.40	915,138.60	8.5%
142121	44166	Special Detail - Fire	1,500	1,500	648.00	648.00	852.00	43.2%
142221	44161	Witness Fees	1,000	1,000	.00	.00	1,000.00	.0%
142221	44162	Police Reports	4,500	4,500	172.00	172.00	4,328.00	3.8%
142221	44163	School Resource Offic	96,408	96,408	.00	.00	96,408.00	.0%
142221	44165	Special Detail - Poli	3,000	3,000	5,642.50	5,642.50	-2,642.50	188.1%
142221	44167	Dispatch Services fee	150,745	150,745	12,943.00	12,943.00	137,802.00	8.6%
142221	44168	ACO Services fees	19,000	19,000	.00	.00	19,000.00	.0%
143131	44174	PW Labor & Materials	1,000	1,000	.00	.00	1,000.00	.0%
143431	44175	Recycling Revenue	15,000	15,000	3,518.40	3,518.40	11,481.60	23.5%
144545	44100	School Tuition, etc	208,494	208,494	.00	.00	208,494.00	.0%
145051	44121	Rental of Property	2,000	2,000	850.00	850.00	1,150.00	42.5%
TOTAL Charges for services			1,581,339	1,581,339	118,135.54	118,135.54	1,463,203.46	7.5%
TOTAL REVENUES			1,581,339	1,581,339	118,135.54	118,135.54	1,463,203.46	
50 Fines & Penalties								
151611	45108	Gen License Late Pena	225	225	50.00	50.00	175.00	22.2%

FOR 2021 01

	ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
151611 45109 Mooring Fee Late Pena	500	500	50.00	50.00	450.00	10.0%
151611 45110 Victualers Lic Late P	270	270	.00	.00	270.00	.0%
151621 45103 Unlicensed Dog Fines	3,750	3,750	50.00	50.00	3,700.00	1.3%
152221 45100 Ordinance Fines	200	200	.00	.00	200.00	.0%
152221 45101 Parking Tickets	30,000	30,000	975.00	975.00	29,025.00	3.3%
152221 45102 Leash Law Fines	200	200	.00	.00	200.00	.0%
152221 45105 False Alarm Police	100	100	.00	.00	100.00	.0%
TOTAL Fines & Penalties	35,245	35,245	1,125.00	1,125.00	34,120.00	3.2%
TOTAL REVENUES	35,245	35,245	1,125.00	1,125.00	34,120.00	
60 Interest earned						
161193 46100 Interest Earned	100,000	100,000	.00	.00	100,000.00	.0%
TOTAL Interest earned	100,000	100,000	.00	.00	100,000.00	.0%
TOTAL REVENUES	100,000	100,000	.00	.00	100,000.00	
70 Donations						
171012 47000 Contrib from Portland	35,000	35,000	.00	.00	35,000.00	.0%
171952 47000 BDC Contrib to Econ D	25,000	25,000	.00	.00	25,000.00	.0%
TOTAL Donations	60,000	60,000	.00	.00	60,000.00	.0%
TOTAL REVENUES	60,000	60,000	.00	.00	60,000.00	
80 Use of fund balance						
181100 48000 Unapprop General Fund	650,000	1,291,000	.00	.00	1,291,000.00	.0%
184500 48004 School Balance Forwar	1,811,364	1,811,364	.00	.00	1,811,364.00	.0%
TOTAL Use of fund balance	2,461,364	3,102,364	.00	.00	3,102,364.00	.0%
TOTAL REVENUES	2,461,364	3,102,364	.00	.00	3,102,364.00	
90 Other						
191111 49000 Finance Miscellaneous	3,000	3,000	41.00	41.00	2,959.00	1.4%

FOR 2021 01

			ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
191111	49106	W/C Proceeds	0	0	68.67	68.67	-68.67	100.0%
191192	49100	Cable Television	280,000	280,000	.00	.00	280,000.00	.0%
191611	49000	Town Clerk Miscellane	2,000	2,000	103.69	103.69	1,896.31	5.2%
191911	49000	Planning Miscellaneou	200	200	35.00	35.00	165.00	17.5%
192121	49000	Fire Miscellaneous	1,000	1,000	.00	.00	1,000.00	.0%
192294	49153	Police Vehicle Sales	1,500	1,500	.00	.00	1,500.00	.0%
194545	49000	School Miscellaneous	126,936	126,936	401.77	401.77	126,534.23	.3%
195051	49000	Recreation Miscellane	500	500	5.00	5.00	495.00	1.0%
199980	48100	General Fund Transfer	673,969	673,969	.00	.00	673,969.00	.0%
TOTAL Other			1,089,105	1,089,105	655.13	655.13	1,088,449.87	.1%
TOTAL REVENUES			1,089,105	1,089,105	655.13	655.13	1,088,449.87	
GRAND TOTAL			71,222,246	71,863,246	1,848,119.39	1,848,119.39	70,015,126.61	2.6%

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

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

ITEM 116
BACKUP

Town of Brunswick, Maine

OFFICE OF THE TOWN MANAGER

MEMORANDUM

TO: Town Council

FROM: John Eldridge
Town Manager

DATE: July 30, 2020

SUBJECT: Proposed Charter Amendments

Over the years, the Town Council has discussed minor modifications to the town charter. Attached is a document illustrating possible modifications. I have summarized the justification for those changes as follows:

Section 201 (c). Strikes outdated language that served to transition the town council terms from two to three year terms.

Section 208 (c). Strikes outdated language that established the council member's compensation at the time the charter was adopted.

Section 213. Strikes the State Department of Audit as a possible auditor of the Town's financial statements. The Department is no longer providing audit services to municipalities.

Section 217. Adds a new section, the position of tax collector, to the charter.

Section 302. Strikes references to council consent to the appointment and removal of department heads. Adds language about the appointment of a tax collector and treasurer.

Section 401 (b). Strikes the reference to council consent when one person is appointed as a department head for two or more departments.

Section 502. Clarifies that the budget is for the general fund. Replaces the word "expenses" with the word "expenditures" to reflect the proper terminology. Clarifies and changes the timeline for the budget availability to the public, establishment and holding of the public hearing and the timing of the adoption following the public hearing.

Section 504. Clarifies that budget is adopted by resolve. Clarifies that budget amendments may be funded from fund balance or reserves. Changes the adoption delay from 10 to 7 days.

Section 505. Adds "functional" classifications to the budget terminology.

Section 508. Changes the language on expenditure limitations to reflect a higher level of budgetary control, i.e. the functional level, as reflected in the budget resolution.

Section 511. Clarifies that budget funds transferred to other funds do not lapse.

To: Town Council
Date: July 30, 2020
Re: Charter Amendments

Page 2 of 2

Section 901. Strikes outdated language that served to transition the school board terms from two to three year terms.

Section 908. Strikes outdated language that established the school board member's compensation at the time the charter was adopted.

Section 1002 (c). Strikes the language that prohibits a voter from signing more than one candidate's petition.

Section 1208. Cleans up the oath of office to reflect language similar to language found in most other municipalities.

Should the Council wish to proceed, it would need to establish an August 17th public hearing.

Cc: Town Attorney

To: Town Council
Date: July 30, 2020
Re: Charter Amendments

Page 2 of 2

PART I - BRUNSWICK TOWN CHARTER^[1]

Footnotes:

--- (1) ---

Editor's note— Printed herein is the Charter of the Town of Brunswick, Maine adopted on November 5, 1969 and effective on January 2, 1970. Obviously misspelled words have been corrected without notation. Words added for clarification have been added in brackets. Amendments have been included and are indicated by a history note immediately following the amended section.

ARTICLE I. - GRANT OF POWERS TO THE TOWN

Section 101. - Incorporation.

The inhabitants of the Town of Brunswick shall continue to be a municipal corporation called the Town of Brunswick, Maine.

Section 102. - Powers of the town.

- (a) The town shall have, exercise and enjoy all the rights, immunities, powers and privileges of municipal corporations incorporated under the laws of the State of Maine. It shall be subject to all the duties, liabilities and obligations provided for herein, or otherwise pertaining to or incumbent upon such municipal corporations.
- (b) The town may enact by-laws, regulations and ordinances consistent with the Constitution and laws of the State of Maine and establish penalties for the breach thereof as provided by the laws of the State of Maine.

Section 103. - Construction.

- (a) The powers of the town under this Charter shall be construed liberally in favor of the town; these powers shall include all those that are necessary and convenient to conduct its municipal affairs, including all powers pursuant to the Constitution and laws of the State of Maine.
- (b) As used in this Charter, the word "council" shall refer to the town council.
- (c) As used in this Charter, the word "councilor" shall refer to a member of the town council.
- (d) As used in this Charter, the word "manager" shall refer to the town manager.
- (e) The provisions of this Charter which apply to departments of the town apply as well to offices or agencies of the town.
- (f) This charter is intended to be gender neutral.

(Amended November 8, 1994—Effective January 1, 1995)

ARTICLE II. - TOWN COUNCIL

Section 201. - Composition, eligibility, election and terms.

- (a) There shall be a town council of 9 members. Two members shall be elected by the voters of the town at large, and one member shall be elected by the voters of each of the 7 districts, as provided in section 202 of this article.
- (b) Only voters, or persons eligible to be voters, who reside in the town shall be eligible to hold office of councilor.

(c) Each member shall be elected for a term of 3 years and shall serve until a successor is elected and qualified. ~~The terms of office shall be staggered and shall be initially elected as follows:~~

~~For the regular annual election held in 2006:~~

~~District 2—A one year term~~

~~District 5—A two year term~~

~~District 7—A two year term~~

~~At large expiring in 2006—A two year term.~~

~~For the regular annual election held in 2007:~~

~~District 1—A three year term~~

~~District 2—A three year term~~

~~District 3—A two year term~~

~~District 4—A two year term~~

~~District 6—A three year term~~

~~At large expiring in 2007—A two year term~~

(Amended November 6, 1990; amended November 8, 1994—Effective January 1, 1995; amended November 8, 2005—Effective January 1, 2006, Exh. A-1)

Section 202. - Establishment of voting districts and qualifications; review of district boundaries.

(a) There are 7 districts in the Town of Brunswick which shall continue with their current boundaries until they are adjusted according to subsection (b). District members of the Council and School Board shall reside in the districts from which they have been elected.

(b) District boundaries shall be adjusted pursuant to Title 30-A, Section 2503 of the Maine Revised Statutes, as that section may be amended from time to time.

(Amended November 6, 1990; amended November 3, 1998—Effective January 1, 1999)

Section 203. - Powers and duties.

All the powers of the town shall be vested in the council, except as otherwise provided by law or this Charter. The council shall provide for the exercise of these powers and for the performance of all duties and obligations imposed on the town by law.

Section 204. - Prohibition.

(a) No councilor shall hold any other town office or town employment during the term for which the councilor was elected to the council; further no public school teacher shall be eligible to serve on the council.

(b) Neither the council nor any of its members shall, in any manner, dictate the appointment or removal of any administrative officers or employees whom the manager or any of the manager's subordinates are empowered to appoint. The council, however, may express its views and fully and freely discuss with the manager anything pertaining to the appointment and removal of such officers and employees.

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- (c) Except for the purpose of inquiry, the council and its members shall deal with the administrative officers solely through the manager. Neither the council nor any member thereof shall give orders to any subordinates of the manager, either publicly or privately.

(Amended November 8, 1994—Effective January 1, 1995)

Section 205. - Vacancies; forfeiture of office; filling of vacancies.

- (a) The office of a councilor shall become vacant upon the death, resignation, removal from office in any manner authorized by law, forfeiture of the office, or permanent physical or mental disability resulting in decreased ability to perform the duties, all as determined by the council.
- (b) A councilor shall forfeit the office if the councilor fails at any time during the term of office to maintain any qualification for the office prescribed by this Charter or by law.
- (c) If a seat on the council becomes vacant for any reason, the council shall call a special election to fill the vacancy for the unexpired term.
 - (1) Exception. If the remainder of the unexpired term is less than 6 months, the council shall appoint a qualified person to fill the vacancy.
- (d) If the vacancy is in a district seat, the person elected or appointed to fill the vacancy must be a resident of that district.

(Amended June 19, 1972; amended November 8, 1994—Effective January 1, 1995)

Section 206. - Induction of council into office.

On the first Monday in January, unless that Monday is a holiday, in which case it shall be the next business day, the newly elected councilors shall be inducted into office by being sworn to the faithful discharge of their duties by the town clerk or the town clerk's designee.

- (a) **Exception.** A member-elect may be sworn in at a later date, if necessary.

(Amended June 19, 1972; amended November 8, 1994—Effective January 1, 1995; amended November 4, 1997)

Section 207. - Regular meetings.

- (a) The council shall at its first meeting:
 - (1) Elect one of its members as chair and another as vice-chair.
 - (2) Establish by resolution a regular place and time to hold its meetings, which shall take place at least once a month.
 - (3) Provide a method for calling special meetings.
- (b) All meetings of the council shall be open to the public, except as may otherwise be provided by the laws of the State of Maine.
- (c) A majority of the council shall constitute a quorum. A majority of a quorum is sufficient for a valid vote.

(Amended November 8, 1994—Effective January 1, 1995)

Section 208. - Compensation.

- (a) The council may determine its compensation by ordinance, but no ordinance increasing such compensation shall become effective until the commencement of the term of councilors elected at the next regular election.
- (b) Councilors shall be paid on a quarterly basis for services performed in the preceding quarter. Councilors elected to fill an unexpired term on the council shall be paid on a pro-rata basis for the time they shall actually serve.

~~(c) Initially, the annual compensation of councilors shall be \$1,000.~~

(Amended November 8, 1994—Effective January 1, 1995)

Section 209. - Rules of procedure; journal.

The council shall determine its own rules and orders of business. It shall maintain a journal of its proceedings which shall be open to public inspection.

Section 210. - Ordinances.

In addition to such acts of the council as are required by law or by this Charter to be by ordinance, every act establishing a fine or other penalty shall be by ordinance.

Section 211. - Public hearing on ordinances.

- (a) Before an ordinance is enacted, amended or repealed, the council shall hold a public hearing, notice of which must be published in a newspaper having general circulation in the town at least 10 days before the hearing date. The text of the intended act must be included in the notice where it is reasonable to do so, in the opinion of the council. Otherwise, the notice must contain a reasonable summary of the purpose of the intended act. In either case, a reasonable number of copies of the intended act must be made available to the public at the office of the manager for at least 10 days before the hearing date.
- (b) An ordinance shall not become effective until at least 30 days after passage.

Section 212. - Emergency ordinances.

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

(Amended November 8, 1994—Effective January 1, 1995; amended November 8, 2005—Effective January 1, 2006, Exh. A-5)

Section 213. - Independent annual audit.

Prior to the end of each fiscal year, the council shall designate ~~the State Department of Audit or a~~ certified public accountant who, as of the end of the fiscal year, shall make an independent audit of all town accounts and financial transactions and submit a report to the council.

Section 214. - Town clerk.

The town clerk shall have custody of the journal of the proceedings of the council; shall authenticate all ordinances and resolutions by signature and record them in a book kept for the purpose; and shall perform such other duties as are prescribed by the laws of the State of Maine.

(Amended February 24, 1977; amended November 8, 1994—Effective January 1, 1995)

Section 215. - Town attorney.

The council shall appoint and determine the compensation of the town attorney. The term of office of the Town Attorney starts on the first business day in January and continues for one year and until a successor is appointed and qualified. If there is a vacancy in the office for any reason, the Town Council shall appoint a successor to serve for the balance of the term.

(Amended February 24, 1977; amended November 8, 1994—Effective January 1, 1995)

Section 216. - Town treasurer.

The Town Treasurer shall have custody of the financial records of the Town and shall perform such other duties as are prescribed by the laws of the State of Maine.

Section 217 Tax Collector

The tax collector shall collect all taxes and perform any other duties required by the laws of the State of Maine.

(Amended February 24, 1977; amended November 8, 1994—Effective January 1, 1995)

ARTICLE III. - TOWN MANAGER

Section 301. - Appointments; qualifications; compensation.

The council shall appoint a town manager for an indefinite term and fix the manager's compensation. The manager shall be appointed solely on the basis of character and executive and administrative qualifications. The manager need not be a resident of the town or the State of Maine at the time of appointment but may reside outside the town while in office only with the approval of the council.

(Amended November 8, 1994—Effective January 1, 1995)

Section 302. - Powers and duties of the town manager.

The manager shall be the chief administrative officer of the town. The manager shall be responsible to the council for the administration of all town affairs placed in the manager's charge or under this Charter. The manager shall have the following powers and duties:

- (a) Shall, ~~with the consent of the council~~, appoint, prescribe the duties of, and, when necessary, remove department heads of the town;
- (b) Shall appoint, prescribe the duties of, and, when necessary, remove other employees of the town ~~except as otherwise provided herein, and~~ except as the manager may authorize the head of a department to appoint and remove subordinates in such department;
- (c) Shall direct and supervise the administration of all departments, offices and agencies of the town, except as otherwise provided by this Charter or by law and except that the manager shall have neither appointive power nor administrative duties with regard to the Department of Education;
- (d) Shall attend council meetings, except when the manager's removal is being considered, and shall have the right to take part in discussions but may not vote;
- (e) Shall prepare annually a proposed budget, submit it to the council, and be responsible for its administration after enactment;
- (f) Shall each year prepare an annual report for public distribution, which report shall include detailed statements on the finances and administrative activities of all departments of the town for the preceding year;
- (g) Shall maintain accounts in such a manner as to show fully at all times the financial condition of the town;
- (h) Shall keep the council advised as to future needs, financial or otherwise, and make such recommendations as the manager may deem desirable;
- (i) Shall see that all ordinances are enforced;
- (j) Shall be responsible for the collection of all taxes, special assessments, license fees and other revenues of the town or for whose collection the town is responsible and receive all money receivable by the town from the State or Federal Government, or from any office or department or agency of the town. The town manager shall serve as, or shall appoint, a tax collector and a treasurer;
- (k) Shall perform such other duties as may be prescribed by this Charter or required by the council, not inconsistent with this Charter.

(Amended November 8, 1994—Effective January 1, 1995; amended November 8, 2005—Effective January 1, 2006, Exh. A-5)

Section 303. - Absence of town manager; acting town manager.

To perform the manager's duties during a temporary absence or disability, the manager may, with the consent of the council, designate by letter filed with the town clerk a qualified administrative officer of the town. In the event of the failure of the manager to make such a designation, the council may by resolution appoint any officer of the town to perform the duties of the manager until the manager shall return or the disability shall cease.

(Amended November 8, 1994—Effective January 1, 1995)

Section 304. - Removal of town manager.

The council may remove the manager from office for cause in accordance with the following procedure:

- (a) The council shall adopt by affirmative vote of a majority of all its members a preliminary resolution which must state the reasons for removal and may suspend the manager from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered promptly to the manager.
- (b) Within 5 days after a copy of the resolution is delivered to the manager, the manager may file with the council a written request for a public hearing. This hearing shall be held at a council meeting not earlier than 15 days or later than 30 days after the request is filed. The manager may file with the council a written reply not later than 5 days before the hearing.
- (c) The council may adopt a final resolution of removal by affirmative vote of a majority of all its members at any time after 5 days from the date that a copy of the preliminary resolution was delivered to the manager, if the manager has not requested a public hearing, or at any time after the public hearing if one has been requested.
- (d) When adopted, a final resolution of removal may be made immediately effective.
- (e) The manager shall continue to receive a salary until the effective date of a final resolution of removal.

(Amended November 8, 1994—Effective January 1, 1995)

ARTICLE IV. - ADMINISTRATIVE DEPARTMENTS

Section 401. - General provisions.

- (a) **Creation of departments.** The council may establish town departments, offices or agencies in addition to those created by this Charter and may prescribe the functions of all departments, offices and agencies, except that no function assigned by this Charter to a particular department, office or agency may be discontinued or, unless this Charter specifically so provides, be assigned to any other department, office or agency.
- (b) **Direction by town manager.** All departments, offices and agencies under the direction and supervision of the manager shall be administered by an officer appointed by and subject to the direction and supervision of the manager. ~~With the consent of the council, the~~ The manager may serve as the head of one or more such departments, offices or agencies or may appoint one person as the head of 2 or more of them.

(Amended November 8, 1994—Effective January 1, 1995)

Section 402. - Personnel system.

- (a) **Merit principle.** All appointments and promotions of town officers and employees, subject to the direction and supervision of the manager, shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence.
- (b) **Personnel director.** The manager or the manager's appointee shall be the personnel director.
- (c) **Personnel board.** There shall be a personnel board of 5 regular members and 2 alternate members. The term of office of a regular member and an alternate member is 3 years and until a successor is appointed and qualified. When a regular member is absent, the chair may appoint an alternate member as acting a regular member; but only those regular and alternate members who sit on a particular matter may participate in the discussion and determination of it. A member or alternate member of the board may hold no town employment. The personnel director shall provide necessary staff assistance for the board.

(d) **Personnel rules.** The manager or the manager's appointee shall prepare personnel rules. The manager shall submit such rules to the council, which rules the council shall adopt ~~by ordinance~~ with or without amendment. These rules shall provide for:

- (1) The classification of all town positions, based on the duties, authority and responsibility of each position, with adequate provision for reclassification of any position whenever warranted by changed circumstances;
- (2) A pay plan for all town positions;
- (3) Methods for determining the merit and fitness of candidates for appointment or promotion, demotion or dismissal;
- (4) Policies and procedures regulating reduction in force and removal of employees;
- (5) A retention and retirement plan for town employees;
- (6) Hours of work, attendance regulations and provisions for sick and vacation leave;
- (7) Policies and procedures governing persons holding provisional appointments;
- (8) Policies and procedures governing relationships with employee organizations;
- (9) Policies regarding in-service training programs;
- (10) Grievance procedures including procedures for the hearing of grievances by the personnel board, which board may render advisory opinions to the manager based on its findings, with a copy provided to the aggrieved employee; and
- (11) Other practices and procedures necessary to the administration of the town personnel system.

(Amended November 6, 1984; amended November 8, 1994—Effective January 1, 1995; amended November 8, 2005—Effective January 1, 2006, Exh. A-5)

ARTICLE V. - FINANCIAL PROVISIONS

Section 501. - Fiscal year.

The fiscal year is a twelve-month period commencing July 1st.

(Amended December 5, 1977)

State Law reference— Fiscal year, 30-A M.R.S.A. § 2001(12).

Section 502. - The budget.

(a) Not later than May 1st of each year, the manager shall submit to the Council a general fund budget and an explanatory budget message. This budget shall be compiled from detailed information furnished by the administrative offices and boards of the town, including the department of education. The budget shall contain:

- (1) An exact statement of the financial condition of the town.
- (2) An itemized statement of appropriations recommended for current ~~expenses~~ expenditures and for permanent improvements, together with comparative statements in parallel columns of expenditures for the current and the preceding fiscal year. Any increase or decrease in any item shall be indicated.

- (3) An itemized statement of estimated revenue from all sources other than taxation; and a statement of taxes required, with comparative figures given for the current and the preceding year.
- (b) Copies of the proposed budget shall be available to the general public not later than 3 days 2-weeks after its submission to the council. The council shall ~~thereafter~~ fix a time and place for holding a public hearing on the proposed budget, and shall give public notice thereof. The hearing or any adjournment thereof shall be held at least 7 days following the budget being publicly available and at least 7 40 days before the final adoption of the budget by the council.

(Amended December 5, 1977; amended November 8, 2005—Effective January 1, 2006, Exh. A-5)

Section 503. - Increase in the budget.

If the council inserts additional items, or makes other changes which increase the total proposed expenditures, it shall also increase the total anticipated revenue for the fiscal year to at least equal the total proposed increased expenditures.

Section 504. - Adoption and amendment of the budget.

The budget for each fiscal year shall be acted upon by the Council, by resolve, not later than June 15th.

Upon the recommendation of the Town Manager, the Town Council, by resolve, may amend the budget. The Council shall hold a public hearing at least 740 days prior to the adoption of any amendment. Any amendment that seeks to increase the amount of the total budget appropriations for the year shall only be made from unappropriated available revenue, fund balance, or reserves.

(Amended December 5, 1977; amended November 8, 2005—Effective January 1, 2006, Exh. A-2)

Section 505. - Budget appropriations established.

The adoption of a budget for a fiscal year shall constitute appropriations of the amounts specified therein which shall be and become appropriated to the several functions, departments, and offices, and purposes named therein for that fiscal year.

Section 506. - Certification of the budget to the town assessor.

From the date of the adoption of the budget, the amount stated therein as the amount to be raised by taxation shall constitute a determination of the amount to be levied for the purposes of the town in the corresponding tax year. A copy of the budget as finally adopted by the council shall be certified by the manager and shall be filed by him with the town assessor, whose duty it shall be to levy such taxes as are necessary for the corresponding tax year.

Section 507. - Town treasurer.

The town treasurer shall have custody of all public funds of the town and of any of its offices, departments and agencies. The town treasurer shall have custody of all investments and invested funds of the town or in the possession of the town in a fiduciary capacity except for those investments held in a custodial agreement authorized by the town council. The town treasurer shall make payments and disbursements from public funds but only when directed by warrant signed by the town manager, the chair of the town council or, in the absence or disability of the chair, the vice chair, or their designee, and one other member of the town council.

(Amended November 8, 1994—Effective January 1, 1995; amended November 4, 1997)

Section 508. - Limits on expenditures; transfers of appropriations.

- (a) ~~No department, including the department of education, shall exceed the gross appropriation established in the budget resolution, or any amendments thereto, shall expend in any one year a larger sum than its gross appropriation,~~ except by vote of the council. However, the manager may at any time transfer any unencumbered appropriation balance, or portion thereof, between general classification of expenditures within an office, department or agency a functional classification, as established in the budget resolution.
- (b) At the request of the manager, and within the last 3 months of the budget year, the council may by resolution transfer any unencumbered appropriation balance, or portion thereof, from one functional classification to another. ~~office, department or agency to another.~~

Section 509. - Borrowing in anticipation of taxes.

In anticipation of the collection of taxes, the council may authorize borrowing by the issuance of notes, which notes may be renewed, but all such notes or renewals thereof shall mature and be paid no later than at the end of the current fiscal year.

Section 510. - Emergency appropriations.

To protect the public health, safety and welfare of the town in a case of emergency, the council may, for other than a regular or recurring requirement, transfer from unappropriated available revenue such amounts as the council may deem necessary to meet the emergency. Such transfers shall be by resolution adopted by a majority of the members of the council and shall be made only upon the recommendation of the manager.

Section 511. - Lapse of appropriations.

All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended, ~~or lawfully encumbered,~~ or transferred to another fund.

Section 512. - Capital improvements or acquisitions; issuance of bonds or notes.

The making of contracts for capital improvements or capital acquisitions, to be financed solely or partly by the issuance of bonds or notes, the making of contracts for capital improvements or capital acquisitions exceeding \$1,000,000, and the making of contracts for capital improvements or capital acquisitions which irrevocably obligate the town to raise or appropriate, in a future fiscal year, funds to pay for all or part of the improvement or acquisition must be authorized by ordinance.

(Amended November 16, 1971; amended February 24, 1977; amended November 4, 1997; amended November 8, 2005—Effective January 1, 2006, Exh. A-3)

ARTICLE VI. - CAPITAL PROGRAM

Section 601. - Capital program.

The manager shall prepare and submit to the council a 5-year capital program at the same time as the submission of the annual budget. The capital program shall include:

- (a) A clear, general summary of its contents;

- (b) A list of all capital improvements which are proposed to be undertaken during the 5 fiscal years next ensuing, with appropriate supporting information as to the necessities for such improvements;
- (c) Cost estimates, method of financing and recommended time schedules for each such improvement;
- (d) The estimated annual cost of operating and maintaining the facilities to be constructed and acquired.

(Amended November 8, 1994—Effective January 1, 1995)

Section 602. - Revision and extension of capital program.

- (a) Each year the capital program shall be reviewed and extended with regard to capital improvements contemplated, still pending or in process of construction or acquisition.
- (b) The council shall fix a time and place for holding a public hearing on the capital program, and shall give public notice of such hearing.
- (c) The council shall adopt the capital program with or without amendments after such public hearing, but nothing in this article shall be deemed to prevent the authorization by the council of bonds or notes of the town to finance a capital improvement not included in the capital program.

ARTICLE VII. - TAX ADMINISTRATION

Section 701. - Town assessor.

The Town Assessor shall have custody of the assessment records of the Town and shall perform such other duties as are prescribed by the laws of the State of Maine.

(Amended November 8, 1994—Effective January 1, 1995)

Section 702. - Board of assessment review; appointments; vacancies.

- (a) There shall be a board of assessment review to consist of 5 members who shall be appointed by the council for a term of 3 years, except that of those first appointed 2 shall be for a term of 2 years and one for a term of one year.
- (b) The members of the board shall be residents of the town. If a member of the board ceases to be a resident of the town, the office shall immediately become vacant.
- (c) Any vacancy on the board shall be filled by appointment by the council for the unexpired term.
- (d) Annually the board shall choose a chair, a vice-chair and a secretary from its membership. The secretary shall keep a complete, accurate record of all votes taken at the meetings of the board.
- (e) Three members of the board of assessment review shall constitute a quorum for the purpose of hearing and voting upon a matter presented to the board. Any members having a financial interest, direct or indirect, in a matter presented to the board shall disqualify themselves and in such event the remaining members of the board shall constitute the board of assessment review.
- (f) Repealed.

(Amended November 8, 1994—Effective January 1, 1995; amended November 8, 2005—Effective January 1, 2006, Exh. A-5)

Section 703. - Board of assessment review; powers; duties.

The board of assessment review shall have the same powers that are granted to such boards by the laws of the State of Maine. It shall adopt such regulations as may be necessary for it to carry out its functions of assessment review, which regulations shall be published annually in a newspaper having a general circulation in the town.

ARTICLE VIII. - PLANNING AND ZONING

Section 801. - Town planning board.

There shall be a town planning board as provided for by the laws of the State of Maine.

Section 802. - Zoning ordinances.

There shall be a zoning ordinance as provided for by the laws of the State of Maine.

Section 803. - Zoning board of appeals.

- (a) There shall be a Zoning Board of Appeals composed of 5 members and 4 associate members who shall be appointed by the council for terms of 3 years.
- (b) The members and associate members of the Board must be residents of the Town. If a member or an associate member ceases to be a resident, the office shall immediately become vacant.
- (c) Neither a member of the council nor spouse may be a member or associate member of the Board.
- (d) Any vacancy on the Board shall be filled by appointment by the council for the unexpired term.
- (e) Annually, on or about May 1, the Board shall choose a Chair, Vice-Chair, and Secretary from its membership.
- (f) When a member is unable to act because of conflict of interest, physical or mental incapacity, absence, or for any reason, the Chair shall designate an associate member to act. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting shall be decided by a majority of the members, except the member who is being challenged.
- (g) A quorum consists of 5 members, which may include associate members.
- (h) The Board shall hear appeals from the zoning ordinance.
- (i) The Chair shall call and preside at meetings of the Board as necessary. The Chair shall also call meetings of the Board when requested to do so by a majority of the members of the Board or by the council. The Chair is the official spokesperson of the Board.
- (j) The Secretary shall maintain a permanent record of all Board meetings and all correspondence of the Board. The Secretary is responsible for maintaining those records which are required as part of the various proceedings which may be brought before the Board. All records prepared or maintained by the Secretary are public records. They shall be filed in the Town Clerk's office. They may be inspected at reasonable times.
- (k) The Board may provide by rule, which shall be recorded by the Secretary, for any matter relating to the conduct of any hearing, provided that any rule may be waived by the Chair upon good cause shown.
- (l) The Board may receive any oral or documentary evidence. It shall provide for the exclusion of irrelevant, immaterial or unduly repetitious evidence. Every party shall have the right to present a case or defense by oral or documentary evidence, to submit rebuttal evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts.
- (m) The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceeding, shall constitute the record. All decisions shall become a part of the record and shall include a statement of findings and conclusions, as well as the reasons or basis therefor, upon all material issues of fact, law or discretion presented and the appropriate order, relief, or denial thereof.

Within 7 days after a decision is made, notice thereof shall be mailed or hand-delivered to the petitioner, or petitioner's representative, the Planning Board and the Town Council.

- (n) Within 45 days after the decision is rendered, an appeal may be taken by any party to Superior Court in accordance with the Maine Rules of Civil Procedure. Rule 80B.

(Amended November 7, 1978; amended November 8, 1994—Effective January 1, 1995; amended November 8, 2005—Effective January 1, 2006, Exh. A-5)

Section 804. - Board of appeals; municipal codes.

- (a) There shall be a Codes Appeal Board for matters relating to municipal codes other than zoning, composed of 5 members and 4 associate members, who shall be appointed by the council for a term of 3 years.
- (b) The members and associate members of the Board must be residents of the Town. If a member or an associate member ceases to be a resident, the office shall immediately become vacant.
- (c) Any vacancy on the board shall be filled by appointment by the council for the unexpired term.
- (d) Annually at its first meeting following the date of appointment of members, the board shall choose a chair, vice-chair, and secretary from its membership.
- (e) When a member is unable to act because of conflict of interest, physical or mental incapacity, absence, or for any other reason, the Chair shall designate an associate member to act.
- (f) A quorum consists of 5 members or associate members.

(Amended June 19, 1972; amended November 8, 1994—Effective January 1, 1995; amended November 8, 2005—Effective January 1, 2006, Exh. A-5)

State Law reference— Board of appeals, 30-A M.R.S.A. § 2691.

Sec. 805. - Codes appeal board; powers and duties.

- (a) The Codes Appeal Board shall hear appeals for variances from the municipal codes other than zoning.
- (b) The board shall replace the municipal officers in hearing appeals from building, housing and fire prevention codes, and any other code enacted under the authority of the Revised Statutes, Title 30, section 2151, subsection 4, paragraphs A and B [M.R.S.A. 30-A]. In enacting these codes, the council may provide for any necessary rules of procedure to be followed by the board.

(Amended June 19, 1972)

ARTICLE IX. - DEPARTMENT OF EDUCATION

Section 901. - School board.

The Department of Education shall be administered by a School Board composed of 9 members, one member of which shall be elected by the voters of each of the 7 districts, as provided in section 202 of Article II of this Charter, and two members shall be elected by the voters of the town at large. Each member shall serve for 3 years and until a successor is elected and qualified.

~~The terms of office shall be staggered and shall be initially elected as follows:~~

~~For the regular annual election held in 2006:~~

~~District 3—A three year term~~

~~District 4—A three year term~~

~~District 5—A two year term~~

~~At large expiring in 2006—A two year term~~

~~For the regular annual election held in 2007:~~

~~District 1—A three year term~~

~~District 2—A three year term~~

~~District 6—A three year term~~

~~District 7—A one year term~~

~~At large expiring in 2007—A two year term~~

(Amended June 19, 1972 and November 6, 1990; amended November 8, 1994—Effective January 1, 1995; amended November 3, 1998—Effective January 1, 1999; amended November 8, 2005—Effective January 1, 2006, Exh. A-1)

Section 902. - Ex officio member.

(Council representative to School Board)

(Repealed January 16, 1973)

Section 903. - Qualifications.

Members of the School Board shall be voters or persons eligible to become voters of the town and they shall reside in the districts from which they have been elected during their terms of office, except the two members elected by the voters of the town at large shall only be voters or persons eligible to become voters of the town. They shall hold no other town office nor be town employees. If a member of the School Board shall cease to possess any of these qualifications, the office shall immediately become vacant.

(Amended November 6, 1990; amended November 8, 1994—Effective January 1, 1995; amended November 3, 1998—Effective January 1, 1999)

Section 904. - Vacancies; forfeiture of office, filling of vacancies.

- (a) The office of a member of the School Board shall become vacant upon death, resignation, removal from office in any manner, authorized by law, forfeiture of office, or permanent physical or mental disability resulting in decreased ability to perform the duties, all as determined by the School Board.
- (b) A member of the School Board shall forfeit the office if the member fails at any time during the term of office to maintain any qualification for the office prescribed by this Charter or by law.
- (c) If there is a vacancy in the membership of the School Board for any reason, the Town Council shall call a special election to fill the vacancy for the unexpired term.

- (1) **Exception.** If the remainder of the unexpired term is less than 6 months, the School Board shall appoint a qualified person to fill the vacancy.

(Amended June 19, 1972; amended November 8, 1994—Effective January 1, 1995)

Section 905. - Induction into school board office and organization.

The School Board shall meet contemporaneous with the Council's first meeting in January. At such meeting members-elect shall be inducted into office by being sworn to the faithful discharge of their duties by the Town Clerk or the Town Clerk's designee. The School Board shall elect its own chair at that meeting.

Five members of the School Board eligible to vote in its proceedings constitute a quorum for the transaction of business.

- (1) Exception. A member-elect may be sworn in at a later date, if necessary.

(Amended June 19, 1972; amended November 8, 1994—Effective January 1, 1995; amended November 4, 1997; amended November 3, 1998—Effective January 1, 1999)

Section 906. - Powers and duties.

The school board shall have all the powers conferred by law and shall perform all the duties imposed by law upon superintending school committees in regard to the care and management of the public schools of the town, except as otherwise provided in this Charter. The school board shall prepare budget estimates in detail of the several sums required during the ensuing fiscal year for the support of the public schools and shall furnish copies of such estimates to the manager on or before the beginning of such fiscal year.

Section 907. - Meetings.

The school board shall hold at least one meeting a month, except during July and August. All meetings of the school board shall be open to the public, except as may otherwise be provided by the laws of the State of Maine.

Section 908. - Compensation.

- (a) The council may determine the compensation of the members of the school board.

~~(b) Initially, the annual compensation of school board members shall be \$300.~~

Section 909. - School capital program.

The school board shall prepare and submit to the council a 5-year school capital program at the same time that it submits its annual budget. The school capital program shall be prepared and revised in the same manner that is required of the manager under Article VI of this Charter.

ARTICLE X. - NOMINATIONS AND ELECTIONS

Section 1001. - Municipal elections.

The regular annual election of the Town Council and the School Board shall be held on the first Tuesday following the first Monday of November.

(Amended June 19, 1972)

Section 1002. - Nomination.

- (a) All persons nominated for the Town Council or the School Board shall be voters of the town or persons eligible to be voters of the town.
- (b) Nominations shall be by petition, which shall be signed by at least 100 voters, except that in the case of a nomination for district membership on the Council and district membership on the School Board, the petition shall be signed by at least 25 voters residing in such district.
- (c) ~~No voter shall sign more than one petition for each office to be filled, and should a voter do so, the signature shall be void except as to the first petition filed.~~ With each signature there shall be stated the place of residence of the signer giving the street and the number, if any.
- (d) Nominating petitions must be filed with the Town Clerk not more than 100 days nor less than 60 days before the date of election.
- (e) Unless a candidate files with the Town Clerk not more than 100 days nor less than 60 days before the date of election the candidate's written consent to accept nomination, agreeing not to withdraw, and if elected, to qualify, the nomination is invalid.

(Amended November 3, 1981; amended November 6, 1990; amended November 8, 1994—
Effective January 1, 1995; amended November 4, 1997)

Section 1003. - Election provisions.

Provisions of the laws of the State of Maine relating to the qualifications of voters, voter registration, the manner of voting, the duties of election officers and all other matters relating to the preparation for, and the conducting and management of elections, so far as they are applicable, shall govern all municipal elections, except as otherwise provided in this Charter.

Section 1004. - Voting places.

The voting place or places for municipal elections shall be the same as those established for state elections. The Council may consolidate or change polling locations for a special municipal election once a public hearing is held at least thirty days prior to the election and with notice of the change published in a newspaper having general circulation in the community at least ten days before the election.

(Amended November 8, 2005—Effective January 1, 2006, Exh. A-4)

ARTICLE XI. - INITIATIVE AND REFERENDUM

Section 1101. - Power of referendum.

The following shall be subject to overrule by referendum:

- (a) All ordinances enacted by the Town Council.

(Amended November 16, 1971; amended January 16, 1973)

Section 1102. - Referendum procedures.

- (a) Any 5 voters may begin referendum proceedings by a written request made to the town clerk for the appropriate petition blanks. All papers of the petition shall be uniform in size and style and shall be assembled as one instrument for filing. They shall contain or have attached thereto throughout their

circulation the full text of the ordinance, sought to be reconsidered. The petition shall be signed only by voters of the town and each voter's signature shall be followed by an address.

- (b) Each paper of the petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that the circulator personally circulated the paper, the number of signatures thereon, that all signatures were affixed in the circulator's presence, that the circulator believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance sought to be reconsidered.
- (c) If, within 20 days after the enactment of an ordinance by the Town Council, the appropriate petition signed by not less than 5% of the registered voters of the town is filed with the town clerk requesting its submission to a referendum, the council shall call a public hearing to be held within 30 days from the date of the filing of such petition with the town clerk. Within 14 days after such a public hearing, the council shall call a special municipal election for the purpose of submitting to a referendum vote the question of affirming the enactment of the ordinance.

(Amended January 16, 1973; amended November 8, 1994—Effective January 1, 1995)

Section 1103. - Referendum petitions; suspension of effect of ordinance.

When a referendum petition is filed with the town clerk, the ordinance enacted by the Town Council sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- (a) The ordinance shall have received an affirmative vote of the majority of the voters voting on the question, or
- (b) There is a final determination of the insufficiency of the petition, or
- (c) The council repeals the ordinance.

(Amended January 16, 1973)

Section 1104. - Ordinances, orders or resolves submitted to popular vote.

The council may submit on its own initiative a proposition for the enactment, repeal or amendment of any ordinance, order or resolve, except as herein otherwise provided, to be voted upon at any municipal election, and should such proposition receive a majority of the affirmative votes cast thereon at such election, such ordinance, order or resolve shall be enacted, amended accordingly, or otherwise repealed. The proposition shall be so stated that an affirmative vote is for the passage of the ordinance, order or resolve, and a negative vote is against its passage.

Section 1105. - Enactment of ordinances by initiative.

Police Power Ordinances may be enacted by the following initiative procedure.

- (a) Any 5 voters may begin initiative proceedings by a written request made to the town clerk for the appropriate petition blanks. The complete text of the proposed ordinance shall be included with the request. All papers of the petition shall be uniform in size and style and shall be assembled as one instrument for filing. They shall contain or have attached thereto throughout their circulation the full text of the proposed ordinance. The petition shall be signed only by voters of the town and each voter's signature shall be followed by an address.
- (b) Each paper of the petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that the circulator personally circulated the paper, the number of signatures thereon, that all signatures were affixed in the circulator's presence, that the circulator believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the proposed ordinance.

- (c) Upon receipt by the town clerk of the appropriate petition signed by not less than 5% of the voters of the town, the council shall call a public hearing to be held within 30 days from the date of the filing of the petition. Within 30 days after the public hearing the council shall call a municipal election for the purpose of submitting to a vote the question of enacting the ordinance, unless it has been enacted by the council prior to the call for the election. The ordinance shall be enacted when a majority of those voting thereon have voted in the affirmative, and it becomes effective 10 days from the date of the election.

Any such proposed ordinance shall be examined by the town attorney before being submitted to the voters to assure accuracy in its text and references, and clearness and preciseness in its phraseology, but the town attorney shall not materially change its meaning and effect.

The Town Council shall appoint a standing committee of five (5) members to include two (2) Town Councilors and two (2) Brunswick citizens, with the fifth committee member to be a citizen designated by the original petitioners after the petition is presented to the Town Clerk.

The Committee shall meet and no later than thirty (30) days after the public hearing shall prepare and submit to the Council a brief written summary of the substance of the proposed ordinance. Upon receipt of the Committee's recommendation, the Council shall have final authority to modify or adopt the written summary of the proposed ordinance to appear on the ballot or determine no summary is necessary.

- (d) An ordinance enacted by initiative as provided in this Section may not be amended or repealed by initiative or referendum as provided in Sections 1101—1105 for 6 months after its enactment.

(Amended November 16, 1971; amended January 16, 1973; amended November 8, 1994—
Effective January 1, 1995; effective January 1, 2008)

Section 1106. - Publication.

When an ordinance, order or resolve is required to be submitted to the voters of the town by initiative or referendum, the council shall have its complete text published in a newspaper having general circulation in the town at least 15 days before the date of election, unless it would be unreasonable to do so in the opinion of the council. The manager shall make a reasonable number of copies available to public inspection at least 15 days before the date of election.

Section 1107. - Form of referendum question on ballot.

The form of referendum question for the affirmation of an ordinance shall be stated on the ballot substantially as follows:

Shall the ordinance (title of ordinance) enacted by council on (date of enactment) be affirmed?

The form of referendum question for enactment of an ordinance shall be stated on the ballot substantially as follows:

Shall the ordinance (title of ordinance) be enacted?

(Amended November 16, 1971; amended November 8, 2005—Effective January 1, 2006, Exh. A-5)

ARTICLE XII. - GENERAL PROVISIONS

Section 1201. - Short title.

This charter shall be known and may be cited as "The Charter of the Town of Brunswick." The town clerk shall cause it to be printed and made available to the public promptly.

Section 1202. - Repealing clause.

All acts and parts of acts of the private and special laws of Maine relating to the Town of Brunswick that are inconsistent with the provisions of this Charter are repealed.

Section 1203. - Separability clause.

If any portion of this Act shall be held to be invalid, such decision of invalidity shall not affect the validity of the remaining portions thereof.

Section 1204. - Existing contracts validated.

All rights, actions, proceedings, prosecutions and contracts of the Town of Brunswick or any of its departments, pending when this Charter goes into effect and not inconsistent herewith, shall be enforced, continued or completed in all respects as though begun and executed hereunder.

Section 1205. - Expiration of terms of present officials.

The terms of present members of the board of selectmen shall expire at 7:30 p.m. on the first business day of January, 1970. The terms of present members of the superintending school committee shall expire at 8 p.m. on the first business day of January, 1970.

Section 1206. - Continuance of present administrative officers.

All persons holding administrative office at the time this Charter takes effect shall continue in office until other provision is made in accordance with this Charter for the performance of such duties.

Section 1207. - Ordinances not inconsistent remain in force.

All ordinances and bylaws of the Town of Brunswick in force at the time this Charter takes effect, not inconsistent with the provisions hereof, shall continue in force until amended or repealed.

Section 1208. - Oath of office.

Every officer of the town shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the town clerk.

"I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of Maine; that I will, in all respects, observe the provisions of the Charter and ordinances of the Town of Brunswick, and will faithfully discharge the duties of the office of _____."

Section 1209. - Application of Municipal Law.

Except as otherwise provided in this Charter, or where the application would obviously be inconsistent with it, the Statutes of the State which apply to municipalities in general apply to the Town of Brunswick as well, and the powers and duties of the Selectmen and the Town Meeting are delegated to and incumbent upon the Town Council.

(Section added February 24, 1977)

Referendum; effective date; certificate to secretary of state.

This Act shall take effect 90 days after adjournment of the Legislature, only for the purpose of permitting its submission to the voters of the Town of Brunswick at any special town election held before

November 5, 1969, and warrants shall be issued for such election in the manner now provided by law for the holding of municipal elections, notifying and warning the qualified voters of the said town to vote on the approval or rejection of this Act.

The town clerk shall prepare the required ballots, on which he shall reduce the subject matter of this Act to the following question: "Shall 'An Act to Grant a New Charter to the Town of Brunswick', passed by the 104th Legislature, be accepted?" The voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same. This Act shall take effect for the purpose of nominating and electing officers hereunder immediately upon its acceptance by a majority of the voters voting at the said election. For all other purposes of this Act shall take effect the first business day of January, 1970.

The result of the vote shall be declared by the municipal officers of the Town of Brunswick and due certificate thereof shall be filed by the town clerk with the Secretary of State.

(THIS CHARTER BECAME EFFECTIVE JANUARY 2, 1970)

ITEM 117
BACKUP

Town of Brunswick, Maine

DEPARTMENT OF PLANNING AND DEVELOPMENT

MEMORANDUM

TO: Brunswick Town Council

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

DATE: August 17, 2020

SUBJECT: Public Hearing – Zoning Ordinance Text Amendment – Conditional Use Permit Review Criteria

I. SUMMARY:

At their August 3, 2020 meeting, the Town Council expressed their general support for the proposed changes to the language of Criteria 2, 3, and 4 of *Section 5.2.2 – Conditional Use Permit, Subsection B – Criteria for Approval* of the Town of Brunswick Zoning Ordinance. The Town Council did not reach a consensus as to their support for the proposed language of Criteria 5 that states, “the proposed use shall not result in an adverse impact on the capacity of existing or planned municipal services, utilities, or other necessary facilities.”

During the August 3 meeting, a member of the public, Leah Rachin, argued that the proposed language of Criteria 5 is redundant because *Section 4.5 – Basic and Municipal Services* of the Zoning Ordinance already provides standards for sewage disposal, water supply and quality, solid waste disposal, and stormwater management. She added that if the Town Council were inclined to approve Criteria 5 that at minimum it should be edited because the term “adverse impact” was overly vague.

In response to a question by Chair Perreault, staff stated that the Planning Board considered Ms. Rachin’s argument at their public hearing, but opted to include Criteria 5 as proposed because there may be instances where the potential impact on municipal services, utilities, or other necessary facilities may be unclear at the staff or Staff Review Committee level. Furthermore, although *Section 4.5 – Basic and Municipal Services* of the Zoning Ordinance addresses some municipal services, it does not address other municipal services or facilities such as schools or fire and police protection.

Vice Chair mason suggested that should Criteria 5 be included in the text amendments the term “adverse impact” should be reevaluated per Ms. Rachin’s comments. Staff has prepared alternative language in Section II.

Acknowledging that for public hearing notifications it is best practice to include the most restrictive language and then eliminate language should they so choose, the Town Council approved a motion to set a public hearing for August 17, 2020 for the proposed text amendments, including Criteria 5, to *Section 5.2.2 – Conditional Use Permit, Subsection B – Criteria for Approval* of the Zoning Ordinance.

II. PROPOSED TEXT AMENDMENTS

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

B. Criteria for Approval

The following Criteria shall be applied, by the Planning Board when considering an application for a Conditional Use Permit. The burden of proof of compliance with these standards rests with the applicant.

- (1) The proposed structure and site design comply with all standards of this Ordinance applicable to the zoning district and any overlay district within which the property is located.
- (2) ~~The proposed use will not create significantly more vehicular traffic by patrons, residents, or suppliers than the uses and structure currently within 300 feet of the proposed use or structure that generates the most vehicular traffic.~~

The volume and type of vehicular traffic to be generated will not:

- a. **Be greater than would occur from any uses designated as a permitted use or conditional use within the same zoning district;**
 - b. **Result in hazardous or unsafe conditions for pedestrians or cyclists; and**
 - c. **Impede emergency vehicles as determined by public safety officials.**
- (3) The proposed use will not operate or require deliveries earlier in the morning, or later at night, than ~~the uses and structures currently within 300 feet of the proposed use or structure that operate earliest in the morning and latest at night~~ **would occur at any permitted use or conditional use within the same zoning district.**
 - (4) The proposed use shall not create any more adverse impacts **as a result of noise, vibrations, glare, fumes, odor, dust, or other airborne contaminants** on any ~~current~~ use or structure within 300 feet of the lot on which the proposed use or structure would be located.
 - (5) The application shall further the planning goals of the adopted Town of Brunswick 2008 Comprehensive Plan, as amended, including but not limited

to the planning goals for the Planning Area (Appendix A – Planning Areas) in which the property is located.

The proposed use shall not result in an adverse impact on the capacity of existing or planned municipal services, utilities, or other necessary facilities.

Alternate Option #1: Delete Criteria 5 in its entirety.

Alternate Option #2: **The proposed use shall be adequately served by, but shall not impose an unreasonable burden, on existing or planned municipal services, utilities, or other necessary facilities.**

Alternate Option #3: **The proposed use will not impose a burden on existing or planned municipal services, utilities, or other necessary facilities due to its location or the characteristics of the site or proposed development that is significantly greater than the burden that would result from similar uses in other situations.**

III. RECOMMENDED ACTION

It is recommended that the Town Council make a motion to approve the text amendments to *Section 5.2.2 – Conditional Use Permit, Subsection B – Criteria for Approval* of the Town of Brunswick Zoning Ordinance.

IV. ATTACHMENTS

- A. Various Maine municipalities' Conditional Use Permit review criteria
- B. American Planning Association Planning Advisory Service QuickNotes No. 41 – Conditional Uses

ITEM 118
BACKUP

Town of Brunswick, Maine



TOWN COUNCIL

A Proclamation Recognizing September as National Childhood Cancer Awareness Month

Whereas, cancer is the leading cause of death by disease among U.S. children and is detected in more than 15,000 of our country's sons and daughters; and

Whereas, September is National Childhood Cancer Awareness Month, a time to honor and remember the children and families facing childhood cancer today, and to help rally support to give kids with cancer better outcomes; and

Whereas, thanks to ongoing advances in research and treatments, the five year survival rate for all childhood cancers has climbed from less than 50 percent to 80 percent over the last several decades; however, help does not come soon enough for many of our sons and daughters, and too many families suffer pain and devastating loss; and

Whereas, innovative studies are leading to real breakthroughs, reminding us of the importance of supporting scientific discovery and moving closer to finding cures, though much work remains to be done; and

Whereas, during National Childhood Cancer Awareness Month we remember the children who have been taken from us far too soon and we extend our support to all those who continue to battle this illness with their incredible strength and courage.

NOW THEREFORE, We, the Town Council of Brunswick, Maine, do hereby adopt this proclamation to recognize the month of September, 2020, as National Childhood Cancer Awareness Month

Signed by the Chair of the Town Council this 17th day of August, 2020

John Perreault, Chair – Town Council

ITEM 119
BACKUP



Town of Brunswick, Maine

INCORPORATED 1739

ECONOMIC AND COMMUNITY
DEVELOPMENT

85 UNION STREET

BRUNSWICK, MAINE 04011-2418

TELEPHONE 207-721-0292

FAX 207-725-6663

MEMORANDUM

TO: Town Council
FROM: Sally Costello, Economic Development Director
SUBJECT: Setting a public hearing for the acceptance of CDBG Grant funding for Natural Selections, Inc. (Wild Oats)
DATE: August 17, 2020

Town staff is requesting that the Town Council approve setting a public hearing for September 8, 2020 to discuss acceptance of an Economic Development/Business Assistance CDBG Grant. The purpose of the grant is to assist Natural Selection, Inc., dba Wild Oats in their business expansion for the purchase of machinery and equipment.

The Town received notification on June 19, 2020 that the CDBG application for \$500,000 was evaluated and that funding has been reserved for the project. The Town was invited into Phase II of the CDBG process which involves submitting additional documentation required by HUD to move forward with the grant contract. A copy of those documents is forwarded for your review.

Public Hearing Notice
The Town of Brunswick

The Town of Brunswick will hold a Public Hearing on September 8, 2020 at 6:30 pm at the Town Council Chambers at 85 Union Street, Brunswick, Maine 04011, to discuss acceptance of an Economic Development/Business Assistance CDBG Grant. The purpose of the grant is to assist Natural Selection, Inc., dba Wild Oats in their business expansion for the purchase of machinery and equipment. Public comments will be solicited at this Hearing and will be submitted as part of the Project Development Phase. All persons wishing to make comments or ask questions about the acceptance of these funds are invited to attend this Public Hearing. Comments may be submitted in writing to: Sally Costello, Economic Development Director, 85 Union Street, Brunswick, ME 04011 at any time prior to the Public Hearing. TDD/TTY users may call 711 and provide the dedicated phone number listed on Cable TV-3/LIVE Stream during the public hearing . If you are physically unable to access any of the City's/Town's programs or services, please call Sally Costello at (207) 721-4051 so that accommodations can be made.



Town/City

STANDARDS OF CONDUCT

STATE OF MAINE COMMUNITY DEVELOPMENT BLOCK GRANT

INTRODUCTION

Elected officials, appointed officials, employees of Community Development Block Grant (CDBG) recipients, and contractors are those responsible for administering Maine's CDBG Program and are also responsible for its integrity. Following sound business practices, prescribed standards of conduct and Department of Housing and Urban Development (HUD) requirements will help protect these grant funds, but also those who administer the program.

PURPOSE

This notice provides information on specific activities you must avoid and identifies essential HUD requirements that must be met. The requirements will help to prevent fraud and program abuse by alerting essential officials to appropriate standards of conduct.

AUTHORITIES

Pertinent laws and requirements that you should have copies of are:

- ✓ Housing and Community Development Act of 1974 as amended in 1992.
- ✓ Community Development Block Grant Regulations (24 CFR Part 570).

PROGRAM REQUIREMENTS & PROHIBITED ACTIVITIES

The following sections reviewed prohibited activities and administrative requirements that must be followed by all CDBG communities.

1. Prohibition against conflicts of interest

CDBG regulations (25 CFR, Part 570.489 (h)) prohibit conflicts of interest. For all CDBG activities: no employee, agent, consultant, officer, or elected official or appointed official of the state, or of a unit of general local government, or of any designated public agencies, or subrecipients may:

- a) Obtain personal or financial interest or benefits including money, favors, gratuities, entertainment or anything of value that might be interpreted as conflict of interest.
- b) Obtain a direct or indirect interest in any contract, subcontract or agreement for any CDBG activity. This prohibition extends to contract in which your spouse, minor child, dependent or business associate may have personal or financial interest. This prohibition extends for a period of one year after you leave your position with a CDBG activity or program.
- c) HUD may grant an exception to this conflict of interest provision if it determines that such exception will enhance the effectiveness of the CDBG project. Requests for such exceptions must be made in writing to this office.

2. Procurement and Contracting Requirements

Provisions of 24 CFR Part 85 and Part 36, Administrative Requirements apply to the CDBG Program grantees. These provisions prohibit the following practices in your procurement and contract administration.

a) Circumventing competitive bidding requirements by:

- 1) failing to advertise for sealed bids or soliciting proposals and engaging in noncompetitive negotiation;
- 2) failing to use established evaluation criteria in negotiations;

- 3) splitting bids by breaking down contracts into small parts so that purchase order procedures can be used except to meet Minority/Women Business Enterprise goals;
- 4) favoring or providing a competitive advantage to any one firm or individual; identifying the names of those invited to bid; and preparing fictitious bids to simulate competition.

b) Failing to adhere to contract award requirements by:

- 1) allowing excessive price charges;
- 2) awarding contract to other than low bidder without adequate justification; and
- 3) accepting a bid that does not contain a price for all items or services included in the bid invitation.

c) Failing to verify contractual and programmatic compliance by contractors by:

- 1) authorizing payment for work not completed;
- 2) falsifying inspection reports;
- 3) altering contractor invoices; and
- 4) misusing modification or change orders.

1. Financial Management and Recording Systems

You must comply with the following requirements of 24 CFR part 85.20 and 85.42 and CDBG regulations.

- a) Establish internal controls to safeguard cash, inventory and equipment.
- b) Establish a special ledger account for all CDBG monies.
- c) Maintain financial records including:
 - 1) A register of cash receipts and disbursements;
 - 2) record of all non-cash transactions;
 - 3) General ledger to show the status of each CDBG account;
 - 4) A fixed account ledger, and
 - 5) A record of drawdowns, funds received and balance of funds.
- d) Ensure you maintain financial records and maintain for three years from final closeout.
- e) Use income generated from grant activities for other eligible activities.
- f) Use program income before drawing additional grant funds to pay for allowable program expenses.
- g) Not request or draw down more funds than needed.

4. Cost Allowance

You must comply with OMB Circular A-87, Cost Principles for State and Local Governments. You may not spend CDBG funds on ineligible activities including:

- a) Expenses required to carry out the regular responsibilities of the general local government.

- b) Partisan political activities (e.g. contributions towards political campaigns, voter registration or candidate forums).

5. Program Monitoring

Regulation CFR Part 85.40 states you must monitor the performance of grant supported activities to assure compliance with federal requirements and that performance goals are being achieved. It is suggested you:

- a) Keep records for your on-site visits to sub grantees and contractors.
- b) Place special emphasis on your monitoring of the highest risk sub recipients and contractors.

TOWN OF BRUNSWICK

DATE ADOPTED: _____

AUTHORIZED SIGNATURES

Name	Date
Fran Smith, Town Clerk Adopted by the Brunswick Town Council on -	

Municipal Seal

FAIR HOUSING RESOLUTION

STATE OF MAINE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

LET IT BE KNOWN TO ALL PERSONS of the Town of Brunswick that discrimination in the sale, rental, leasing, financing of housing or land to be used for construction of housing, or in the provision of brokerage services because of race, color, religion, sex, handicap, familial status or national origin is prohibited by Title VIII of the 1968 Civil Rights Act (Federal Fair Housing Law). It is the policy of the Town of Brunswick to implement programs to ensure equal opportunity in housing for all persons regardless of race, color, religion, sex, handicap, familial status or national origin. Therefore, the Town does hereby pass the following Resolution:

BE IT RESOLVED that within available resources the Town will assist all persons who feel they have been discriminated against because of race, color, religion, sex, handicap, familial status or national origin to seek equity under federal and state laws by filing a complaint with the Maine Human Rights Commission or the U.S. Department of Housing and Urban Development, Boston Regional Office Compliance Division.

BE IT FURTHER RESOLVED that the Town shall publicize this Resolution and through this publicity shall cause owners of real estate, developers and builders to become aware of their respective responsibilities and rights under the Federal Fair Housing Law and any applicable state and local laws or ordinances.

SAID PROGRAM will at a minimum include but not be limited to: (1) the printing and publicizing of this policy and other applicable fair housing information through local media and community contacts; (2) distribution of posters, flyers and any other means which will bring to the attention of those affected, the knowledge of their respective responsibilities and rights concerning equal opportunity in housing.

DATE ADOPTED: _____

AUTHORIZED SIGNATURES

Name	Date
Fran Smith, Town Clerk Adopted by the Brunswick Town Council on -	

Municipal Seal

FAIR HOUSING SELF ASSESSMENT

STATE OF MAINE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

COMMUNITY OF: Brunswick

1. To the best of your knowledge has your community been involved in any complaints regarding discrimination the sale or rental of housing on the basis of race, color, religion, sex, national origin, familial status or handicap?

Yes No

2. If yes, give a brief description of the nature of any complaints and resolutions.

Yes No N/A

3. Has your community adopted a Fair Housing Program to help local citizens be aware of their rights regarding fair housing under federal and state law, and in filing a complaint if discrimination is suspected?

Yes No

4. What do you perceive as the most potentially serious problem areas regarding discrimination in fair housing in your community?

Problem Area	Very Serious	Serious	Moderate	Not a Problem
Color				X
Familial Status				X
Handicap				X
National Origin				X
Race				X
Religion				X
Sex				X

1. Does your community contain any subsidized housing units?

Yes No

6. As best as can be determined, do relevant public policies/practices regarding zoning and building codes have an adverse impact on the achievement of fair housing choice?

Yes No

7. Are you aware of any practices in the local real estate community as it relates to buying, selling and house rentals that may adversely affect the achievement of fair housing choice in your community?

Yes No

8. Do your community records contain data on the actual number and percentage of persons residing in the community by race, color, religion, sex, national origin, age, handicap and familial status, as well as income characteristics by group?

Yes No

9. Is information available to you that list major local employers by type and the number of people employed within your community by salary and racial group?

Yes No

10. Is there public transportation available in your community?

Yes No

11. Do your community records contain data on the total number of housing units in the community by type, and the number of vacant units?

Yes No

12. Does your community contain any housing for the handicapped such as group homes, independent living complexes, etc.?

Yes No

13. Has your community participated in the CDBG program prior to 1993?

Yes No

14. Has your community been involved with any other state or federal programs that required the reporting of specific fair housing information?

Yes No

Signature of Authorized Municipal Official

Date

John Eldridge, Town Manager

SECTION 504 SELF EVALUATION AND TRANSITION PLAN
STATE OF MAINE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

TOWN OF Brunswick

The following individual is responsible for inquiries regarding this Section 504 Self-Evaluation and Transition Plan:

Jody Durisko
(name)

Human Resources Manager
(title)

85 Union Street, Brunswick, ME 04011
(address)

207-725-6653 207-726-6663 jdurisko@brunswickme.org
(telephone) (fax) (e-mail)

The Section 504 Self Evaluation and Transition Plan was adopted by the following authorized individuals on behalf of the municipality:

DATE ADOPTED: _____

AUTHORIZED SIGNATURES

Name:	Date:
Fran Smith, Town Clerk Adopted by the Brunswick Town Council on -	

Municipal Seal

1. EMPLOYMENT

1. Are job announcements put into newspapers that have general circulation?

Yes ___ No

If No, describe how individuals are made aware of employment opportunities:

2. Do job announcements state that the municipality is an Equal Opportunity Employer?

Yes ___ No

If No, explain why the "Equal Opportunity Employer" statement is not contained within job announcements:

3. Has the municipality adopted a Equal Employment Opportunity Policy Statement?

Yes ___ No

4. Do job applications inquire as to whether an applicant is a disabled person or as to the nature or severity of a disability?

___ Yes No

If Yes, explain: _____

5. Describe the accommodations that can be made for the known physical and mental limitations of otherwise qualified disabled persons who are currently employed or applying for employment:

The Town would refer to the individual's Physician and the current job description to determine accommodations.

SECTION 504 SELF EVALUATION AND TRANSITION PLAN

STATE OF MAINE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

TOWN OF Brunswick

The following individual is responsible for inquiries regarding this Section 504 Self-Evaluation and Transition Plan:

Jody Durisko
(name)

Human Resources Manager
(title)

85 Union Street, Brunswick, ME 04011
(address)

207-725-6653 207-726-6663 jdurisko@brunswickme.org
(telephone) (fax) (e-mail)

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DATE ADOPTED: _____

AUTHORIZED SIGNATURES

Name:	Date:
Fran Smith, Town Clerk Adopted by the Brunswick Town Council on -	

Municipal Seal

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If Yes, explain: _____

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The Town would refer to the individual's Physician and the current job description to determine accommodations.

Program

Qualifications

1. General Assistance

Resident or individuals(s) seeking residence in Town. Program is based on income guidelines as established by State.

2. Social, Recreational or Athletic

None

3.

4.

5.

6.

7.

3. FACILITIES

Note: The definition of "facility" under Section 504 includes all or any portion of buildings, structures, equipment, roads, walks, parking lots or other real or personal property or interest in such property, owned, operated or leased by the municipality)

1. List below all facilities and the programs or operations for which each facility houses.

<u>Facility</u>	<u>Programs or Operations Housed</u>
1. Town Hall	Municipal Departments
2. Fire Station (Central)	Municipal Public Safety: Fire/EMS Services
3. Fire Station (Emerson)	Municipal Public Safety: Fire/EMS Services
4. Public Works Department	Municipal Department
5. Parks & Recreation	Municipal Department
6. Police Department	Municipal Public Safety: Law Enforcement
7. People Plus	Multi-Generational Facility

Using the Uniform Federal Accessibility Standards (UFAS), each facility must be reviewed for compliance:

COMPLIANCE COMPONENT

FACILITIES

	#1	#2	#3	#4	#5	#6	#7
Accessible Route	1	1	1	1	1	1	1
Outside Paths and Walks	1	1	1	1	1	1	1
Parking	1	1	1	1	1	1	1
Curb Ramps	1	1	1	1	1	1	1
Ramps	1	3	1	3	2	3	1
Entrances/interior Doors	1	1	1	1	1	1	1
Elevators	1	2	1	3	3	1	1
Lifts	3	3	1	3	3	3	3
Toilet Rooms	1	2	1	1	1	1	1
Drinking Fountains	1	2	1	1	1	1	1
Warning Signals	1	1	1	1	1	1	1
Assembly Areas	1	1	1	1	1	1	1
Public Telephones	1	1	1	1	1	1	1
Other Building Elements and Specialized Facilities	3	3	3	3	3	3	3

- Place a "1" in the respective box if item is in compliance with UFAS
- Place a "2" in the respective box if item is not in compliance with UFAS
- Place a "3" in the respective box if item is not available and is not required

* #1 through #7 above must correspond to the specific facility with that same number identified on the preceding page.

2. For those facilities where a "2" was indicated for the specific component, list below the inaccessible feature that limits accessibility to the programs provided in that facility:

#2 - Central Fire Station is considered to be Historical and is not ADA accessible. Public meetings occur in other accessible buildings as needed.

#5 – Accessibility ramp is available and can be utilized; additional adjustments are necessary to fully meet standard.

ADA/SECTION 504 CERTIFICATION

STATE OF MAINE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

The Town of Brunswick hereby certifies that it has complied with the following requirements pursuant to Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act and

1. Conducted a Section 504/ADA Transition Plan and Self Evaluation of all municipal facilities;
2. Advises the public, employees and job applicants that it does not discriminate on the basis of handicapped status in admission or access to or treatment or employment in its programs and activities; and
3. Has designated the following person as the contact to coordinate efforts to comply with these requirements.

Name: Jody Durisko Title: Human Resources Manager

(Signature of Authorized Municipal Official)

John Eldridge, Town Manager

(Date)

Municipal Seal

RESIDENTIAL ANTIDISPLACEMENT & RELOCATION ASSISTANCE PLAN

Town of Brunswick

(under Section 104(d) of the Housing and Community Development Act of 1974, as amended).

I. PURPOSE:

This Plan is established following Section 104(d) of the Housing and Community Development Act of 1974, as amended. Its objective is to ensure that persons displaced as a result of CDBG-assisted projects are treated fairly, consistently, and equitably so that such persons will not suffer disproportionate injuries as a result of a project designed for the benefit of the public as a whole.

II. COMPLIANCE MEASURES:

The **Town of Brunswick** will replace all occupiable and vacant Low - Moderate Income dwelling units demolished OR converted with funds provided under the Housing and Community Development Act of 1974, as amended, in a way as described as follows:

1. The units must be located within the state recipient's jurisdiction and to the extent possible shall be located within the same neighborhood as the units replaced.
2. The units must be sufficient in number and size to house no less than the number of occupants who could have been housed in the units that are demolished or converted.
3. The units must be provided in standard condition.
4. The replacement units must be made available for occupancy during the period beginning one year before an agreement to convert or demolish the units in question is executed and ending three years after the commencement of the demolition or rehabilitation related to the conversion.

The units must remain Low-Moderate Income dwelling units for at least 10 years from the date of initial occupancy. Before the **Town of Brunswick** enters into an agreement to provide funds that will directly result in the demolition of Low-Moderate Income dwelling units or the conversion of Low-Moderate Income dwelling units, the **Town of Brunswick** will make public and submit the following information in writing to the State:

- 1) A description of the proposed assisted activity;
- 2) The location on a map and the number of dwelling units by size that will be demolished or converted to a use other than for Low-Moderate Income dwelling units as a direct result of the assisted activity;
- 3) A time schedule for the commencement and completion of the demolition or conversion;
- 4) The source of funding and a time schedule for the provision of replacement dwelling units;
- 5) The basis for concluding that each replacement dwelling unit will remain a Low-Moderate Income dwelling unit for at least 10 years from the date of initial occupancy;

- 6) Information demonstrating that any proposed replacement dwelling units with smaller dwelling units is consistent with the housing needs of Low-Moderate Income households in the jurisdiction.

Consistent with the goals and objectives of activities assisted under the Housing and Community Development Act, the **Town of Brunswick** will take all possible actions within its power to minimize the displacement of persons from their homes.

III. ASSISTANCE TO PERSONS DISPLACED:

The **Town of Brunswick** shall provide relocation assistance and payments as required under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 or the Housing and Community Development Act of 1974, as amended, Section 104(d) for residents displaced as a result of CDBG funded activities. All displaced residents who are eligible for other housing programs will be helped through that agency's process. In addition, City staff shall provide housing counseling and referral services to assist those displaced to find alternative housing in the neighborhood.

IV. DEFINITIONS:

Displaced Person: Any person (family, individual, business, nonprofit organization or farm operation) that moves from real property, or moves personal property from real property, permanently and involuntarily, as a direct result of rehabilitation, demolition or acquisition (privately undertaken or public) for HUD-assisted program/project.

V. AGENCY RESPONSIBILITY:

The **Town of Brunswick** Community Development Department shall be responsible for the implementation of this Plan as well as ensuring compliance with applicable Federal and State law and regulations. The **Town of Brunswick** will identify and designate a Relocation Officer to perform functions concerning this Plan.

Any questions regarding this Plan or Federal and State laws regarding displacement should be addressed to _____

VI. CERTIFICATIONS:

The **Town of Brunswick** hereby certifies that it will uphold the contents of this Plan and the intentions of the compliance measures stated.

AUTHORIZED SIGNATURES

Name	Date:
Fran Smith, Town Clerk Adopted by the Brunswick Town Council on -	Date:

Municipal Seal

Equal Employment Opportunity Policy Statement

STATE OF MAINE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

The Town Selectmen of Brunswick declares its intent that the Town/City will pursue a policy of non-discrimination in personnel practices, including: recruiting, hiring, opportunities for transfer and promotion, conditions or privileges of employment, as well as compensation and benefits. Such practices or procedures shall not favor or penalize any person because of race, creed, color, sex, marital status, national origin, age, physical handicap, where these are not found to be bona fide occupational qualifications.

The Town/City recognizes its responsibility to enhance the purposes set forth in the Maine Human Rights Act as well as Federal statutes which may apply as a result of its Federal grant activities.

Compliance with EEO requirements may be enhanced through adoption of appropriate personnel policies. Assistance in drafting such policies may be obtained through the Maine Municipal Association or your Community Development Office.

DATE ADOPTED: _____

AUTHORIZED SIGNATURES

Name	Date
Fran Smith, Town Clerk Adopted by the Brunswick Town Council on -	Date

Municipal Seal

State of Maine CDBG Program

Final Budget Summary (Include Cash & In-Kind)

Cost Category	Column 1 CDBG	Column 2 Local	Column 3 State	Column 4 Utility	Column 5 Non-CDBG Federal	Column 6 Other	Column 7 Cost Category Total
Land Acquisition							
Legal Expenses							
Appraisals							
Relocation							
Demolition							
Site Work							
Architectural							
Engineering							
Administration							
Program Delivery							
Planning							
Loans							
Grants							
Operational							
Construction							
Materials							
Equipment	\$500,000					\$700,000	\$1,200,000
Inspection							
Other (List)							
1.							
2.							
3.							
TOTAL COSTS							\$1,200,000

Directions for Completing Budget Summary

1. For each applicable cost (cash and in-kind) in the Cost Category column, list the dollar amount for all applicable funding sources in columns 1-6.
2. List the total dollar amount for each cost category in column 7, Cost Category Total
3. Enter the total of all Cost Category amounts in column 7 in the TOTAL COSTS box directly under column 7.
4. **Submit a copy of this Budget Summary with the Phase II materials.**

ITEM 120 BACKUP



Town of Brunswick, Maine

INCORPORATED 1739

ECONOMIC AND COMMUNITY
DEVELOPMENT

85 UNION STREET

BRUNSWICK, MAINE 04011-2418

TELEPHONE 207-721-0292

FAX 207-725-6663

MEMORANDUM

TO: Town Council
FROM: Sally Costello, Economic Development Director
SUBJECT: Resolution to continue Downtown Sidewalk Replacement and Enhancement Project and pursue EDA funding
DATE: April 17, 2020

The Town Council adopted the Capital Improvement Program for the fiscal years ending June 20, 2021 – 2025. The CIP recommends a Downtown Streetscape Enhancement Project (“the Project”) to improve and/or replace sidewalks, lighting, trees and landscaping on both sides of Maine Street between the Route 1 overpass and the railroad tracks. The project site is approximately a half-mile section of Maine Street, a primary transportation spine running through historic downtown.

In September 2019, the Town released an RFP for the planning, design and engineering phase of the Project. The Streetscape Advisory Committee for the Project is comprised of Town staff and representatives of the Village Review Board, Brunswick Downtown Association, and the Master Plan Implementation Committee. The Committee reviewed the RFP submissions and recommended approval of the Planning/Design contract to Milone & MacBroom. The Town Manager approved this recommendation and awarded the contract to Milone & MacBroom (“the Consultant”) in December 2019.

The initial planning phase for the Project consisted of a public process that included a public meeting conducted on February 13, 2020 by the Consultant with Town staff support. The public meeting was held to discuss the scope of the Project and to gather and incorporate public feedback on the various elements of the proposed sidewalk renovation and enhancement project. The public meeting included a “clicker survey” with real time audience participation, and various break-out groups to discuss Project components and solicit feedback from property owners and businesses in the immediate project area as well as community stakeholders and residents. Additional public meetings will be held as the design phase of the project progresses.

Currently, the Project is still in the Design Development Phase and staff is working to identify potential funding sources for the project. As part of that effort, Town staff is pursuing federal funding through the Economic Development Agency (EDA). More specifically, staff applied for \$2,100,000 in grant funding through the FY 2020 Public Works and Economic Adjustment Assistance Program (made available through the CARES Act). This application represents 70 percent of the \$3,000,000 estimated Project budget. The Resolution, if adopted, identifies the funding mechanism for the balance of the costs of the Project and provides Town Council support for the project.

If the Town is awarded the EDA grant funding, the Town Manager is recommending that the Town Council consider funding the balance of the costs (approximately \$900,000) from existing and future Downtown TIF revenues. Given the current hardship on businesses related to the COVID-19 Healthcare crisis, the project will be constructed in phases, possibly starting in the 2020-2021 construction season.

**TOWN OF BRUNSWICK, MAINE
TOWN COUNCIL**

A Resolution Authorizing the Town Manager to Continue Developing the Downtown Streetscape Enhancement Project and to Pursue Grant Funding to Finance the Project, and Stating the Council's Intention to Utilize TIF Revenues for the Purpose of Financing the Project

WHEREAS, the Town Council (Council) of the Town of Brunswick (Town) has adopted a Capital Improvement Program for the fiscal years ending June 30, 2021 - 2025 (CIP); and

WHEREAS, the CIP recommends a Downtown Streetscape Enhancement Project to improve and/or replace sidewalks, lighting, trees and landscaping on both sides of Maine Street between the Route 1 overpass and the railroad tracks, (Downtown Project or Project); and

WHEREAS, with the 2020-2024 CIP and 2019-20 Capital Budget, the Town Council appropriated \$400,000 from Downtown Tax Increment Financing (TIF) District Revenues to support the planning and design of the Downtown Project; and

WHEREAS, in May 2019, the Town contracted with Sitelines to conduct a topographic survey of the existing conditions of approximately 2,400' of Maine Street from the Route 1 overpass to just past the Station Avenue intersection; and

WHEREAS, in December 2019, the Town contracted with Milone & MacBroom to develop a streetscape and public space design plan, specifications and cost estimate; and

WHEREAS, Town staff has applied for \$2,100,000 in grant funding from the US Economic Development Agency (EDA) through the FY 2020 Public Works and Economic Adjustment Assistance Program; and

WHEREAS, the Downtown Project is eligible for funding from the Brunswick Downtown and Transit-Oriented Municipal Development and Tax Increment Financing District Development Program, as the project lies entirely within the district, and improvements to Maine Street is highlighted in the Downtown Master Plan; and

WHEREAS, the Town Manager is recommending that the Town continue work on the Downtown Project, including acceptance of any grant funds, and that the Town Council indicate its intention to utilize existing and future Downtown TIF revenues for any balance of costs not covered by grant funds; and

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. Funding Sources

- a. *Grants and Contributions.* The Town Manager is authorized to accept contributions and make applications for federal and state grant funds, said contributions and grants to be used in lieu of, or in addition to, TIF revenues. The Town Manager is authorized to accept contributions and grants on behalf of the Town.

- b. *Tax Increment Financing Revenues.* If the EDA grant is approved, the Town Council intends to utilize existing and future TIF revenues available in the Brunswick Downtown TIF District to fund the balance of the Project costs. TIF revenues may also be used to reimburse the Town for any prior expenditures on the Project, or to refinance advances as authorized herein.

Section 2. Authorization for the Downtown Project

- a. *Planning and Design.* The Town Manager is authorized to negotiate, execute, and deliver, in the name of and on behalf of the Town, such contracts, agreements, and other documents and certificates as the Town Manager may determine to be necessary or appropriate in connection with the planning and design of the Downtown Project. The aforementioned items shall be in such form and contain such terms and conditions as may be approved by the Town Manager. Such approval shall be conclusively evidenced by the Town Manager's execution thereof, provided however, that the Town Manager may delegate the authority granted hereunder as the Town Manager deems appropriate.
- b. *Construction.* Section 512 of the Charter of the Town of Brunswick requires the making of contracts for capital improvements exceeding \$1,000,000 and the making of any contract for capital improvements obligating the Town to raise funds beyond the end of the fiscal year to be authorized by ordinance. An ordinance authorizing construction of the Downtown Project and final funding will be proposed to the Council when the project design and estimated cost have been developed.

Section 3. Capital Project Fund, Advances to Fund Project, and Actions to Date

- a. *Capital Project Fund.* The Town is authorized to establish a capital project fund to account for the Project. No interest shall accrue to this fund. Upon a determination by the Finance Director that the Project is complete or abandoned, any remaining balance in the capital project fund shall be transferred to the Town's General Fund. Fund balances will roll forward from year to year.
- b. *Advances.* The Town is authorized to make advances, from the Town's general fund to the capital project fund, for the purpose of financing any part of the Project. Advances used in anticipation of TIF revenue, grant funds or contributions authorized hereunder, are appropriated to finance the cost, or any part thereof, of the Project. The Treasurer is authorized to establish and amend all details of any advances including, but not limited to the term, interest rates, and payment schedule. The authority to accept and expend grants and utilize TIF revenues authorized herein shall remain and continue in full force and effect during the entire term of the advance(s). The proceeds of the grants and TIF revenues may be used to repay the advance(s) or any portion thereof.
- c. *Actions to Date.* Any actions taken to date by the Town Manager in connection with the development of the Downtown Project are hereby ratified, confirmed, and approved.

Proposed to Town Council: August 17, 2020

Adopted by Town Council:

ITEM 121
BACKUP

Town of Brunswick, Maine

OFFICE OF THE TOWN CLERK

MEMORANDUM

TO: Town Council
FROM: Fran Smith, Town Clerk
DATE: August 12, 2020
SUBJECT: Return Postage for November Absentee Ballots

This memo provides an estimated cost for return postage for ballots. With a range of 7,000 to 10,000 absentees that will be requested, the price for return postage will be \$0.65 per ballot, equaling \$4,550.00 to \$6,500.00. These are funds that were not budgeted for.

A couple of points to also consider in your deliberations. We have ordered a return ballot drop off box that will be available 24 hours a day. Plus, we have fielded many calls from voters who said they would return their ballots directly to the town hall due to concerns regarding timelines of returned mail.

ITEM 122
BACKUP



Maine Municipal Association

60 COMMUNITY DRIVE
AUGUSTA, MAINE 04330-9486
(207) 623-8428
www.memun.org

TO: Key Municipal Officials of MMA Member Cities, Towns and Plantations

FROM: Stephen W. Gove, MMA Executive Director

DATE: July 27, 2020

SUBJECT: MMA Annual Election - Vice President and Executive Committee Members

Deadline: Friday, August 21, 2020 by 12:00 noon

Nomination Process – Each year member municipalities have an opportunity to vote in the election of the proposed MMA Vice President and municipal officials to serve on the MMA Executive Committee. A five-member Nominating Committee was appointed in March to review nominations submitted by municipal officials and conduct interviews with those municipal officials qualifying for and interested in serving as the MMA Vice President and Executive Committee. The MMA Nominating Committee completed its task in May and put forth a Proposed Slate of Nominees for 2020 to member municipalities.

Petition Process – As part of the May mailing, information was also provided on the MMA Petition Process. Pursuant to the MMA Bylaws, nominations may also be made by Petition signed by a majority of the municipal officers in each of at least 5 member municipalities. The deadline for receipt of nominations by petition was Friday, July 10, by 4:30 pm. There were no municipal officials nominated by petition.

It is now time for each member municipality to cast its official vote.

Election Process – Enclosed you will find the MMA Voting Ballot which includes the proposed Slate of Nominees to serve on the MMA Executive Committee as selected by the MMA Nominating Committee. A brief biographical sketch on each nominee listed on the MMA Voting Ballot is enclosed for your reference. You will note that unlike municipal elections, MMA does not provide for “*Write-in Candidates*” since our process includes an opportunity to nominate a candidate by petition, as noted above.

The MMA Voting Ballot must be signed by a majority of the municipal officers or a municipal official designated by a majority of the municipal officers, and received by the Maine Municipal Association by 12:00 noon on Friday, August 21. We have enclosed a self-addressed self-stamped envelope for your convenience. The MMA Voting Ballots will be counted that afternoon and the election results confirmed under the direction of MMA President Christine Landes, City Manager, City of Gardiner.

Election results will be available by contacting the MMA Executive Office or by visiting the MMA website at www.memun.org on Monday, August 24. A formal announcement of the election results will be made at the MMA Annual Business Meeting being held Wednesday, October 7, at 11:00 a.m. Newly elected Executive Committee members will be introduced at the MMA Awards Luncheon as well as the MMA Annual Business Meeting and will officially take office on January 1, 2021.

If you have any questions on the Election Process, please contact me or Theresa Chavarie at 1-800-452-8786 or in the Augusta area at 623-8428, or by e-mail at tchavarie@memun.org. Thank you.

**MAINE MUNICIPAL ASSOCIATION
BIOGRAPHICAL SKETCH OF
PROPOSED SLATE OF NOMINEES FOR 2021 EXECUTIVE COMMITTEE**

**MMA VICE PRESIDENT
(1-Year Term)**

JAMES BENNETT (CITY MANAGER, CITY OF BIDDEFORD)

Professional & Municipal Experience:

- City of Biddeford, Maine – City Manager (August 2015 – present)
- Adjunct Professor, USM Muskie School, Masters level courses: (1) Public Budgeting and Finance, and (2) Managing Towns and Municipalities
- City of Presque Isle, Maine – City Manager (March 2010 - July 2015)
- Town of Sabattus, Maine – Interim Town Manager (September 2009 – March 2010)
- City of Lewiston, Maine – City Administrator (March 2002 – July 2009)
- Town of Westbrook, Maine – Administrative Assistant to the Mayor (October 1996 – March 2002)
- Town Old Orchard Beach, Maine – Town Manager (May 1990 – October 1996)
- Town of New Gloucester, Maine – Town Manager (February 1988 – May 1990)
- Town of Dixfield, Maine – Town Manager (February 1986 – February 1988)
- Town of Lisbon, Maine – Selectman (May 1982 – February 1986) Vice Chairman (1985 – 1986)

Other Experience, Committees and Affiliations:

- Member, Maine Municipal Association (MMA) Executive Committee (1992 – 1996) (2018 – present)
- Member, MMA Property & Casualty Pool Board of Directors (1992 – 1996) (2018 – present)
- Member, MMA Workers Compensation Fund Board of Trustees (1992 – 1996) (2018 – present)
- Member, MMA Strategic & Finance Committee (1995 - 1996, 2018 – present); Chair (1995 -1996, 2019-2020)
- Member, Governor’s Municipal Advisory Committee (1992 – 1996) (2019 – present)
- Member, MMA Legislative Policy Committee (served as member many years since 1990)
- Co-developed and presented 2020 MMA Webinar “Budgeting in Uncertain Times” in response to COVID-19
- Frequent presenter on behalf of MMA Training: Basic Budgeting since 1993; Cash Management for Municipalities since late 1990s; Top Ten Things I wish I Was Told Earlier in My Career since 2014, Leadership Training since 2018
- President, International City/County Management Association (2014 – 2015); Regional Vice President, (2008 – 2011) Chairperson, Conference Planning Committee, (2007 – 2008); Committee Member (various years 1997 – 2011); Small Community Task Force (1999 – 2001)
- ICMA Emerging Leaders Development Program Facilitator (2007 – present)
- President, Maine Town & City Management Association (1998 –1999); Board of Directors (1991 – 2000)
- President, Aroostook Municipal Association (2012 – 2014)
- Executive Board, Northern Maine Development Commission (2010 – present)
- Chairperson, Aroostook Tourism Committee (2011 – 2013)
- Member, Revolving Loan Committee, Northern Maine Development Commission (2010 – present)
- Executive Board, Maine Service Center Coalition (2011 – present)
- Treasurer, Martindale Country Club (2005 – 2008)
- Treasurer, Kora Klown Shrine Unit (2004 – 2008)
- Kora Divan, Kora Shriners (2004-2006; 2019 - present)
- Worshipful Master, Ancient York Lodge of Free and Accepted Masons (2007)
- Chairman and Founder, Ginger Bennett Memorial Scholarship Fund (2003 – present)
- Chairman, Joseph Graziano Memorial Scholarship Fund (2004 – 2012)

Education:

- Master of Business Administration, University of Southern Maine
- Bachelor of Science, Business Administration, University of Southern Maine
- Associate of Science, Accounting, Bentley College

Awards and Certifications:

- ICMA Legacy Leader since 2008
- All –America City, National Civic League (LEW) 2007
- Public Service Leadership Award, Androscoggin Chamber of Commerce 2006
- Maine Town and City Management Association’s “Linc Stackpole Manager of the Year” August 2003
- ICMA Credentialed Manager since 2002 (*initial year of program*)
- MTCMA Certified Municipal Manager since 1993

MMA EXECUTIVE COMMITTEE MEMBERS
(3-Year Terms)

ROBERT BUTLER (CHAIR OF SELECTBOARD, TOWN OF WALDOBORO)

Professional & Municipal Experience:

- Town of Waldoboro, Select Board Chair (first year of third non-consecutive term)
- Town of Waldoboro committees, including: Budget Committee, Economic Development Committee, Culinary Arts Committee, Sylvania Task Force, Communications and Technology Committee, Town Manager Search Committee and A.D. Gray Committee, Water Department Committee
- Waldoboro Public Library, Treasurer
- Waldoboro Public Library, Member of Board of Trustees
- Waldoboro Business Association, Member, Board
- Municipal Review Committee, Member, Board

Other Experience, Committees and Affiliations:

- Peace Corps, Afghanistan 1968-1970: Taught English as a foreign language in a rural village in the Kuz Konar District of Nangrahar Province and at the Institute of Civil Aviation, Kabul
- Ashland Oil Company, Beirut, Lebanon: Middle East Representative
- Arabian American Oil Company, Dhahran, Saudi Arabia: Government Relations and Contracting Rep
- Bank of Boston, Boston, MA and Tehran, Iran: Middle East Africa Division, Credit Analyst and Middle East Representative
- The National Commercial Bank, Dammam, Saudi Arabia: Head of Corporate Banking, Eastern Province
- Mount Street Holdings, London, England and Al-Khobar, Saudi Arabia: Partner and Financial Advisor
- A.I.N.V. (Arizona), Inc., President. Holding company for a private Saudi investment in a jojoba plantation located in Hyder, Arizona, which my wife and I subsequently purchased.
- Cottonwood Creek, Madera, California, Manager: Certified Organic Grape and Almond farm
- Boston Jojoba Company/The Jojoba Company, President and Co-Owner with my wife. Founded to purchase jojoba seeds and to process and market pure, unrefined golden jojoba world-wide. My wife and I sold the business to Israeli growers in September 2018. She retired immediately upon the sale. I retired in April 2019

Education:

- BA/MA German Literature, The Johns Hopkins University, Baltimore, Maryland (1968)
- MA International Relations, The Johns Hopkins University School of Advanced International Studies (1972)
- Middle East Center for Arab Studies, Shemlan, Lebanon (1973), Advanced Arabic
- MBA Boston University, Boston, Massachusetts (1980)

TERRY HELMS (SELECTPERSON, TOWN OF GRAND ISLE)

Professional & Municipal Experience:

- Town of Grand Isle, Selectperson (July 2015 – present)

Other Experience, Committees and Affiliations:

- Assisted in organizing Congrès Mondial Acadien event in northern Maine as part of the Maine Regional Coordinating Committee and Executive Committee
- Self-employed: TH Enterprises, Caribou, Limestone, Lille and Grand Isle, Maine
- Historic Restoration Specialist
- Tom Sawyer Waste Management, Caribou, Maine

- Tony's Major Muffler Mechanic, Presque Isle, Maine
- Power's Roofing and Sheet Metal, Caribou, Maine
- Bacon Chevrolet General Mechanic, Greenwich, Ohio
- United States Air Force Sargent, Loring, Maine, Keflavic NAS, Iceland
- Saranac Central School System, Library Assistant, Saranac, New York

Education:

- University of Maine at Presque Isle, completed semester (left due to financial obligations)
- School Without Walls, Washington DC, completed high school education
- Ballou High School, Washington DC
- Saranac Central Elementary, Jr. and High School, Saranac, New York
- Conner Elementary School, Long Beach, Mississippi

Awards and Certifications:

- Maine Preservation Honor Award (November 2014)
- Paint and Plaster Repair Seminar (January 2007)
- Maine Preservation Honor Award (May 2006)
- Four Barrel Carburetor Systems (January 1985)
- Computer Command Control Fundamentals (January 1985)
- Transportation Award (June 1983)
- NCO Orientation Phase II – Security (March 1983)
- Steering Systems, Power Brakes, Wheel Alignment and Wheel Balancing (November 1980)
- Air Force Office of Safety and Health (November 1979)
- General Purpose Mechanic Course (September 1979)

DIANE HINES (TOWN MANAGER, TOWN OF LUDLOW & REED PLANTATION)

Professional & Municipal Experience:

- Town of Reed Plantation, Maine, Town Manager (2015 – Present)
- Town of Ludlow, Maine, Town Manager (2010 – Present)
- Town of Hammond, Maine Town Administrator (2006 – 2014)
- Member, Maine Municipal Association, Legislative Policy Committee
- Treasurer, Aroostook Municipal Association

Other Experience, Committees and Affiliations:

- Southern Aroostook Community School – Mathematics Teacher (2009 – 2010)
- Wood Prairie Farm, Bridgewater, Maine – Shipping Room Manager (2008 – 2009)
- Hines Sculpture and Stone Work, Hammond, Maine, Self Employed (1995 – 2012)
- Camden-Rockport School District, Camden, Maine – Substitute Teacher (1994)
- Fogg's Home Center, Houlton, Maine – Assistant Manager Home/Garden (1992 – 1994)
- MSAD #29, Houlton, Maine – Substitute Teacher (1985 – 1992)
- McLaughlin Textile, Houlton, Maine – Assistant Manager/Sales (1981 – 1985)
- Maine Glove Company, Houlton, Maine – Assistant Manager and trainer 1979 – 1981)

Education:

- University of Maine at Presque Isle, Presque Isle, Maine (Secondary Education Certification) (1994)
- Philadelphia College of Textiles and Science- Philadelphia, Penna, (B.S. Textile Design) (1974)
- SAD#29 School Board (2002 – 2007)
- Maine Municipal Association - Training Programs (2006 – 2018)
- Public Relations Chair, Houlton Rotary Club (2014 – 2018)



MAINE MUNICIPAL ASSOCIATION
VOTING BALLOT

Election of MMA Vice President and Executive Committee Members
Deadline for Receipt of Voting Ballots – 12:00 noon on Friday, August 21, 2020

VICE-PRESIDENT - 1 YEAR TERM

Vote for One

Proposed by MMA Nominating Committee:

James Bennett, City Manager, City of Biddeford

EXECUTIVE COMMITTEE MEMBERS - 3 YEAR TERM

Vote for Three

Proposed by MMA Nominating Committee:

Robert Butler, Chair of Selectboard, Town of Waldoboro

Terry Helms, Selectperson, Town of Grand Isle

Diane Hines, Town Manager, Town of Ludlow & Reed Plantation

Please note that unlike municipal elections, MMA does not provide for "Write-in Candidates" since our process includes an opportunity to nominate a candidate by petition.

The Voting Ballot may be cast by a majority of the municipal officers, or a municipal official designated by a majority of the municipal officers of each Municipal member.

Date: _____ **Municipality:** _____

Signed by a Municipal Official designated by a majority of Municipal Officers:

Print Name: _____

Signature: _____

Position: _____

OR Signed by a Majority of Municipal Officers

Current # of Municipal Officers: _____

Print Names:

Signatures:

Return To:

*MMA Annual Election
Maine Municipal Association
60 Community Drive
Augusta, Maine 04330
FAX: (207) 626-3358
Email: rlambert@memun.org*