

BRUNSWICK TOWN COUNCIL

Agenda

September 8, 2020

Executive Session 6:00 P.M.

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 **828 5880 1784** and the passcode **076851** 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.

Roll Call of Members/Acknowledgement Notice

EXECUTIVE SESSION

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

Pledge of Allegiance

Adjustments to Agenda

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

PUBLIC HEARING

116. **Public hearing continued from August 17, 2020** - The Town Council will hear public comments on proposed amendments to the Town Charter, and will take any appropriate action. (Town Manager Eldridge)

HEARING/ACTION

123. The Town Council will hear public comments regarding the acceptance of an Economic Development/Business Assistance CDBG Grant for Natural Selections, Inc., (Wild Oats), and will take any appropriate action. (Town Manager Eldridge)

HEARING/ACTION

NEW BUSINESS

124. The Town Council will hear a presentation from Bowdoin College administrators detailing their plans for opening the college campus to a portion of its students in light of the COVID-19 pandemic, and will take any appropriate action. (Town Manager Eldridge)

DISCUSSION

125. The Town Council will consider adopting “May We Never Forget”, a resolution regarding the remembrance of the September 11, 2001 terror attacks, and will take any appropriate action. (Councilor David Watson)

ACTION

126. The Town Council will consider a Use Agreement between the Town and Central Maine Power that allows the Town to install and maintain certain structures located within CMP’s existing transmission line easement, and will take any appropriate action. (Town Manager Eldridge)

ACTION

127. The Town Council will consider adopting “A Resolution Authorizing the Creation of an Economic Development Specialist/Grant Writer Position, and Appropriating \$63,000 from Cook’s Corner Tax Increment Financing (TIF) Revenues for the Purpose of Funding the Position Beginning November 1, 2020, and will take any appropriate action. (Town Manager Eldridge)

ACTION

128. The Town Council will consider adopting “A Resolution Authorizing an Emergency Appropriation and Expenditure of up to \$300,000 from Available Unassigned General Fund Revenues to Fund Unanticipated Expenditures to Replace Three Rooftop HVAC Units on Town Hall”, and will take any appropriate action. (Town Manager Eldridge)

ACTION

129. The Town Council will consider changing the language ordinance to the Planning fee schedule to reflect a per unit fee as well as the per lot fee, and will take any appropriate action. (Planning and Development Department)

ACTION

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

ACTION

CORRESPONDENCE/COMMITTEE REPORTS

Recycling & Sustainability Committee

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

**Brunswick Town
Council Agenda
September 8, 2020
Council Notes and Suggested Motions**

EXECUTIVE SESSION

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

PUBLIC HEARING

116. **Public hearing continued from August 17, 2020** - Based on the Council's input at the August 17, 2020 meeting and consultation with the Town Attorney, Town Manager Eldridge has crafted three (3) questions proposed for inclusion on the November ballot. These amendments strike outdated language, clarify and modify provisions related to the annual budget, add the position of tax collector, delete the requirement that personnel rules be adopted by ordinance, allow voters to sign the petitions of more than one candidate for the same office, and clean up the oath of office for all municipal officials. A copy of a memo from Town Manager Eldridge, the proposed charter changes and the Town Council order are included in the packet.

Suggested motion:

Motion to place three (3) Town of Brunswick Charter amendments and their summaries on the ballot for the November 3, 2020 election.

123. **Notes:** This is the public hearing for a Community Development Block Grant (CDBG) application for \$500,000 for Natural Selection, Inc., (Wild Oats). The Town has received notice that the application has been 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. A copy of an updated 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 approve moving forward with the CDBG grant process.

NEW BUSINESS

124. **Notes:** Administrators from Bowdoin College will present their plan for returning students for the school year in light of the COVID-19 pandemic, including testing of students, quarantining of COVID-positive students, and changes to the availability of the campus to the public. A copy of a memo from Town Manager Eldridge is included in the packet, and Bowdoin College President Clayton Rose, along with administrative staff, will be available to answer any questions.

Suggested Motion:

There is no suggested motion as this is a discussion item.

125. **Notes:** This annual resolution for the September 11, 2001 attacks, sponsored by Councilor Dave Watson, asks that the country never forget the victims, first responders, military personnel and volunteers, and also acknowledges our country's resolve, perseverance and patriotism. A copy of the resolution is included in the packet.

Suggested Motion:

Motion to adopt "May We Never Forget", a resolution regarding the September 11, 2001 terror attacks on our country.

126. **Notes:** The Parks & Recreation Department and the Project Management Team from Central Maine Power have been meeting to discuss structures that were built within CMP's transmission line easement between Columbia Drive and Emanuel Drive. The Use Agreement allows the Town, under certain conditions, to maintain certain structures within the easement, and to install gates for maintenance access through the ballfield. The agreement has been reviewed by the Town Attorney and the Town's insurance carrier. A copy of a memo Town Manager Eldridge, the Use Agreement with Attachment A and pictures of the structures discussed are included in the packet.

Suggested Motion:

Motion to approve the Use Agreement with Central Maine Power with the conditions as listed in the agreement.

127. **Notes:** The Town Manager would like to use Downtown Tax Increment Financing (TIF) monies to fund a position to support the Economic Development Director. The position would include grant writing and administrative responsibilities. A copy of a memo from Town Manager Eldridge, a draft funding resolution, and a job description are included in the packet.

Suggested Motion:

Motion to adopt a "Resolution Authorizing the Creation of an Economic Development Specialist/Grant Writer Position, and Appropriating \$63,000 from Cook's Corner Tax Increment Financing (TIF) Revenues for the Purpose of Funding the Position Beginning November 1, 2020".

128. **Notes:** The three (3) HVAC units in the Town Hall are all 20 years old and "end of life", while one of them has failed completely. For heating purposes, these gas-fired units provide hot air to heat the entire building, and throughout the day, Variable Air Volume (VAV) units provide heat to individual office spaces. The electric consumption from the VAV units is high, but replacing these units with something other than electric heat could cost several hundred thousand dollars. These units are also used for air conditioning. We are recommending an appropriation of \$300,000 to replace the rooftop units with similar units, which would be more efficient. A copy of a memo from Town Manager Eldridge and the resolution are included in the packet.

Suggested Motion:

Motion to adopt "A Resolution Authorizing an Emergency Appropriation and Expenditure of up to \$300,000 from Available Unassigned General Fund Revenues to Fund Unanticipated Expenditures to Replace Three Rooftop HVAC Units on Town Hall".

129. **Notes:** The Planning and Development Department amended its fee schedule last year, but due to a scrivener's error a "per unit" alternative was not added under Subdivision application fees. It has been the Department's practice to charge per unit when the "per lot" option does not apply, and are asking the Town Council to accept the proposed administrative revision to Appendix B: Master Schedule of Revenues, Charges, Fees and Fines. A copy of a memo from Julie Erdman, Codes Enforcement Officer/Zoning Administrator, the public hearing notice, and draft changes to Appendix B are included in the packet.

Suggested Motion:

Motion to adopt proposed changes to Appendix B: Master Schedule of Revenues, Charges, Fees and Fines regarding adding a "per unit" fee under Subdivision application fees.

130. **Notes:** At this time the Appointments Committee will make nominations to fill vacancies on Town Boards and Committees. Copies of the Committee's report and corresponding applications are included in your packet.

Suggested Motion:

There is no motion required, only nominations and a vote of the Council.

CORRESPONDENCE/COMMITTEE REPORTS

Recycling & Sustainability

EXECUTIVE SESSION

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

ITEM 116
BACKUP

Town of Brunswick, Maine

OFFICE OF THE TOWN MANAGER

MEMORANDUM

TO: Town Council
FROM: John Eldridge
Town Manager
DATE: September 2, 2020
SUBJECT: Proposed Charter Amendments

Based on the Council's input at your August 17th meeting, and consultation with the Town Attorney, I have crafted the following questions for inclusion on the November ballot:

Question 1

Shall the Charter of the Town of Brunswick be amended to remove no longer necessary language that provided for the initial compensation of the Town Council and School Board and that provided for a transition period when the Town Council and School Board terms were changed from two to three years?

A summary of the amendments is as follow:

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 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.

Question 2

Shall the Charter of the Town of Brunswick be amended to clarify and modify provisions related to the adoption and administration of the annual budget, and further, to insert current terminology?

A summary of the amendments is as follow:

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 public availability of the budget, the setting and holding of the budget public hearing, and the timing of the adoption of the budget following the public hearing.

Section 504. Clarifies that budget is adopted by resolve. Clarifies that budget amendments

To: Town Council
Date: September 2, 2020
Re: Charter Amendments

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may be funded from fund balances or reserves. Changes the delay in the budget adoption 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.

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.

Question 3

Shall the Charter of the Town of Brunswick be amended add the position of tax collector, delete the requirement that personnel rules be adopted by ordinance, allow voters to sign the nomination petitions of more than one candidate for the same office, and clean-up to oath of office for all municipal officials?

A summary of the amendments is as follows:

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

Section 402 (d). Strikes the words "by ordinance."

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.

Please note that I have removed any proposal that would have removed Town Council consent for the appointment or removal of department heads. This was a request from councilors and I believe any concerns can be addressed by each sitting council through adoption of its rules.

Finally, I have attached a modified mark-up of the Charter to reflect these proposed changes.

Cc: Town Attorney

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;
- (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 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)

TOWN OF BRUNSWICK, MAINE

TOWN COUNCIL ORDER

Charter Amendments for the November 3, 2020 Election

Whereas, the Town Council held a public hearing to consider amendments to the Charter of the Town of Brunswick on August 17, 2020, which hearing was continued until September 8, 2020; and

Whereas, the Town Council wishes to present certain amendments to the Charter to the citizens of Brunswick for approval at the November 3, 2020 election; and

Whereas, the Town Council determines that printing all of the language amending the Charter on the ballot would be impractical and summaries would not misrepresent the subject matter of the proposed amendments;

Now therefore, the Town Council hereby orders as follows: Questions One, Two and Three are approved as to form and the summaries as follows.

Question 1

Shall the Charter of the Town of Brunswick be amended to remove no longer necessary language that provided for the initial compensation of the Town Council and School Board and that provided for a transition period when the Town Council and School Board terms were changed from two to three years?

A summary of the amendments is as follow:

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 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.

Question 2

Shall the Charter of the Town of Brunswick be amended to clarify and modify provisions related to the adoption and administration of the annual budget, and further, to insert current terminology?

A summary of the amendments is as follow:

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 public availability of the budget, the setting and holding of the budget public hearing, and the timing of the adoption of the budget following the public hearing.

Section 504. Clarifies that budget is adopted by resolve. Clarifies that budget amendments may be funded from fund balances or reserves. Changes the delay in the budget adoption 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.

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.

Question 3

Shall the Charter of the Town of Brunswick be amended add the position of tax collector, delete the requirement that personnel rules be adopted by ordinance, allow voters to sign the nomination petitions of more than one candidate for the same office, and clean-up to oath of office for all municipal officials?

A summary of the amendments is as follows:

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

Section 402 (d). Strikes the words “by ordinance.”

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.

Be it further ordered, that the proposed amendments to the Charter of the Town of Brunswick as attached hereto are approved;

Be it further ordered, that the Town Clerk is directed to include the summaries on the ballot instead of the text of the proposed amendments.

Proposed to Town Council: September 8, 2020

Adopted by the Town Council:

ITEM 123
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: Public hearing for the acceptance of CDBG Grant funding for Natural Selections, Inc. (Wild Oats) and approval to enter into a grant agreement with DECD
DATE: September 8, 2020

In April 2020, the Town Council approved the submission of an Economic Development/Business Assistance CDBG Grant to assist Natural Selection, Inc., dba Wild Oats in their business expansion for the purchase of food production machinery and equipment. The Town received notification on June 19, 2020 that the CDBG application for \$500,000 was approved and funding has been reserved for the project.

As part of Phase II in the CDBG funding process, a public hearing is required to formally approve accepting the funds and entering into a grant agreement with DECD. Upon approval of the Phase II documentation and execution of the CDBG contract, the Town will enter into a subgrant agreement with Natural Selection Inc. ("Wild Oats").

Job creation is the primary requirement of the CDBG funding; Natural Selections Inc. must hire 17 new employees of low to moderate income households within two years of the executed contract. The subgrant agreement will indemnify the Town should the terms of the CDBG grant agreement not be realized.

As a standard of the CDBG grant, the Department of Housing and Urban Development (HUD) requires the grantee and administrator to adhere to Standards of Conduct, Fair Housing, Section 504/ADA, Residential Anti-displacement & Relocation, and Equal Opportunity requirements. Attached for your review are copies of the required certification documents to be submitted as part of Phase II.

The Wild Oats expansion project, located at 166 Admiral Fitch Avenue in Brunswick Landing, is currently under construction and estimated for completion in December 2020.

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)

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.

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** Economic and 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 Sally Costello, Economic Development Director.

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 124
BACKUP

Town of Brunswick, Maine

OFFICE OF THE TOWN MANAGER

MEMORANDUM

TO: Town Council

FROM: John Eldridge
Town Manager

DATE: September 2, 2020

SUBJECT: Bowdoin College – COVID Protocols

Throughout the summer, officials at Bowdoin College have been working to develop a plan to allow a portion of its students to return to campus this semester. The College shared that plan with Town Staff and others at two meetings held on August 12th and 26th. Information on the plan can be found at the College's website <https://www.bowdoin.edu/covid-19/index.html>. We have included a link to this information on the Town's website.

The College would like to share its plan with the Town Council and provide further public awareness of the plan. Clayton Rose, President of the College along with others will be joining you September 8th meeting to make a public presentation.

Staff found the plan to be very thoughtful and quite detailed. We urged the College to share this plan with you and the public as we think it should help allay some of the fears you may have heard expressed regarding the students return to campus. The College has been extremely proactive and cooperative and we look forward to their presentation to you.

ITEM 125
BACKUP

Town of Brunswick, Maine



TOWN COUNCIL RESOLUTION

“May We Never Forget”

WHEREAS, the vivid images of the September 11, 2001 attacks on our country are seared into our memories; and

WHEREAS, we will never forget the nearly 3,000 victims who were killed, the more than 6,000 who were injured, and the suffering of their families, friends, and co-workers; and

WHEREAS, we will never forget the thousands of first responders, military personnel, and volunteers who risked their health and safety in efforts to rescue and assist others; and

WHEREAS, we will forever be grateful to all who worked tirelessly and unselfishly to unite our country in efforts to rebuild lives and property; and

WHEREAS, we wish to acknowledge our country’s resolve, perseverance, and patriotism; and

WHEREAS, it is entirely appropriate that we annually gather on September 11th to formally remember the victims, thank those who responded, and acknowledge our country’s resolve.

NOW THEREFORE, BE IT RESOLVED, that we memorialize the men, women, and children who lost their lives; may they rest in peace and forever remain in our memories; and

BE IT FURTHER RESOLVED, that we recognize the thousands of people who were injured; and

BE IT FURTHER RESOLVED, that we honor those who responded to the events of September 11th and rendered assistance to the victims and to our communities; and

BE IT FURTHER RESOLVED, that we recognize the resolve of our nation, which in the aftermath of a great tragedy, demonstrated its enduring determination and dedication to freedom; and

BE IT FURTHER RESOLVED, that this resolution be published for all to see. May we never forget.

Resolution Adopted by the Town Council of Brunswick, Maine this eighth day of September 2020

John Perreault, Chair – Town Council

ITEM 126
BACKUP

Town of Brunswick, Maine

OFFICE OF THE TOWN MANAGER

MEMORANDUM

TO: Town Council

FROM: John Eldridge
Town Manager

DATE: September 2, 2020

SUBJECT: Central Maine Power Use Agreement

Attached is an agreement that Central Maine Power (CMP) is requiring the Town to execute to allow the ballfield, basketball court and other installations, that the Town acquired from the US Navy, to remain within CMP's powerline easement at McKeen Landing. You may recall, this is the powerline CMP is upgrading, beginning in Topsham and ending at the substation on Barrows Drive.

The agreement has been reviewed by the Town Attorney and our insurance carrier. While we have some concerns about the language indemnifying CMP, we understand that this is standard language that CMP is requiring from all other landowners who want to retain facilities in CMP's easement.

In the course of our conversations with CMP, we asked for a cost estimate to put the powerline underground in the areas where we have recreation amenities. They provided a cost estimate of \$600,000. CMP has indicated that the installation would be at the Town's expense.

CMP is requiring that the backstop at the ballfield be grounded. Putting all of the lines underground would be better, as the existing powerlines run directly overhead of the basketball courts and ballfield. If the powerlines are not run underground, the Town should consider abandoning those recreation facilities.

Cc: Recreation Director
Town Engineer

USE AGREEMENT

This Agreement is entered into on this _____ day of _____, 2020 by and between Central Maine Power Company, a Maine corporation with offices at 83 Edison Drive, Augusta, Maine 04336 ("CMP"), and **Town of Brunswick**, 85 Union St, Brunswick, Maine ("User").

WHEREAS, CMP has certain easement rights on a 100-foot strip of land designated as Transmission Section 31, Poles 93 - 97, in the Town of Brunswick conveyed to it by a deed dated January 23, 1954 and recorded at the Cumberland County Registry of Deeds in Book 2171, Page 24 ("Parcel") and a deed dated December 22, 1958 and recorded in the Cumberland County Registry of Deeds in Book 2451, Page 158 ("Parcel"). Said rights include the right to prohibit the construction or placement of structures on the Parcel and other actions which may interfere with CMP's use of the Parcel.

WHEREAS, User desires to use the Parcel under the conditions described in Attachment A hereto and made a part hereof.

NOW THEREFORE, CMP agrees that it will not object to the use described in Attachment A hereto provided the following terms and conditions are complied with:

1. User uses the Parcel only in accordance with the purposes, locations and conditions listed in Attachment A hereto;
2. Since CMP only has an easement interest in the Parcel, User is responsible for obtaining permission for the stated use from the fee owner of the Parcel, if necessary;
3. This Agreement shall in no way encumber CMP's easement rights to operate and maintain a transmission line within the Parcel;
4. CMP shall not be liable to User for any damage to User's property on the Parcel caused by CMP's use of the Parcel for public utility purposes;
5. User shall be responsible for acquiring all necessary permits for said construction and shall comply with all municipal, state, and federal laws and regulations;
6. User shall notify the Dig Safe Call Center prior to commencement of any excavation on the Parcel at 1-888-DIG-SAFE and comply with the provisions of both the Maine Dig Safe Statute Title 23, M.R.S.A. Section 3360-A and the High-voltage Line Safety Act [1995, c. 348, §1 (new.)].
7. This Agreement applies only to CMP's current use of the Parcel and the current laws and regulations affecting such use. This Agreement does not in any way

restrict CMP's right to assert that User's use of the Parcel infringes on CMP's rights in the future;

8. User for itself, its employees, agents, contractors, subcontractors, successors and assigns, releases CMP its parent corporation and affiliates and its and their affiliates, directors, officers, employees, contractors, agents, successors and assigns from all claims of any type or nature, it may now have or may have in the future, including but not limited to personal injury, death, damage to property or loss of business, sustained by User or any person or entity using the Parcel pursuant or related to this Agreement, except claims resulting from damage caused solely by the negligent acts of CMP;
9. User agrees to defend, at CMP's option, indemnify and hold harmless CMP and its affiliates and the directors, officers, employees, contractors, successors and assigns of CMP and its affiliates, from and against any and all losses of any type or nature, including but not limited to claims, liabilities, penalties, expenses and judgments arising out of or related to the use of the property by User or its employees, contractors, subcontractors, agents, successors or assigns, excepting losses caused solely by the negligent acts of CMP, provided the User's obligations under this paragraph shall not exceed its liability limit as provided by Maine Law.
10. In the event that CMP should rebuild, replace, re-space or relocate its transmission line within the Parcel, CMP shall not be responsible for any damage to User's improvements on the Parcel and CMP may require User to relocate User's improvements to avoid interference with CMP's use of the Parcel authorized by its said easement.

The parties hereto agree to the terms of this Agreement as indicated below by their signatures or the signatures of their duly authorized representatives.

CENTRAL MAINE POWER COMPANY

USER

By: _____
Brian Berube
Its: Manager - Real Estate Services

By: _____
John Eldridge
Its: Town Manager

ATTACHMENT A

PURPOSE:

The purpose of this agreement is to allow User to maintain: a gateway arch with mailboxes; a basketball court; a baseball backstop and outfield fence; walking paths; a garden with CMP vegetation management approved plantings, within CMP's existing 100 foot wide transmission line easement. The backstop and outfield fence shall be rebuilt with non-conductive material or grounded. The Town of Brunswick shall install 2 18 foot wide gates, CMP approved design, for maintenance access through ballfield. All uses allowed under this agreement are hereby defined as "Structures" and are subject to the conditions below. See Exhibit attached.

It is understood that certain trees as identified during the walk between the Town of Brunswick and CMP Projects team will need to be trimmed or removed. The small pavilion located near the ballfield shall be removed and can be re-installed in a location outside of the easement area.

All of the above conditions were agreed upon during onsite meetings and discussions between The Town of Brunswick Parks and Rec Department and the Project Management Team.

CONDITIONS:

1. No increase in the size or the height of any Structure is allowed.
2. If any existing Structure is ever replaced or no longer used or maintained, it shall be removed by User from the Parcel.
3. User is responsible for providing a copy of this Agreement to its employees, contractors, subcontractors and/or agents. User may be asked to provide to CMP an acknowledgment of receipt of this Agreement by said employees, contractors, subcontractors and/or agents.
4. All maintenance and repairs will be made in a safe and workmanlike manner so as not to interfere with the construction, operation or maintenance of the electric transmission or distribution lines of CMP and shall be at the sole risk and expense of the User.
5. The User shall not allow any vehicle, equipment or machinery to come within an area in which any part of it, including but not limited to any boom, arm, bucket, blade or knuckle, has the capability, even if improbable, of extending to within fifteen (15)

feet of CMP's overhead wires as now located within the Parcel, unless there is a CMP inspector on site. User will be required to make an upfront payment for estimated inspector and switching costs for any work where equipment used has accessibility to be closer than 15 feet of conductors. This cost will be adjusted to actual cost after completion of the work. The difference between the estimated cost and the actuals will be refunded or billed to the user.

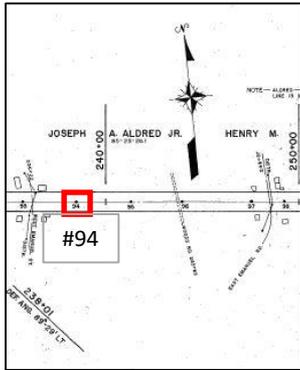
6. The CMP inspector shall have the right, but not the duty, to halt all work on the Parcel if User's actions present an unreasonable risk to persons or CMP property.

Town of Brunswick

Structures 93 (Columbia Ave) to 97 (Emanuel Dr)

All of the conditions were agreed upon during onsite meetings and discussions between The Town of Brunswick Parks and Rec Department and the Project Management Team.

Brunswick Park Features: Garden area near structure 94



Center garden to be removed and replanted post construction

From Columbia Street Looking East towards ball park

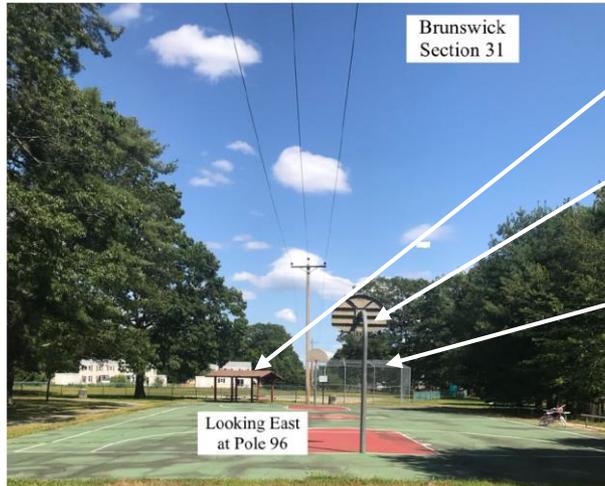
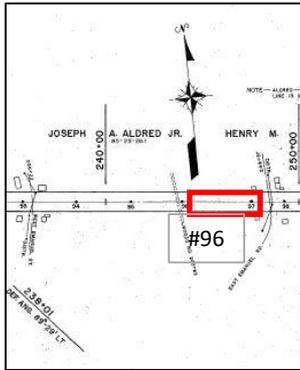
EXHIBIT

Resolutions/ Actions

- The garden will be removed. When construction is completed, CMP's contractor will provide labor to plant. Plantings approved by CMP vegetation management to be provided by the Town.

Brunswick Park Features: Pavilion, basketball court & backstop near #96

EXHIBIT



- Pavilion (to be removed)
- Basketball court to remain
- Town will remove backstop and section of right-field fence prior to construction & reinstall

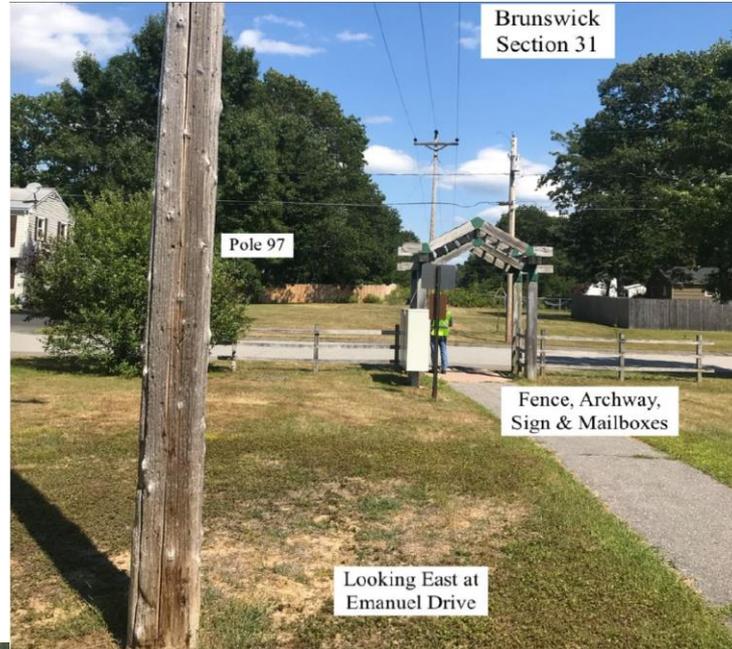
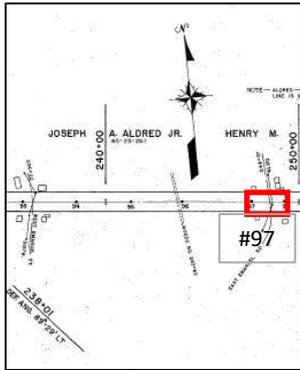


Resolutions/ Actions

- The Town will remove and relocate the Pavilion outside of the corridor.
- Basketball court to remain as is
- The Town will remove the backstop and right-field section of outfield fence. The backstop and fence can be replaced but Town must use an alternate material that will not be conductive. A gate with minimum opening of 18'-wide will be installed by the Town of Brunswick for future maintenance.



Brunswick Park Features: Entryway near #97



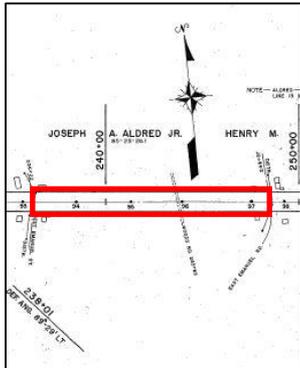
EXHIBIT

Resolutions/ Actions

- Entry arch and mailboxes to remain. Keep area accessible and use construction barriers to block off work area during construction.

Brunswick Park Features: Various Trees within the corridor

EXHIBIT



Resolutions/ Actions

- It is understood that certain trees as identified during the walk between the Town of Brunswick and CMP Projects team will need to be trimmed or removed.

ITEM 127
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: Economic Development Specialist/Grant Writer Position
DATE: September 8, 2020

The Economic Development Director is requesting that the Town Council approve a Resolution to create the position of Economic Development Specialist/Grant Writer beginning November 1, 2020, and to appropriate Tax Increment Financing (TIF) revenues to fund the position in 2020-21.

The Economic Development Specialist/Grant Writer will assist with a wide variety of activities/functions to support economic and community development in the Town. A primary role of the position is to function as the grant coordinator who will be responsible for identifying, preparing and administering various grants for the Town. An employee in this classification may also assist other Town staff with projects related to development and planning.

It is anticipated that the Economic Development Specialist will be paid an annual salary in the range of \$61,300 to \$79,700, and will be eligible for benefits. TIF revenues from the Cook's Corner TIF may be used to fund the position, as the development program allows for revenues to be allocated to "General Economic Development", including support for economic development staffing and professional services.

A job description is attached for your reference.

Town of Brunswick, Maine

OFFICE OF THE TOWN MANAGER

MEMORANDUM

TO: Town Council

FROM: John Eldridge
Town Manager

DATE: September 2, 2020

SUBJECT: Economic Development Specialist/Grant Writer

Attached please find a proposal to create a new position, Economic Development Specialist/Grant Writer, to be funded from the Tax Increment Finance revenues. The position would assist Sally Costello, our Economic and Community Development Director, in various projects. The person hired would also be responsible to apply for and administer grants on behalf of the Town. There has been a lot of economic development activity, and we are expecting more. The position would free our director to focus on higher level issues that need her attention. A proposed job description is attached. If approved, we hope to have the position filled by early November.

Should the Town Council agree to establish and fund this position, we would ask that you adopt the attached resolution. Funding would come from the Cook's Corner TIF District. Sally Costello and I look forward to discussing this proposal with you.

Attachments

Memo from Sally Costello
Funding Resolution
Job Description

**TOWN OF BRUNSWICK, MAINE
TOWN COUNCIL**

A Resolution Authorizing the Creation of an Economic Development Specialist/Grant Writer Position, and Appropriating \$63,000 from Cook's Corner Tax Increment Financing (TIF) Revenues for the Purpose of Funding the Position Beginning November 1, 2020

WHEREAS, the ongoing development of the former Brunswick Naval Air Station, and associated activity in the Cook's Corner area requires increased work by Planning Department and Economic Development Department staff; and

WHEREAS, in the past several months, the Town Council has expressed a strong desire to hire a grant writer to pursue grant funding for the Town; and

WHEREAS, Town staff has developed a job description for an Economic Development Specialist/Grant Writer Position (the "Position"), which would support and promote the Town of Brunswick, improve the competitiveness of the community's business climate, and be responsible for identifying, preparing and administering grants for the Town; and

WHEREAS, the Development Program for the Town's Cook's Corner Tax Increment Financing ("TIF") District allows for revenues to be allocated to "General Economic Development", including support for economic development staffing and professional services; and

WHEREAS, the Town Manager is recommending that at this time the Council authorize creation of the Economic Development Specialist/Grant Writer Position, and appropriate TIF revenues to hire for the Position effective November 1, 2020:

NOW THEREFORE, BE IT RESOLVED:

Section 1. Authorization to Establish Position. The Town creates the position of Economic Development Specialist/Grant Writer within the Economic Development Department.

Section 2. Appropriation and Expenditure Authorization. The Town appropriates \$63,000 from Cook's Corner TIF revenues, and authorizes the expenditure of that amount in order to fund the salaries and benefits for the Economic Development Specialist/Grant Writer position (the "Position") beginning November 1, 2020.

Section 3. Authorization to Execute Agreements and other Documents. The Town Manager is authorized to negotiate, execute, and deliver, in the name of and on behalf of the Town, such contracts, agreements, and other documents as the Town Manager may determine to be necessary or appropriate in connection with the Position.

Section 4. Other Actions Authorized. Any actions taken to date by the Town Manager, in connection with the Position are hereby ratified, confirmed, and approved.

Proposed to Town Council – September 8, 2020
Adopted by Town Council –



Town of Brunswick

Position Description

POSITION: Economic Development Specialist/Grant Writer **DATE:** August, 2020
DEPARTMENT: Economic Development **FLSA STATUS:** Exempt
SUPERVISOR: Economic and Community Development Director **UNION:** NA
JOB TITLES SUPERVISED: None

GENERAL SUMMARY

Under the direction of the Economic and Community Development Director, the Economic Development Specialist performs a wide variety of activities/functions to support and promote the Town of Brunswick and improve the competitiveness of the community's business climate. A primary role of the position is as the grant coordinator who will be responsible for identifying, preparing and administering various grants for the Town. An employee in this classification may also assist other staff with projects related to development and planning.

ESSENTIAL JOB FUNCTIONS*

- Identify, prepare and manage grant opportunities related to business assistance, planning and development, and public infrastructure to support economic development;
- Compiles necessary information for the grant application process through collaboration with other employees, database research, and other factfinding actions and meetings;
- Coordinates the monitoring and evaluation of programs and projects funded by grants;
- Work to establish and strengthen relationships with local businesses through outreach/assistance with the Brunswick Development Association (BDA), Southern Midcoast Maine Chamber, and other stakeholder organizations;
- Help prepare marketing materials and communications for the Town to advance the economic opportunities within Brunswick, including information of financial assistance services such as grants, loans, interest rebates, and tax credits;
- Assist with development of economic development strategic efforts for commercial zones;
- Attend trade shows and community events to network with businesses and overall community;
- Make presentations to community groups and various stakeholder programs;
- Help develop and maintain a commercial properties inventory with support of the Assistant Engineer and Planning staff;
- Help prepare and/or edit newsletters, press releases, correspondence, reports, speeches, multi-media, and presentations relative to economic development and community events;
- Update and maintain the Economic Development Department section on Town website, experience with social media a plus.
- Educate businesses on the various incentives in the economic development zones to include: TIF, Pine Tree Development, HUB and Opportunity Zones;
- Facilitate use of economic development incentives through targeted assistance;
- Assist with monitoring of various compliance issues related to the economic development program (i.e. CDBG, TIF, Credit Enhancement Agreements);
- Assist with economic development activities at Brunswick Landing and coordination with Midcoast Regional Redevelopment Authority (MRRA) as required;
- Assist with economic development staff support for the Brunswick Development Corporation
- Manage BDC-related tasks to include: identify and pursue grant resources for recapitalization, assist businesses with loan and grant applications, and perform administrative duties as required;
- Perform related work as may be required.

The above statements are intended to describe the general nature and level of work being performed by people assigned to do this job. The above is not intended to be an exhaustive list of all responsibilities and duties required.

SKILLS/EXPERIENCE/TRAINING REQUIRED

Bachelor’s Degree with relative experience in public administration, economics, communications or business-related field; Master’s Degree preferred.

- Minimum of 3 to 5 years of government experience, or a successful combination of education and experience.
- At least two (2) years of experience in writing, preparing, administering, auditing, and closing out grant applications and awards
- Thorough understanding of effective grant writing techniques
- Excellent customer service skills with the ability to proactively establish and maintain effective working relationships and deal courteously with all individuals
- Ability to work independently on multiple projects
- Strong interpersonal skills with the ability to diffuse difficult situations.
- Strong records management and maintenance skills.
- Strong interpersonal skills and the ability to maintain confidentiality.
- Extensive experience with computers, software and standard office equipment.
- Maine Driver’s License.

WORKING CONDITIONS/PHYSICAL DEMANDS

The working conditions/physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this class. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Working Conditions - While performing the duties of this class, the incumbent is regularly required to use written and oral communication skills; observe and interpret situations; read and interpret data, information and documents; analyze and solve complex problems; use math and mathematical reasoning; perform highly detailed work under changing, intensive deadlines, on multiple concurrent tasks; work with constant interruptions; and interact with officials and the public.

Physical Demands - While performing the duties of this job, the employee is regularly required to sit; talk and hear, both in person and by telephone; use hands to finger, handle, feel or operate standard office equipment; and reach with hands and arms. Specific vision abilities required by this job include close vision, color vision and the ability to adjust focus. Minimal physical effort required; though, may require lifting up to and over 25 pounds.

The Town of Brunswick considers applicants for all positions without regard to race, color, religion, creed, sex, ancestry or national origin, age, physical or mental handicaps, marital or veteran status, sexual orientation, or any other legally protected status.

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

I have carefully read and understand the contents of this job description. I understand the responsibilities, requirements, and duties expected of me.

Employee Signature

Date

ITEM 128
BACKUP

Town of Brunswick, Maine

OFFICE OF THE TOWN MANAGER

MEMORANDUM

TO: Town Council

FROM: John Eldridge
Town Manager

DATE: September 2, 2020

SUBJECT: Town Hall - Heating Ventilation and Cooling (HVAC)

Recently, one of three HVAC units, mounted on the roof of the Town Hall, failed. As a result, the first floor had no air conditioning in late August. Last year, the Town replaced a compressor in that same unit. Over the past few years, we have had other issues with these units. They are 20 years old and “end of life.” In our opinion, the units should be replaced.

We started looking at replacing the unit earlier this year. For heating purposes, these gas-fired units provide hot air to heat the entire building, early in the morning or when the temperature is cold enough to demand heat throughout most of the building. Throughout the day, Variable Air Volume (VAV) units provide heat to individual office spaces or suites of office spaces. The VAVs utilize electric re-heat units to warm the air that is then blown into the spaces being heated.

The electric consumption from the VAV units is high. HVAC engineers have told us that replacing these units with something other than electric heat would be an expensive project. For instance, we have been told that the electric re-heats could be replaced by hot water units. However, that would require the installation of a boiler and extensive plumbing work. A very rough estimate in 2014, without the benefit of any engineering analysis, estimated that such a system would cost several hundred thousand dollars.

While we can continue to explore options, air conditioning alone would still require the replacement of the rooftop units. At this point, we are recommending an appropriation of \$300,000 to replace the current rooftop units with similar units. The newer units would allow greater control of the burners, meaning they would be more efficient and used more than the existing “all or nothing” units.

Attached please find an emergency resolution that would appropriate the funding for the replacement units. The Town Engineer and I look forward to addressing your questions.

Cc: Town Engineer
Finance Director

**TOWN OF BRUNSWICK, MAINE
TOWN COUNCIL**

A Resolution Authorizing an Emergency Appropriation and Expenditure of up to \$300,000 from Available Unassigned General Fund Revenues to Fund Unanticipated Expenditures to Replace Three Rooftop HVAC Units on Town Hall

WHEREAS, one of the three roof-top air heating/ventilation/air conditioning (“HVAC”) units that services the first floor of Town Hall ceased functioning; and

WHEREAS, the compressor in this unit was replaced last year and has failed again; and

WHEREAS, Town staff and the Town’s mechanical services consultant have determined that it is no longer cost effective to attempt repair to this unit; and

WHEREAS, the three roof-top units are nearly twenty (20) years old and considered to be “end of life” and there have been maintenance issues with all of the units, resulting, at times, in the loss of heating and air conditioning; and

WHEREAS, Town staff have determined that due to age and condition of the three units, and the installation costs associated with replacing the units, it would be prudent and cost effective to replace all three units with more efficient units at this time (“Project”); and

WHEREAS, the Town has solicited quotes to replace the three units, and anticipates that the total cost of the Project will be up to \$300,000; and

WHEREAS, the Town Manager has determined that the need to replace the roof-top units and to fund the costs associated with the Project is an emergency within the meaning of section 510 of the Charter; and

WHEREAS, the Town Manager has recommended that up to \$300,000 be appropriated from available unassigned General Fund revenues in order to complete the Project; and

WHEREAS, the Town Council concurs that the need to appropriate up to \$300,000 towards the Project is an emergency within the meaning of section 510 of the Charter;

NOW THEREFORE BE IT RESOLVED, that the Town Manager, or his designee, be authorized to execute any and all agreements determined, in the Town Manager’s judgment, to be in the best interest of the Town of Brunswick in order to complete the Project; and

BE IT FURTHER RESOLVED, that the Town appropriates and authorizes the expenditure of up to \$300,000 from available unassigned General Fund revenues to accomplish the Project;

BE IT FURTHER RESOLVED, that the Town is authorized to establish a capital projects account to record revenues and expenditures and other financial information related to the Project;

BE IT FURTHER RESOLVED, that any actions taken to date by the Town Manager in connection with the development and completion of the Project are hereby ratified, confirmed, and approved.

Proposed to Town Council – September 8, 2020

Adopted by Town Council –

ITEM 129
BACKUP

Town of Brunswick, Maine

DEPARTMENT OF PLANNING AND DEVELOPMENT

MEMORANDUM

TO: Brunswick Town Council

FROM: Julie Erdman, Codes Enforcement Officer/Zoning Administrator

DATE: August 27, 2020

SUBJECT: Planning and Development Application Fees

I. INTRODUCTION

The Planning and Development Department amended its fee schedule last year effective July 3, 2019; and due to a scrivener's error a "per unit" alternative was not added under Subdivision application fees. It has been the department's practice to charge per unit when the "per lot" option does not apply. Please see the proposed revision below and in the amended Master Schedule attached.

Sketch Plan, Subdivision	\$125/Lot <i>or Unit</i>
Final Plan, Subdivision	\$175/Lot <i>or Unit</i>

II. ACTION REQUESTED

It is requested that the Town Council move to accept the attached revision to Appendix B: Master Schedule of Revenues, Charges, Fees and Fines.

**TOWN OF BRUNSWICK
NOTICE OF PUBLIC HEARING**

The Town Council will hold a public hearing on September 21, 2020 at 6:30 p.m. in the Council Chambers of the Brunswick Town Hall, 85 Union Street, **to consider amendments to the Codes Enforcement and Planning permit fees and fines in the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to the Code of Ordinances.** These additions must be accomplished in accordance with the Code and Charter requirements for ordinance amendments.

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

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

Frances M. Smith
Town Clerk of Brunswick, Maine

_____, 2020

Printed in the *Times Record* on _____, 2019

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

Chapter 19—Planning and Development			
<i>Fees in this category are rounded to the nearest dollar</i>			
	7/3/2019	Major review, sketch plan—Subdivision	\$125.00/lot or Unit
		Major review, final plan – Subdivision	\$175.00/lot or Unit
		Major review, sketch plan—Site plan	New construction > 2,500 sq. ft. calculated at \$.05/sq. ft.; Others = \$200.00
		Major review, final plan—Site plan	New construction > 2,500 sq. ft. calculated at \$.12/sq. ft.; Others = \$200.00
		Reapproval, subdivision/site plan	\$200.00
		Minor amendment, subdivision/site plan (minor modification)	\$75.00
		Major amendment, subdivision/site plan	\$200.00
		Conditional use permit	\$500.00 (includes public hearing fee)
		Special permit	\$500.00 (includes public hearing fee)
		Minor (staff) review	\$200.00
		Public hearing	\$250.00
		Zoning ordinance amendment, text only	\$250.00
		Zoning ordinance amendment, map	\$450.00
		Shoreland zoning permit	\$50.00 (May also require development review application fee)
		Village review board, minor (staff approval)	\$25.00
		Village review board, major (board approval)	\$50.00

ITEM 130 BACKUP



MEMORANDUM

TO: Town Council
FROM: Appointments Committee
SUBJECT: Report for September 8th Appointments
DATE: 9/01/2020

With all members in attended, the Appointment Committee voted unanimously to recommend the following persons for board appointments:

- Cory Theberge for reappointment to the Rivers and Coastal Waters Commission for a term to expire on 05/01/2023
- William Steinbock for reappointment to the Village Review Board for a term that expire 10/20/22.

Susan Karnes

From: noreply@civicplus.com
Sent: Monday, August 10, 2020 7:54 PM
To: Fran Smith; Susan Karnes
Subject: Online Form Submittal: Board Application Form

Board Application Form

Select the Board, Commission, or Committee applying for

If Other, what committee OR if specific membership type
Fill this in if the Committee you are applying for is not listed OR if the Committee you applied for has different membership types (e.i. Alternate, Full) type here

First Name	William
Last Name	Steinbock
Address1	76 McKeen St
Address2	<i>Field not completed.</i>
City	Brunswick
State	Maine
Zip	04011
Home Phone Number	5024035156
Cell Phone Number	502-403-5156
Work Phone Number	207-330-2426
Occupation	Health Insurance Compliance & Regulatory Affairs
Email Address	william.steinbock@gmail.com
Are you currently serving on other Boards, Commissions, or Committees?	Yes
If yes, which	Village Review Board
Have you served on a Board, Commission, or Committee before?	Yes

If yes, which	Village Review Board
Please list civic organizations to which you belong	<i>Field not completed.</i>
Note any prior experience knowledge, or abilities that you have which would contribute to the activities of the board/committee/commission:	I have an interest in history and historic preservation and have an academic background in community planning
Upload Resume (Optional)	<i>Field not completed.</i>
1. Do you have any questions about what the Board/Commission/Committee does or on its charge?	No
2. Do you have any practical experience or formal education that would be relevant to the Board/Commission/Committee?	I am familiar with the Village Review Board Design Guidelines.
3. Why would you like to be on the Board/Commission/Committee?	A strong downtown is integral to Brunswick's desirability as a place to live, work and recreate. The built environment within the Village Review Overlay District is subject to robust design guidelines and other standards articulated in the Brunswick Zoning Ordinance. I'd like to assist in the implementation of these guidelines and standards to ensure the area maintains its character while reasonably accommodating new development.
4. Are you aware of the time involved and would you be able to attend most of the meetings?	Yes
5. Do you have any conflict of interest that might involve either a direct financial gain or other gain?	No
6. Do you have anything you would like to add	No

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Elin Gould

From: noreply@civicplus.com
Sent: Monday, July 27, 2020 12:59 PM
To: Fran Smith; Elin Gould
Subject: Online Form Submittal: Board Application Form

Board Application Form

Select the Board, Commission, or Committee applying for Rivers & Coastal Waters Commission

If Other, what committee OR if specific membership type
Fill this in if the Committee you are applying for is not listed OR if the Committee you applied for has different membership types (e.i. Alternate, Full) type here

First Name	Cory
Last Name	Theberge
Address1	13 Federal Street
Address2	<i>Field not completed.</i>
City	Brunswick
State	ME
Zip	04011
Home Phone Number	4849198331
Cell Phone Number	4849198331
Work Phone Number	<i>Field not completed.</i>
Occupation	Chemist Consultant
Email Address	corytheberge@gmail.com
Are you currently serving on other Boards, Commissions, or Committees?	No
If yes, which	<i>Field not completed.</i>
Have you served on a Board, Commission, or Committee before?	Yes

If yes, which	BRCW Comission Current Member
Please list civic organizations to which you belong	<i>Field not completed.</i>
Note any prior experience knowledge, or abilities that you have which would contribute to the activities of the board/committee/commission:	PhD Chemistry
Upload Resume (Optional)	<i>Field not completed.</i>
1. Do you have any questions about what the Board/Commission/Committee does or on its charge?	N
2. Do you have any practical experience or formal education that would be relevant to the Board/Commission/Committee?	PhD Chemistry
3. Why would you like to be on the Board/Commission/Committee?	Continuing my term
4. Are you aware of the time involved and would you be able to attend most of the meetings?	Y
5. Do you have any conflict of interest that might involve either a direct financial gain or other gain?	N
6. Do you have anything you would like to add	N

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CORRESPONDENCE

Town of Brunswick, Maine

OFFICE OF THE TOWN MANAGER

MEMORANDUM

TO: Town Council

FROM: John Eldridge
Town Manager

DATE: September 2, 2020

SUBJECT: Recycling and Sustainability Committee
Solid Waste Management Vision Statement

Jennifer Hicks, Chair of the Recycling and Sustainability Committee, asked that I forward the attached copy of the Committee's recently adopted Solid Waste Management Vision Statement. She indicated that the Committee is not asking the Town Council to take any action at this time. I understand the he Committee intends to report to the Town Council later this year.

Cc: Public Works Director
Town Engineer

**Brunswick Recycling & Sustainability Committee
Implementation Subcommittee**

August 17, 2020

SOLID WASTE MANAGEMENT VISION STATEMENT

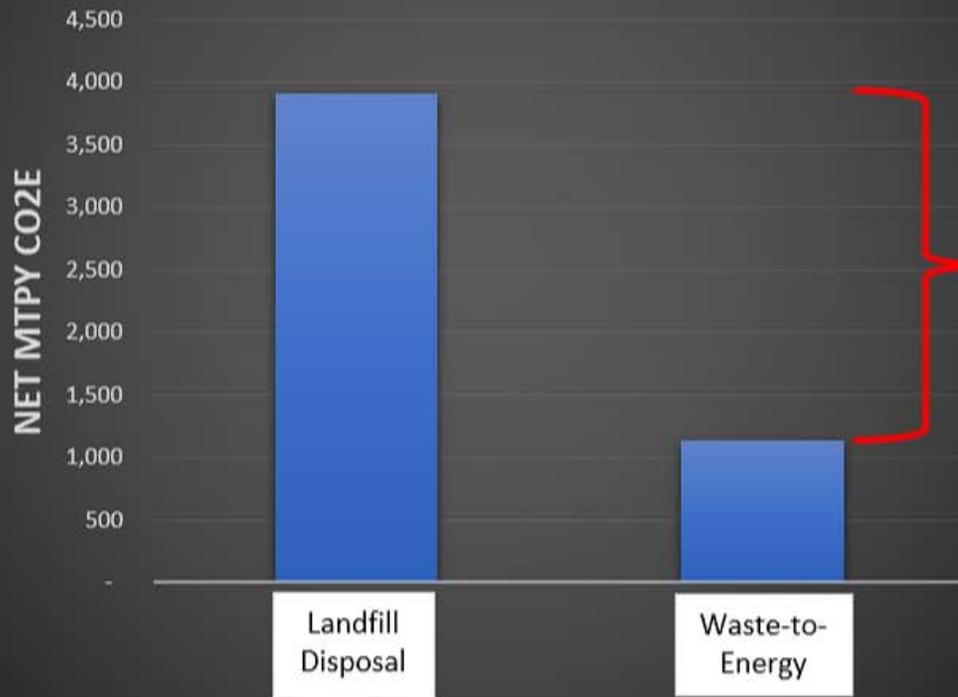
Given Maine's climate goals, the resolution adopted by the Town Council about the climate emergency, the state's solid waste hierarchy, and our town's existential solid waste situation, our medium-term objective should be to implement a waste management strategy that will result in a major reduction in Brunswick's greenhouse gas (GHG) emissions. To achieve this we must (i) reduce the amount of solid waste we generate, (ii) increase recycling efforts, and (iii) get the trash that remains to a waste-to-energy facility, not a landfill. This is consistent in every way with the Town's solid waste framework document.

It is imperative that the Town of Brunswick stay in control of what happens with our solid waste. ***Due to the economics of waste collection, handling, and hauling, this means having access to a local solid waste transfer station, either in Brunswick or a nearby community, is essential.*** We must create such a solution with reasonable capital and operating costs, even if it is not the least-cost option.

Defining this solution will require leadership, creativity and a will to achieve this goal. Establishing a solid waste solution with a transfer station will be difficult, although a modern, enclosed transfer station can be unobtrusive. We must adopt an attitude that ***we will make this happen***, stay open to possibility, and continually look for opportunities. Managing the waste of our town sustainably requires a long-term investment perspective, both economically and in the quality of life of our residents and beyond.

Achieving the dramatic GHG emissions associated with this solution will require a shared sense of responsibility among town leaders and our citizens. This is a challenge we can and must meet. Working together, we have the resources to achieve this vision.

Brunswick Municipal Operations Impact of Future Waste Disposal Options on Total Net GHG Emissions



**~2,800 Metric Tons/Yr
of CO2e emissions
WTE lowers the Town's
net emissions by >70%**

This is the equivalent of taking over 600 cars off the road
<https://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator>

