

Town of Brunswick, Maine

Manager's Report

Manager's Memo

Back Up Materials

Town of Brunswick, Maine

OFFICE OF THE TOWN MANAGER

MEMORANDUM

TO: Town Council

FROM: Julia Henze, Town Manager

DATE: January 15, 2025

SUBJECT: Town Manager's Report
January 21, 2025 – Town Council Meeting

Introduction of Reilly Kons, Executive Director of the Brunswick Downtown Association (a)

Please join me in welcoming Reilly back to Maine, and congratulating him and the BDA! We look forward to continuing our collaborative partnership with the BDA, and working closely with Director Kons.

Brunswick Executive Airport AFFF Release (b)

In the resolution passed by the Town Council on September 3, 2024, I am required to provide a report at each Council meeting. For this meeting, the reports from David Page and Representative Ankeles will cover the latest updates. Please note that documents, FAQs, videos of meetings, and links to other useful sites are posted on a dedicated page on the Town's website:

<https://www.brunswickme.gov/761/Brunswick-Executive-Airport-Firefighting>

Revaluation Update (c)

Real Estate

- The single-family data mailer project is nearing completion. There are about 30 properties remaining for staff to conduct a site visit for remeasuring. Out of 7,600 mailers sent, 5,000 have been returned – overall, about a 65% response rate! The updated data is posted to the GIS weekly – see the Vision Website for each parcel. <https://brunswick-gis-maps-and-data-brunswickgis.hub.arcgis.com/>
- Income and expense surveys are scheduled to be mailed to all commercial and rental properties in February 2025.

Personal Property

- Field visits to all businesses are scheduled to begin February 3. The data collectors from KRT Appraisal will have laminated badges and introductory letters explaining what the inspection entails. They will make at least two attempts to gain access and will be happy to set up an appointment at your convenience. Identification information for the data collectors has been posted on the Personal Property webpage. <https://brunswickme.gov/476/Personal-Property>

Public Meetings

- The next presentation on the revaluation is scheduled for the School Board meeting on February 5, 2025 at 7pm here in Council Chambers.

With any questions about the revaluation, please call the Assessing Dept at 725-6650. Please also see the Town's webpage for current information on the revaluation:

<https://www.brunswickme.gov/581/Revaluation>

December 2024 Financial reports (d)

The summary revenue and expenditure budget reports are attached here. I have nothing unusual to report six months into the fiscal year. With Revenue we focus on the two largest non-property tax revenues, State Revenue Sharing and Excise Tax. State Revenue Sharing is continuing on track, trending higher than last year at this time by about \$450,000, and above anticipated budget about \$300,000. Excise Tax is also trending higher than last year by about \$230,000, and above budgeted for YTD by about \$337,000. On the Expenditure report, note that the Debt Service line reflects actual debt service paid through December, but does not yet reflect the adjustment for the debt service budgeted in the School Department budget.

Dog Licensing reminder (e)

Dog licenses are available through the Town Clerk's office. All dogs over the age of six months are required to be licensed each year in the town in which their owners reside. A valid rabies certificate is required, along with proof of neutering or spaying. New dogs need to be licensed at 6 months of age or within ten days of the dog having been moved to Brunswick.

Report from Representative Ankeles (f)

The Council will hear a legislative report from House District 100 Representative Dan Ankeles.

Report from the Restoration Advisory Board (g)

The Council will hear a brief report from David Page, the Brunswick representative to the Restoration Advisory Board for the former Naval Air Station Brunswick. A memo from David Page, and information about the next RAB meeting are attached to this memo.

Reminder: January 27, 2025 Town Council Workshop – Viridi Energy (h)

Next Monday at 6:30 PM, the Town Council will hear a presentation by Viridi Energy regarding a proposed project to update and expand the anaerobic digester located at Brunswick Landing. The facility will receive biosolid material from sewer treatment plants and use it to produce renewable natural gas (RNG) and electricity. Please attend this public workshop to learn more about the project.

Attachments:

December 2024 General Fund Revenue and Expenditure Reports
Memo from David Page
Restoration Advisory Board meeting notice

Town of Brunswick, Maine

Manager's Report - D

Back Up Materials

DECEMBER 2024 EXPENDITURE REPORT

FOR 2025 06							
	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
00 Trans to Other Funds	3,999,044	1,363,000	5,362,044	5,362,044.00	.00	.00	100.0%
10 General Government	7,214,203	0	7,214,203	2,859,528.61	125,932.29	4,228,742.10	41.4%
20 Public Safety	14,556,811	0	14,556,811	6,661,034.01	89,924.64	7,805,852.35	46.4%
30 Public Works	6,718,419	0	6,718,419	2,534,521.71	800,465.33	3,383,431.96	49.6%
40 Human Services	574,309	0	574,309	196,985.86	1,845.00	375,478.14	34.6%
45 Education	54,823,940	0	54,823,940	19,610,446.92	.00	35,213,493.08	35.8%
50 Recreation and Culture	4,809,452	0	4,809,452	2,542,461.18	-112,813.92	2,379,804.74	50.5%
60 Intergovernmental	1,991,823	0	1,991,823	1,991,823.00	.00	.00	100.0%
70 Unclassified	983,300	0	983,300	291,496.99	.00	691,803.01	29.6%
80 Debt Service	1,831,597	0	1,831,597	4,128,511.92	.00	-2,296,914.92	225.4%
GRAND TOTAL	97,502,898	1,363,000	98,865,898	46,178,854.20	905,353.34	51,781,690.46	47.6%
** END OF REPORT - Generated by Derryen Plante **							

DECEMBER 2024 REVENUE REPORT

FOR 2025 06								
	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED	
10 Taxes	-64,740,300	0	-64,740,300	-62,061,985.45	.00	-2,678,314.55	95.9%	
20 Licenses & Fees	-580,602	0	-580,602	-506,459.75	3,320.60	-77,462.85	86.7%	
30 Intergovernmental	-22,810,438	0	-22,810,438	-12,315,766.94	.00	-10,494,671.06	54.0%	
40 Charges for services	-2,304,829	0	-2,304,829	-1,255,112.87	.00	-1,049,716.13	54.5%	
50 Fines & Penalties	-41,775	0	-41,775	-11,571.25	.00	-30,203.75	27.7%	
60 Interest earned	-1,500,000	0	-1,500,000	-975,070.85	.00	-524,929.15	65.0%	
70 Donations	-25,000	0	-25,000	.00	.00	-25,000.00	.0%	
80 Use of fund balance	-3,969,000	-1,363,000	-5,332,000	.00	.00	-5,332,000.00	.0%	
90 Other	-1,728,959	0	-1,728,959	-145,474.43	.00	-1,583,484.57	8.4%	
GRAND TOTAL	-97,700,903	-1,363,000	-99,063,903	-77,271,441.54	3,320.60	-21,795,782.06	78.0%	
** END OF REPORT - Generated by Derryen Plante **								

Town of Brunswick, Maine

Manager's Report - G

Back Up Materials

Background Information on the Reuse of the Former Brunswick Naval Air Station Memo from David S. Page, Brunswick Representative to the Restoration Advisory Board, to the Brunswick Town Council, January 21, 2025

It is important to have a short background information summary handy when dealing with issues involving the former Brunswick Naval Air Station. The first of these summaries was presented to the Council of February 5, 2024 and needs updating.

BACKGROUND:

The Base Realignment and Closure (BRAC) Act of 1990, establishes a framework for the remediation of former military bases to allow their transfer to civilian entities for re-use. As part of the restoration and re-use process conducted by the military, public involvement is required in the form of a Restoration Advisory Board (RAB) for each location. Each has its own Charter. RABs fulfill a statutory requirement for DoD to establish a process to review and comment on DoD actions and proposed actions regarding environmental restoration and remediation. The Restoration Advisory Board (RAB) is comprised of representatives from the Navy, the USEPA, the Maine Department of Environmental Protection, and appointed citizens from Brunswick, Harpswell and Topsham. The RAB process is intended to enable input into the planning and decisions that are made concerning remediation and the monitoring the known contamination at the former Brunswick Naval Air Station. The RAB holds public meetings 3 times a year, generally in January, in Summer and in Fall. The meetings are advertised in local media, are open to the public and meeting materials and minutes are made available online. Technical discussions involving RAB stakeholders occur regularly.

To enable meaningful public participation with the RAB, the USEPA makes provision for the formation of a citizen's advisory group to promote public oversight, information and participation. In Brunswick, this citizen's group has been in active stakeholder status as the Brunswick Area Citizens for a Safe Environment (BACSE)¹ since 1990. To support professional review of technical material, EPA provides BACSE with a Technical Assistance Grant to enable expert review of technical data. The BACSE Technical advisor is Carol White, a professional hydrogeologist.

THE REMEDIATION AND REUSE PROCESS:

BNAS has had a long history of remedial activities designed to identify and remove deposits of contaminants designated as hazardous, and other dangerous materials. Within the former base, there are more than 21 areas identified as Superfund sites. ***A pollutant must be listed as hazardous under the Superfund Law or, CERCLA, in order to undergo remediation.***

What is Superfund?

In the late 1970s, toxic waste dumps such as Love Canal received national attention when the public learned about the risks to human health and the environment posed by contaminated sites. In response, Congress established the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) in 1980². CERCLA is informally called Superfund. This law allows EPA to clean up sites contaminated with hazardous substances. It also forces the parties responsible for the

¹BACSE was formed in 1990 as a requirement of the USEPA-governed RAB process in to monitor the investigation and remediation of the former NAS Brunswick, and to educate and involve area people in the effort to obtain a safe cleanup and re-use at the site and to advocate for citizen interests. <https://www.bacsemaine.org>

² The Maine Coastal Conveyance Act (CCA), passed in 1970, was a forerunner of the Superfund Act.

contamination to either perform cleanups or reimburse the government for EPA-led cleanup work. There is currently a list of over 800 substances officially designated as hazardous under CERCLA. This list is called the “CERCLA (or Superfund) List. ***In order for a site to be remediated, it must contain substances on the CERCLA List at levels requiring action.*** A total of 21 sites at BNAS have been designated as superfund sites, along with a total of 13 Operable Units³. (<https://www.bacsemaine.org/site-history>)

Cleanup of hazardous materials on the CERCLA List at the former BNAS has been ongoing for over 30 years. Because of their use as aqueous film-forming foam (AFFF) agents in Hangar fire suppression systems, certain Perfluoroalkyl compounds (PFAS) are ubiquitous contaminants at former military airfield sites. While there are thousands of PFAS compounds only 2 are currently regulated under CERCLA, PFOS (PerfluoroOctane Sulfonic Acid) and PFOA (PerfluoroOctanoic Acid). Please note that *PFOS and PFOA were not added to the CERCLA (Superfund) List of Hazardous Substances until April 17, 2024.* Of greatest environmental and health concern currently at the former Brunswick Naval Air Station is PFOS (PerfluoroOctane Sulfonic Acid), a major component of fire suppression systems on the former base in Hangars 4 and 6 before the August 19, 2024 Hangar 4 AFFF spill. There remain ~800 gallons of this PFOS-based AFFF in the Hangar 6 fire suppression system, owned and managed by the MidCoast Regional Redevelopment Authority (MRRA).

Moreover, it is important to understand that PFOS and PFOA were only recently designated as hazardous substances under CERCLA, long after the majority of the BNAS properties transferred into private ownership and before they could be characterized as part of the remediation process at the former BNAS.

APPLICATION OF CERCLA AND THE BRAC PROCESS TO THE FORMER BNAS.

Steps in the CERCLA Process as Applied at the Former BNAS

The process of remediating and defining a parcel for transfer to civilian use at the former Brunswick Naval Air Station (BNAS) has a number of steps that are defined by Statute. Step 1 and Step 2 below are the responsibility of the Navy. Step 3 is the responsibility of the public entity that receives the parcel from the Navy, with the Navy retaining obligations regarding Land Use Controls (LUCs) associated with the parcel at the time of transfer.

As a result of the remediation process for a given parcel, the completion of that process does not mean the parcel is “clean.” It means that it is considered safe to use, provided that the LUCs are followed. Moreover, in the case of PFOS and PFOA, many portions of the property may not have been yet characterized for these contaminants, as they were transferred before CERCLA designation of PFOS and PFOA currently on the latest CERCLA List. It is also important to keep in mind that there are thousands of PFAS contaminants and it can be expected that many more PFAS compounds will be regulated in the future as their risk to human health and the environment become better known. For example, EPA currently regulates 6 PFAS species in drinking water, including PFOS and PFOA (<https://www.epa.gov/sdwa/and-polyfluoroalkyl-substances-pfas#Summary>).

³ **Operable Unit (OU):** During cleanup, a site can be divided into a number of distinct areas depending on the complexity of the problems associated with the site. These areas called operable units may address geographic areas of a site, specific site problems, or areas where a specific action is required.

Step 1: Steps performed by the Navy to make a parcel ready for re-use.

- a. **Preliminary Assessment (PA):** Identify sites that may need cleanup and sites that don't need cleanup.
- b. **Site Inspection (SI):** Collecting more information through sampling and laboratory analysis.
- c. **Remedial Investigation (RI):** Collects more information through sampling and laboratory analysis and assesses human and environmental risk from contaminants present⁴.
- d. **Feasibility Study (FS):** Evaluates alternatives for remediating a site.
- e. **Proposed Plan:** Summarizes the remedial alternatives presented in the FS and proposes a preferred remedy. Site information is compiled and placed in an Information Repository for public review.
- f. **Record of Decision (ROD):** The ROD documents the selected remedial action. Comments received during the public comment period are summarized and addressed in the ROD.
- g. **Remedial Design (RD)/Remedial Action (RA):** The RD includes development of technical specifications and design of the cleanup.

The Superfund Process at the former Brunswick Naval Air Station is currently in the RI phase for PFOA and PFOS contamination. Furthermore, it is currently not known what efforts will be made to provide remediation for any contamination that has spread to private drinking water wells beyond the base property.

Step 2: Preparation of a Finding of Suitability to Transfer (FOST):

Using the information from Step 1, the Finding of Suitability to Transfer (FOST) summarizes how the requirements and notifications for hazardous substances, petroleum products, and other regulated material on the parcel(s) to be transferred from ownership by the Navy to ownership by a public entity (i.e. MRRA), have been satisfied. The FOST documents the determination of the responsible Department of Defense (DoD) official, that the parcel is environmentally suitable for deed transfer *subject to the notices, restrictions and covenants set forth in this document (the FOST)*.

Land Use Controls (LUCs): Each property on the former base has LUCs associated with the parcel that describe the notices, restrictions and covenants set forth in the FOST. For those leasing a property, there is a similar document called the Finding of Suitability to Lease (FOSL)

STEP 3: Third Party Ownership of Parcel:

The transfer of ownership of parcels to a new owner after transfer by the Navy involves deeds that are complex, where the LUCs are not easily identifiable. The LUCs for a given parcel are contained in the FOST which generally covers a larger area of land but no identifiable single property within the parcel, meaning the restrictions are technical, complex and not readily available. This problem compounds again and again when a parcel is subdivided and parts re-sold. The Navy should be held accountable to produce comprehensive maps identifying all parcels of land and making LUC information for each property at Brunswick Landing easily available in user-friendly form that every

⁴ We are currently at this stage for PFOS and PFOA.

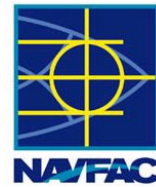
citizen can understand. Moreover, the adoption of the Maine Uniform Environmental Covenants Act⁵ (UECA; a Maine equivalent protective action) by MRRA would require easily identifiable public disclosure of the contamination and the remedy for each parcel of land. This step for Brunswick Landing is long overdue.

Because a FOST (and LUCs) for a given parcel is based on the CERCLA-listed pollutants present at the time of issuance, designation of new CERCLA-listed pollutants, like PFOS and PFOA (April 2024), raises the question of the adequacy of existing LUCs. This is particularly relevant to the Town of Brunswick approving new development at and near the former BNAS. It is important to note that most of the base has never been fully assessed for PFAS contamination. Nor has a complete hydrogeological groundwater model of the former base been done, essential in confirming the flow of contaminated groundwater within and outward from the former base to homeowners with private wells. In addition, more PFAS compounds are likely to be added to the CERCLA list in the future. Development-related ground disruption, such as tree removal, accessing groundwater, redirecting water flows and excavation may interfere with future remediation efforts. This is an issue the Town must deal with as a matter of priority, as current development guidelines have no requirements to assess newly CERCLA listed contamination or future remediation pathways.

⁵ https://en.wikipedia.org/wiki/Uniform_Environmental_Covenants_Act The “Purpose and Scope” section in the beginning of this article gives a good overall summary.



PUBLIC NOTICE
FORMER NAVAL AIR STATION
BUNSWICK, MAINE
RESTORATION ADVISORY BOARD MEETING



The Naval Facilities Engineering Systems Command Base Realignment and Closure Program Management Office (NAVFAC BRAC PMO) announces upcoming meetings of the Former Naval Air Station Brunswick (NASB) Restoration Advisory Board (RAB).

The Navy will provide updates or status reviews for ongoing activities to include per- and polyfluoroalkyl substances (PFAS)-related activities, long-term monitoring, sediment and groundwater remediation-related activities, land use controls, property transfers, and community outreach efforts. Meeting materials will be made available online at <https://www.bracpmo.navy.mil/BRAC-Bases/Northeast/Former-Naval-Air-Station-Brunswick/Meeting-Material/>.

For questions or additional information please contact the BRAC PMO East Environmental Coordinator: Ms. W. Rachelle Knight, BRAC Environmental Coordinator, BRAC PMO East, 4911 South Broad Street, Building 679, Philadelphia, PA 19112, or via phone at (215) 897-4916 or email at wynette.r.knight.civ@us.navy.mil.

Meetings will be held in either a virtual or hybrid (virtual and in person) format as indicated below. To attend virtually, the meeting can be accessed via the Microsoft Teams meeting link provided below.

JANUARY 2025 RAB MEETING

Date:	Wednesday, January 22, 2025
Time:	6:00 pm - 8:00 pm
Location:	Virtual Access Only
Format:	Virtual Only via Microsoft Teams
By Internet:	https://tinyurl.com/NASBJAN25RAB
Meeting ID:	265 158 443 392
Passcode (case sensitive):	H2wrCX
Telephone:	+1 877-286-5733
Phone Conference Code:	576 727 592#

OPEN HOUSE

The Navy invites community members to drop in and ask questions about land use controls (LUCs) and the ongoing PFAS investigation. Additional details to follow.

Date:	March 18 & 19, 2025
Time:	5:00 pm - 8:00 pm
Format:	In Person

MAY 2025 RAB Meeting

Date:	Wednesday, May 28, 2025
Time:	6:00 pm - 8:00 pm
Format:	Hybrid (Virtual and In Person)