BRUNSWICK TOWN COUNCIL
Agenda
February 4, 2013
7:00 P.M. – Regular Meeting
Municipal Meeting Room
Brunswick Station
16 Station Avenue

Roll Call

Pledge of Allegiance

Public Comment:

Correspondence:

Adjustments to the Agenda:

MANAGER'S REPORT:

(a) Council Committee Updates

(b) Report from the Marine Resource Committee requesting the authority to open and close coastal waters (*Action required*)

(c) Acceptance of funds from New England Amateur Radio Festival *(Action required)*

PUBLIC HEARINGS

9. The Town Council will hold a public hearing on the following Alcoholic Beverage license, and will take any appropriate action. (Manager)

Full-Time Spirituous, Vinous & Malt
Trattoria Athena, LLC — Timothy O'Brien & Marc Provencher
D/B/A: Enoteca Athena
97 Maine Street

HEARING/ACTION

NEW BUSINESS

10. The Town Council will update the public on the nominee selection process for the MRRA Board, and will determine if any action is necessary. (Chair Wilson and Councilor Knight)

DISCUSSION

11. The Town Council will consider authorizing the Town to seek bids for activities and items relative to the development of the Dog Park, and will take any appropriate action. (Councilor Favreau)

ACTION

12. The Town Council will consider requesting that the Planning Board review changes to the Zoning Ordinance regarding amending the MU3 column of "Table 206.1 Use Table" to change Residence Hall from a prohibited use (X) to a permitted use (P), and will take any appropriate action. (Councilor Favreau)

ACTION

13. The Town Council will consider adopting the "Resolution Supporting an Amendment to the United States Constitution to Provide that Corporations are not Entitled to the Rights of Natural Persons with Regard to the Expenditure of Money to Influence Elections," and will take any appropriate action. (Councilor Brayman and Councilor Richardson)

ACTION

14. The Town Council will discuss resumption of the TIF programs with the Midcoast Regional Redevelopment Authority and will determine if any action is required. (Chair Wilson)

DISCUSSION

CONSENT AGENDA

(a) Approval of the Minutes of January 22, 2013

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

Brunswick Town Council
Agenda
February 4, 2013
Council Notes and Suggested Motions

(a) Council Committee Updates: Councilors with information on the Committees they are involved with will share information with the Council and public.

(b) Report from the Marine Resource Committee requesting the authority to open and close coastal waters *(Action required):* The Marine Resource Committee is requesting annual permission from the Council to open and close coastal waters to shellfish harvesting. This approval takes the responsibility of opening and closing flats from the Council and gives it to the Committee. A copy of a memo from Officer Devereaux will be included in your packet.

Suggested Motion:
Motion to authorize the Marine Resource Committee to open and close coastal waters per Chapter 11, Marine Activities Structures and Ways, Section 11-161 Opening and Closing of Coastal Waters.

(c) Acceptance of funds from New England Amateur Radio Festival *(Action required)*: The Midcoast CERT/ ARES Communications Team received funding from the New England Amateur Radio Festival (NEAR-Fest) for equipment. Because the Team is an asset of the Fire Department, the Town needs to have the Council accept the check of $4,100 for the purchase of equipment. If approved, the check would be put into the Town's Donation account and the purchase of equipment would be handled by the Fire Department on behalf of the CERT/ ARES Team. A copy of the funding request submitted to NEAR-Fest and a list of the equipment they intend to purchase are included in your packet.

Suggested Motion:
Motion to accept and expend funds in the amount of $4,100 from the New England Amateur Radio Festival to purchase equipment on behalf of the CERT/ARES Team.

PUBLIC HEARINGS

9. This item is the required public hearing for a new Alcoholic Beverage license for Enoteca Athena, located at 97 Maine Street. Copies of the public notice and application are included in your packet.

Suggested Motion:
Motion to approve an Alcoholic Beverage license for Enoteca Athena, located at 97 Maine Street.

NEW BUSINESS

10. The Council was informed that the Governor would be making appointments to the MRRA Board in early January. The Council sent a letter to the Governor's Office informing the Administration that Brunswick would like to solicit interested residents to be considered for nomination. Council Chair Wilson was advised by the Administration on January 29 that the appointments had already been determined, but that the Town is encouraged to continue with a process for nominations for the next round of appointments.

    Suggested Motion:
    No motion is being recommended.

11. This item, sponsored by Councilor Favreau, asks the Council to authorize the Town to seek bids for activities and items relative to the development of the Dog Park. The BARK group has raised $34,770 of the projected $43,000 needed for the project, so it would be appropriate to seek bids to see what the actual cost will be. Copies of memos from Manager Brown and the Recreation Commission are included in your packet.

    Suggested Motion:
    Motion to authorize the Town to seek bids for activities and items relative to the development of the Dog Park.

12. This item is sponsored by Councilor Favreau. Bowdoin College is requesting the Town Council consider a possible amendment to the Town's Zoning Ordinance, Mixed Use 3 (MU3) District, to include "Residence Hall" as a permitted use. This request is being made as the College has an interest in purchasing the former Stevens Home, a 16-bed residential care facility, 52 Harpswell Road, with the intent to reuse the structure as a residence hall. Presently, "residence hall" is a prohibited use in the MU3 District. A copy of a memo from Anna Breinich is included in your packet.

    Suggested Motion:
    Motion to request the Planning Board review changes to the Zoning Ordinance regarding amending the MU3 column of "Table 206.1 Use Table" to change Residence Hall from a prohibited use (X) to a permitted use (P).

13. This item is sponsored by Councilor Brayman and Councilor Richardson and requests the Council adopt a "Resolution Supporting an Amendment to the United States Constitution to Provide that Corporations are not Entitled to the Rights of Natural Persons with Regard to the Expenditure of Money to Influence Elections." Copies of the resolution, along with a list of other Maine municipalities that have adopted it, are included in your packet.

    Suggested Motion:
    Motion to adopt "Resolution Supporting an Amendment to the United States Constitution to Provide that Corporations are not Entitled to the Rights of Natural Persons with Regard to the Expenditure of Money to Influence Elections."

14. The Town suspended the discussions and terminated the TIF programs in September. The Council will discuss their interest in resuming the discussions with MRRA.

Suggested Motion:
No motion is being recommended.

CONSENT AGENDA

(a) Approval of the Minutes of January 22, 2013: A copy of the minutes is included in your packet.

Suggested Motion:
Motion to approve the Consent Agenda.

Suggested Motion:
Motion to adjourn the meeting.

MANAGER’S REPORT - A
NO BACK UP MATERIALS

MANAGER’S REPORT - B
BACK UP MATERIALS

Town of Brunswick, Maine

INCORPORATED 1739

OFFICE OF:

Marine Resources & Harbor Management

28 FEDERAL STREET BRUNSWICK, MAINE 04011-1581
TELEPHONE (207) 725-6631 FAX (207) 725-6663
Email~ ddevereaux@brunswickpd.org

Daniel R. Devereaux
Marine Resource Officer~
Harbormaster

J. Paul Plummer
Marine Resource Officer~
Deputy Harbormaster

11-27-2012

To: Brunswick Town Council
From: Daniel R. Devereaux, MRO/HM
Cc: Fran Smith, Assistant Town Manager
RE: Opening and Closing of Coastal Waters

Honorable Members of the Brunswick Town Council;

Each year the Brunswick Marine Resources Committee evaluates shellfish growing areas and reacts by either closing or opening the areas for harvest. During the evaluation process a size distribution survey is conducted, which allows the BMRC to approximate the percentage of marketable shellfish; this plays a critical role in determining whether an area will remain open to harvest. Under M.R.S.A Title 12 Section 6671 the Town Council must annually grant the authority to open and close coastal water for conservation purposes to the Brunswick Marine Resources Committee.

Respectfully Submitted,

D.R. Devereaux MRO/HM

MANAGER’S REPORT - C
BACK UP MATERIALS

REQUEST FOR FUNDING

from
The NEAR-Fest
by
Midcoast (Maine) CERT/ARES Communications Team

December 9, 2012

General Information:

The Midcoast (Maine) CERT/ARES Team, a Brunswick (Maine) Fire Department Asset, was established and certified in 2007, to serve the midcoast Maine area. The team consists of approx. 12 members; all members are licensed amateur radio operators.

Team Certifications:

Members are CERT (DHS/FEMA Community Emergency Response Team) certified, AHA (American Heart Association) CPR/Advanced First Aid/AED (Automatic Emergency Defibrillator) certified, and the team is Department of Homeland Security/FEMA NIMS/ICS (National Incident Management System/Incident Command System) compliant and certified. One member of the team also holds a DHS/FEMA/OEC (Office of Emergency Communications) NIMS/ICS Type III ComL (Communications Unit Leader) certification. Team members are certified by the Brunswick Police Department to operate within the EOC (Emergency Operations Center), Brunswick Dispatch Center, and Mobile Command Posts.

Previous Grants Received:

Since inception, the team has received several grants from DHS and MEMA (the Maine Emergency Management Agency) totaling approx. $27,000, to purchase radio and team equipment. Radio equipment has been placed in the 2 local midcoast hospitals, the Brunswick EOC, and the Midcoast Chapter of the Red Cross. Team equipment includes custom ANSI Type II vests, CERT equipment packs (hard hats, gloves, tools, etc.), first aid supplies, some portable radio equipment, and additional CERT equipment carried by each member.

The last grant received by the team was several years ago. Since then, we have applied for additional grant funds to add to our equipment cache, however, funding in the past few years has gone to Homeland Security-type operations such as water districts, and to the nation-wide narrowbanding project. We have been unable to receive additional grant funding, and have been advised there may not be additional funds available in the near future.

The team requests funding to add the following items to its equipment cache:

a high-grade pop-up canopy with sidewalls ($2100.00)
a portable generator ($1000.00)
portable power supplies & antenna cables ($416.00)
portable HF antenna ($272.00)
equipment carry case ($190.00)
tables for the canopy ($80.00)

The Midcoast CERT/ARES Team respectfully requests funding from The NEAR-Fest in the amount of $4100.00 to purchase the listed equipment (quotes and estimates are attached).

Thank you for your consideration.

John M. Goran K1JJS
Midcoast CERT/ARES Team Leader

Note: If The NEAR-Fest grants the funds, please contact John Goran K1JJS, CERT Team Leader, for additional information prior to any funds disbursement.

ITEM 9
BACK UP MATERIALS

Town Clerk's Office
28 Federal Street
Brunswick, ME 04011

PUBLIC HEARING

The Municipal Officers of the Town of Brunswick will hold a Public Hearing at the Municipal Meeting Room, Maine Street Station, 16 Station Avenue, Brunswick, at 7:00 P.M. on 2/4/2013 on the following Alcoholic Beverage license applications:

Full-Time Spirituous, Vinous & Malt

Trattoria Athena, LLC
D/B/A: Enoteca Athena
97 Maine Street

Timothy O'Brien & Marc Provencher

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

INDIVIDUALS NEEDING AUXILIARY AIDS FOR EFFECTIVE COMMUNICATION PLEASE CONTACT THE TOWN MANAGER'S OFFICE AT 725-6653 (TDD 725-5521).

Fran Smith
Town Clerk

Department of Public Safety
Division

Liquor Licensing & Inspection

Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.
To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

BUREAU USE ONLY
License No. Assigned:
Class:
Deposit Date:
Amt. Deposited:

PRESENT LICENSE EXPIRES _____

INDICATE TYPE OF PRIVILEGE: ☑ MALT ☑ SPIRITUOUS ☑ VINOUS

INDICATE TYPE OF LICENSE:

- ☑ RESTAURANT (Class I,II,III,IV)
- ☐ HOTEL-OPTIONAL FOOD (Class I-A)
- ☐ CLASS A LOUNGE (Class X)
- ☐ CLUB (Class V)
- ☐ TAVERN (Class IV)
- ☐ RESTAURANT/LOUNGE (Class XI)
- ☐ HOTEL (Class I,II,III,IV)
- ☐ CLUB-ON PREMISE CATERING (Class I)
- ☐ GOLF CLUB (Class I,II,III,IV)
- ☐ OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) –(Sole Proprietor, Corporation, Limited Liability Co., etc.) Timothy O'Brien **DOB:** 7-17-80	**2. Business Name (D/B/A)** Enoteca Athena
Marc Proverbs **DOB:** 4-28-81	
TRATTORIA ATHENA LLC **DOB:**	**Location (Street Address)** 97 Maine St.
Address 25 Mill St.	**City/Town** Brunswick **State** ME **Zip Code** 04011
	Mailing Address 25 Mill St.
City/Town Brunswick **State** ME **Zip Code** 04011	**City/Town** Brunswick **State** ME **Zip Code** 04011
Telephone Number 721-0700 **Fax Number**	**Business Telephone Number** 207-721-0700 **Fax Number**
Federal I.D. # 27-2352069	**Seller Certificate #** 1108196

3. If premises are a hotel, indicate number of rooms available for transient guests: _____
4. State amount of gross income from period of last license: ROOMS $ _____ FOOD $ _____ LIQUOR $ _____
5. Is applicant a corporation, limited liability company or limited partnership? YES ☑ NO ☐

complete Supplementary Questionnaire ,If YES

6. Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☑
7. If manager is to be employed, give name: _____
8. If business is NEW or under new ownership, indicate starting date: ≈ April 1, 2013
   Requested inspection date: ? Not sure yet... Business hours: _____
9. Business records are located at: 25 Mill St., Brunswick, ME
10. Is/are applicants(s) citizens of the United States? YES ☑ NO ☐

11. Is/are applicant(s) residents of the State of Maine? YES ✓ NO ☐

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married: Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
① Timothy D'Arbustino O'Brien	7-17-80	Quincy, MA
② Marc J. Provencher	4-26-81	Manchester, NH

Residence address on all of the above for previous 5 years (Limit answer to city & state

① 49 Geary St. South Portland, ME
② 25 Mill St., Brunswick, ME

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other then minor traffic violations, of any State of the United States? YES ☐ NO ✓

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued? Yes ☐ No ✓ If **Yes**, give name: _____

15. Has/have applicant(s) formerly held a Maine liquor license? YES ✓ NO ☐

16. Does/do applicant(s) own the premises? Yes ☐ No ✓ If **No** give name and address of owner: George Glover

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) _____

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services? YES ☐ NO ☐ Applied for: _____

19. What is the distance from the premises to the **NEAREST** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? +/- 1/2 mile Which of the above is nearest? Church

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☐ NO ✓

If YES, give details: _____

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to $2,000 or both."

Dated at: Brunswick, ME (Town/City, State) on 1-9 (Date), 2013

Please sign in blue ink

Signature of Applicant or Corporate Officer(s) _____ Signature of Applicant or Corporate Officer(s) _____

STATE OF MAINE
Liquor Licensing & Inspection Unit
164 State House Station
Augusta, Maine 04333-0164
Tel: (207) 624-7220 Fax: (207) 287-3424

SUPPLEMENTARY QUESTIONAIRE FOR CORPORATE APPLICANTS, LIMITED LIABILITY COMPANIES AND LIMITED PARTNERSHIPS

1. **Exact Corporate Name:** Trattoria Athena, LLC

   Business D/B/A Name: Enoteca Athena

2. **Date of Incorporation:** April 2010

3. **State in which you are incorporated:** Maine

4. **If not a Maine Corporation, date corporation was authorized to transact business within the State of Maine:** _____

5. **List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list percent of stock owned:**

Name	Address Previous 5 Years	Birth Date	% of Stock	Title
Timothy D'Arbustino-O'Brien	49 George St., S. Portland, ME	7-17-80	50%	Owner
Marc J. Prancher	25 Mill St, Brunswick, ME	4-26-81	50%	Owner

6. **What is the amount of authorized stock?** 100% **Outstanding Stock?** —

7. **Is any principal officer of the corporation a law enforcement official?** ( ) YES (✓) NO

8. **Has applicant(s) or manager ever been convicted of any violation of the law, other than a minor traffic violation(s), of the United States?** ( ) YES (✓) NO.

9. **If yes, please complete the following: Name:** _____

Date of Conviction: _____ Offense: _____

Location: _____ Disposition: _____

Dated at: _____ **On:** _____
City/Town **Date**

_____ **Date:** 1-9-13
Signature of Duly Authorized Officer

Tim O'Brien
Print Name of Duly Authorized Officer

ITEM 10
NO BACK UP MATERIALS

ITEM 11
BACK UP MATERIALS

TOWN OF BRUNSWICK

TOWN MANAGERS OFFICE

MEMORANDUM

TO: Brunswick Council

FROM: Gary Brown, Town Manager

DATE: January 29, 2013

RE: Dog Park

Councilor Favreau is sponsoring the item to update the Council and the public on the proposed dog park off the bike and pedestrian path.

The advocates for the dog park have presented a proposed name for the facility to the Recreation Commission and the Commission supports the proposed name. The proposed name is **"The Merrymeeting Dog Park, in memory of Jake Horgan".** They have also asked that a temporary sign be placed at the location indicating that the dog park is coming soon.

We are proposing to solicit bids for the different aspects of the construction of the dog park in order to determine the actual costs of the project. As indicated in a previous memo to the Council (included in the packet) we would anticipate that we will advance any gap in funding needed to complete the project or we may also recommend that the gap be funded by the Town, based on the final costs.

The hope of the organizers of the dog park is that this facility can be operational by late Spring or early Summer.

TOWN OF BRUNSWICK

TOWN MANAGERS OFFICE

MEMORANDUM

TO: Brunswick Council

FROM: Gary Brown, Town Manager

DATE: January 18, 2013

RE: BARK the Dog Park

Tom Farrell and I recently met with the citizens that have been fundraising to construct the Dog Park adjacent to the bike and pedestrian path beyond the boat launch at the end of lower Water Street.

They have reached a point where staff is prepared to bring a proposal to the Council and would plan to have an agenda item for the February 4 Council meeting.

They have raised $34,770 of a projected budget of $43,000. The budget of $43,000 does not include any vendor discounts or donations. The experiences of other developers of dog parks indicate that it is common for the vendors to either make donations or discounts for the projects.

Staff is recommending that the Council authorize the project to go to the next level which is to seek bids for the activities and items that would not be done by the Town. We would not proceed with the project until we know what the exact amount is that remains to be raised. Assuming that the funding model that has been presented by BARK is accurate, we would subsequently recommend that the project proceed with the Town of Brunswick either funding the gap or advancing the gap with an agreement that as BARK continues to raise money that the Town be reimbursed.

We feel it is important to move forward at this time in order that the work can be done in time for residents to have the use and enjoyment of the facility when the warm weather returns this Spring.

BRUNSWICK
PARKS & RECREATION DEPARTMENT

30 FEDERAL STREET BRUNSWICK ME 04011-1584

TEL (207) 725-6656
FAX (207) 725-0148

THOMAS M. FARRELL
Director

TROY S. SMITH
Deputy Director

January 30, 2013

Ms. Suzan Wilson, Chair
Brunswick Town Council
28 Federal Street
Brunswick, Maine 04011

Re: Proposed Dog Park

Dear Chair Wilson,

At our meeting on Thursday evening January 24, 2013 Recreation Commissioners received an update on the proposed dog park from Ms. Sally Loving. We were briefed on the fundraising efforts to date and the desire of the citizens group to begin the process of obtaining costs for the various components of the project. It is the request of the citizens in support of the dog park that installation of the fencing and other associated improvements can commence in early spring of 2013 to insure completion of the project in time for the warm weather season.

In addition, the Commission was asked to support naming of the facility as the "Merrymeeting Dog Park" in memory of Jake Horgan. Ms. Loving also requested that Commissioners support a request to have a sign installed at the location of the proposed park along the Androscoggin River Bicycle Path that states "Dog Park Coming Soon".

The members of the Recreation Commission voted to support the requests as stated above. In addition, we thank Ms. Loving and members of the citizens committee for their diligent work to raise sufficient funds to support development of the dog park, a facility that we anticipate will receive significant use by the public and be a nice addition to Brunswick's overall park system.

I will be in attendance at the Town Council's meeting this coming Monday evening and will be available to address any questions you may have regarding the Recreation Commission's support of the proposed dog park.

Very Truly Yours,

Jeffrey H. Ward

Jeffrey H. Ward, Chair
Brunswick Recreation Commission

Pc; Members of the Brunswick Recreation Commission
Ms. Sally Loving

ITEM 12
BACK UP MATERIALS

TOWN OF BRUNSWICK, MAINE

INCORPORATED 1739

DEPARTMENT OF PLANNING AND DEVELOPMENT
28 FEDERAL STREET
BRUNSWICK, ME 04011

ANNA M. BREINICH, AICP
DIRECTOR OF PLANNING & DEVELOPMENT

PHONE: 207-725-6660
FAX: 207-725-6663

January 30, 2013

To: Brunswick Town Council
Gary Brown, Town Manager
From: Anna Breinich, AICP
Subject: Zoning Ordinance amendment request to include "Residence Hall" as a permitted use in the MU3 District.

Bowdoin College is requesting Town Council to consider a possible amendment to the Town's Zoning Ordinance, Mixed Use 3 (MU3) District, to include "Residence Hall" as a permitted use. This request is being made as the College has an interest in purchasing the former Steven's Home, a 16-bed residential care facility, 52 Harpswell Road with the intent to reuse the structure as a residence hall. Presently, "residence hall" is a prohibited use in the MU3 District.

As delineated by the 2008 Comprehensive Plan Update, Future Land Use Map, the MU3 Zoning District is located within the Town Residential area, envisioned to be primarily a residential and educational area of the Town. Allowed uses generally reflect an established development pattern yet varied within the area. Appropriate uses include a range in residential uses including small-scale multi-family housing and accessory apartments, very limited, small scale commercial uses and home-based businesses compatible with neighborhoods, college related residential and non-residential uses and a wider range of non-residential uses in the existing mixed use areas (MU3 and MU6).

Currently, related permitted uses in the MU3 District include bed and breakfast, boarding home, congregate care/assisted living, community center, multifamily residential, as well as small scale commercial uses. Actual uses include a residence hall (Smith House established in 1972 by Bowdoin College), 2-single-family residences, 2 offices, a convenience store and a site approved for 4 condominium units. Based on the current mix of uses and those permitted within the MU3 District, residence hall use is similar in nature. It should also be pointed out that a primary difference between a boarding home, MU3 permitted use, and residence hall, MU3 prohibited use, is ownership; the latter use defined as "A facility owned by a post-secondary school to house its students." In other words, a private owner could purchase, be permitted to reuse the Stevens home as a boarding home or condominiums and rent to college students, thereby having the same type of use/impact as a residence hall use, different ownership.

Staff recommends that this zoning amendment request be forwarded to Planning Board for their consideration and recommendation. I will be in attendance at your meeting to answer any questions.

ITEM 13
BACK UP MATERIALS

TOWN OF BRUNSWICK MAINE - RESOLUTION

RESOLVE, Supporting an Amendment to the United States Constitution to
Provide that Corporations are not Entitled to the Rights of Natural Persons with Regard to the Expenditure of Money to Influence Elections

WHEREAS, government of, by, and for the people has long been a cherished American value, and;

WHEREAS, free and fair elections are essential to democracy and effective self-governance, and;

WHEREAS, in 2010 the United States Supreme Court issued its decision in *Citizens United vs. Federal Election Commission,* holding that spending on elections by corporations and other groups not be limited by government regulations, and;

WHEREAS, this decision removed some of the legal restrictions on corporate spending on elections immediately prior to elections, allowing for corporate spending to influence elections, and;

WHEREAS, unchecked funding has already begun to be used to influence our local elections, and;

WHEREAS, in its decision, the majority of the United Supreme Court interpreted the First Amendment of the United States Constitution as giving corporations the same free speech rights as natural persons, and;

WHEREAS, corporations are entities created by legislation, and;

WHEREAS, the decision in *Citizens United v. Federal Election Commission* impedes the ability of federal, state and local governments to enact reasonable laws and regulations regarding the political activities of corporations, and;

WHEREAS, given the financial ability of corporations to influence elections and hence policy making by government, federal, state and local governments should have the ability to regulate corporate expenditures designed to influence elections, and;

WHEREAS, several proposed amendments to the United States Constitution have been introduced in Congress to allow government to regulate the raising and spending of money by corporations to influence elections, and;

WHEREAS, this Council has received a petition signed by over a thousand citizens of our town asking that the Town Council act now to pass a resolution encouraging congress to revoke corporate personhood and overturn the Citizens United decision;

BE IT RESOLVED THAT the Town Council of Brunswick supports amending the United States Constitution to provide that corporations are not entitled to the entirety of protections or rights of natural persons, specifically so that expenditure of corporate money to influence elections is not a form of constitutionally protected speech, and calls upon Congress to begin the process to amend the United States Constitution.

Approved by the Town Council on February 4, 2013 Attest: _____ (Town Clerk)

Resolutions Passed in Maine

As of January 15, over 20 municipalities in Maine had passed resolutions urging an amendment to the U.S constitution to clarify that corporations are not persons.

These include the following Maine Towns and Cities:

Arrowsic, Bangor, Bar Harbor, Bethel, Camden, Fairfield, Freedom, Freeport, Great Pond, Leeds, Liberty, Monroe, Mount Desert, Newcastle, Portland, Rogue Bluffs, Scarborough, Shapleigh, Southwest Harbor, Vassalboro, Vienna, Waterville, and Winslow.

ITEM 14
BACK UP MATERIALS

TOWN OF BRUNSWICK

TOWN MANAGERS OFFICE

MEMORANDUM

TO: Brunswick Council

FROM: Gary Brown, Town Manager

DATE: January 30, 2013

RE: Agenda item regarding MRRA TIF discussion

Chair Wilson has sponsored an item for the Council to discuss resuming the discussions with the Mid-Coast Regional Redevelopment Authority regarding two Tax Increment Financing Districts.

Last year we had extensive discussions with MRRA regarding two TIF districts. In September the Council suspended the discussions with MRRA and terminated the approved development districts. Subsequently the Council did approve a TIF program for Molnlycke Health care.

We believe that as a result of the work that was in place last September, that we can prepare the necessary documents in a relatively short period of time. The TIF District that was designated for the airport is not effected by the Molnlycke TIF so that is fully developed, other than the Council may want to revisit the funding models that had been prepared. The TIF District that was designated for Brunswick Landing would require some adjustments to reflect the Molnlycke TIF.

The advantages to adopting these two TIF programs remain the same as before. By sheltering the increased value, we avoid the loss of State revenue and increases in County taxes. Furthermore, we have consistently taken the position that the redevelopment of NASB (Brunswick Landing, Brunswick Executive Airport) is in the mutual best interest of Brunswick and MRRA. The adoption of TIF programs that provides revenues to MRRA will assist in the redevelopment, that will in turn provide for job growth and an expansion of the overall tax base.

If the Council supports the resumption of TIF discussions, we need to accomplish this quickly as our applications will need to be in Augusta no later than March 29.

CONSENT AGENDA - A BACK UP MATERIALS

Draft
BRUNSWICK TOWN COUNCIL
Minutes
January 22, 2013

Councilors Present: Chair Suzan Wilson, W. David Watson, Benjamin J. Tucker, John M. Perreault, Gerald E. Favreau, Margo H. Knight, Sarah E. Brayman, and John Richardson, Jr.

Councilors Absent: Councilor Benet Pols

Town Staff Present: Gary Brown, Town Manager; Fran Smith, Town Clerk/Assistant to the Town Manager; John Eldridge, Finance Director; Tom Farrell, Parks and Recreation Director; Mark Waltz, Police Captain; Dan Devereaux, Marine Patrol Officer; and TV video crew

Chair Wilson called the meeting to order, asked for the Pledge of Allegiance and then asked the Town Clerk for Roll Call.

Public Comment:

Claudia Knox, Cumberland Street, and **Annie Robinson** spoke regarding the work being done for the downtown to be designated as the Brunswick Downtown Historical District.

Kathy Wilson, 144 Pleasant Street, spoke on snow plowing on Pleasant Street and issues with a business plowing into town areas.

Jackie Sartoris, Bowdoin Street, spoke in support of creating a Citizen Advisory Committee for Brunswick base redevelopment.

Correspondence:

Councilor Brayman introduced the two artists, **Hati Modr** and **Maria Castellano-Usery,** who have provided the art work in the Council Chamber. She also spoke about the beautiful outdoor lighting in the downtown area.

Chair Wilson spoke about a public forum put on by the School Board regarding their budget.

Councilor Perreault spoke about the blasting and sewer line damage at the new police station site; Manager Brown and Chair Wilson responded to his questions.

Adjustments to the Agenda: None

MANAGER'S REPORT:

(a) Financial Update

Manager Brown provided this update.

(b) Report on the preliminary estimated effect of the Governor's budget on the Town

Manager Brown spoke regarding this item and responded to a question from Councilor Richardson.

(A copy of a memo from the Finance Department will be attached to the official minutes.)

(c) Council Committee Updates

A report was given on the Downtown Master Plan Implementation Committee.

(d) Report on the hiring of a lobbying team to represent the Town in legislative issues

Manager Brown provided this report.

Councilor Favreau moved, Councilor Richardson seconded, to affirm Town Council support for hiring a lobbying team. The motion carried with eight (8) yeas.

(e) Update on public benefit conveyances

Manager Brown provided this update.

(A copy of an updated memo will be attached to the official minutes.)

(f) Update on railroad quiet zones

Manager Brown provided this update and responded to questions from Councilor Perreault.

(g) Reminder of renewal of dog licenses

Fran Smith, Town Clerk, provided this reminder.

(h) Announcement of CIP workshop for February 7, 2013

Manager Brown made this announcement.

PUBLIC HEARINGS

3. The Town Council will hold a public hearing on the following Alcoholic Beverage license, and will take any appropriate action. (Manager)

Full-Time Spirituous, Vinous & Malt
Little Saigon LLC of Maine **Cuong Ly**
D/B/A: Little Saigon Restaurant
44 Maine Street

Chair Wilson opened the public hearing; hearing no comments, she closed the public hearing.

Councilor Tucker moved, Councilor Knight seconded, to approve the Alcoholic Beverage license for Little Saigon, located at 44 Maine Street. The motion carried with eight (8) yeas.

4. The Town Council will hold a public hearing on the following Special Amusement license, and will take any appropriate action. (Manager)

Special Amusement
Brunswick Lodge of Elks #2043 **Angela Brackett**
D/B/A: Brunswick Lodge of Elks
179 Park Row

Chair Wilson opened the public hearing; hearing no comments, she closed the public hearing.

Councilor Watson moved, Councilor Favreau seconded, to approve the Special Amusement license for Brunswick Lodge of Elks, located at 179 Park Row. The motion carried with eight (8) yeas.

5. The Town Council will hear public comments on parking ordinance changes in the downtown area, as recommended by the Downtown Master Plan Implementation Committee's Parking Subcommittee, and will take any appropriate action. (Councilor Knight and Councilor Perreault)

Councilor Knight spoke regarding this item.

Chair Wilson opened the public hearing.

The following people spoke regarding this item:

Deborah King, Executive Director of BDA
Newell Augur, 3 Colonial Drive
Kathy Wilson, Pleasant Street

Chair Wilson closed the public hearing.

Councilor Brayman and Councilor Watson asked questions, to which Captain Waltz responded.

Councilor Knight moved, Councilor Perreault seconded, to adopt parking ordinance changes in the downtown area, as recommended by the Downtown Master Plan Implementation Committee's Parking Subcommittee, with the all day parking permit requirement at the Municipal lot removed from the original proposal. The motion carried with eight (8) yeas.

(A copy of the adopted language will be attached to the official minutes.)

NEW BUSINESS

6. The Town Council will discuss the nominee selection process for the MRRA Board, and will determine if any action is necessary. (Chair Wilson and Councilor Knight)

Councilor Knight spoke regarding this item.

Councilor Brayman, Councilor Tucker, and Councilor Richardson spoke regarding this item.

7. The Town Council will appoint Council Representatives to the following:

- **Trust Fund Advisory Committee (previously Pols)**
- **Midcoast Council of Governments -5 Councilors needed**
- **Union Negotiating Committee -1 Councilor needed for AFSCME (previously Perreault), Public Works (previously Wilson)**
- **Citizens Initiative Clarity Board (previously Pols and Knight)**

Chair Wilson made the following appointments:

Councilor Pols to the Trust Fund Advisory Committee

Councilor Richardson, Councilor Tucker, Councilor Watson, Councilor Knight and Councilor Pols to the Midcoast Council of Governments

Councilor Brayman to the AFSCME Union Negotiating Committee

Councilor Perreault to the Public Works Union Negotiating Committee

Councilor Pols and Councilor Knight to the Citizens Initiative Clarity Board

8. The Town Council will consider appointments to the Town's Boards and Committees, and will take any appropriate action. (Appointments Committee-2012)

Councilor Favreau nominated John Bouchard to serve on the Water District Board of Trustees. With no other nomination presented, a vote was taken with eight (8) yeas supporting Mr. Bouchard's appointment.

CONSENT AGENDA

(a) Approval of the Minutes of January 7, 2013
(b) Approval of the Minutes of December 17, 2012
(c) Appointment of Voter Registration Appeals Board
(d) Appointment of Fran Smith as the Town's Public Access Officer
(e) Approval of a tax abatement for American Ballroom Dance Academy

(f) Approval of Quitclaim Deed for property known as Map 051 Lot 001 Sub 000 Typ 131

(A copy of materials for CA-E and CA-F will be attached to the official minutes.)

Councilor Tucker moved, Councilor Watson seconded, to approve the Consent Agenda. The motion carried with eight (8) yeas.

Executive session – Consultation with legal counsel M.R.S.A. per §405(6)(E)

Councilor Tucker moved, Councilor Watson seconded, to go into executive session for a consultation with legal counsel per M.R.S.A. §405(6)(E) and to adjourn the meeting at the conclusion of the executive session. The motion carried with eight (8) yeas.

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

Frances Smith
Town Clerk/Assistant to the Town Manager
January 28, 2013

February 4, 2013
Date of Approval

_____
Council Chair