

BRUNSWICK TOWN COUNCIL

Agenda

June 6, 2016

7:00 P.M.

Council Chambers

Town Hall

85 Union Street

Roll Call of Members

Acknowledgement of Meeting Notice

Pledge of Allegiance

Adjustments to Agenda

CONSENT AGENDA

- a) Approval of the Minutes of May 12, 2016
- b) Approval of the Minutes of May 16, 2016
- c) Approval of the Minutes of May 26, 2016
- d) Approval of a tax abatement relative to personal property for B & L Hardwood Floors

Public Comments

Correspondence

COMMITTEE REPORTS

- Bicycle and Pedestrian Advisory Committee
- Brunswick Development Corporation
- Human Rights Task Force
- Recycling & Sustainability Committee
- Rivers and Coastal Waters Commission

MANAGER'S REPORT

- a) Bowdoin College - President Clayton Rose
- b) Project Tracking Report
- c) Election reminder for June 14th Primary and School Budget Validation Referendum
- d) School Project update
- e) Report on Pleasant Street traffic signals

PUBLIC HEARING

- 65. The Town Council will hear public comments on special amusement license applications, and will take any appropriate action. (Manager)

Special Amusement

MCM Corp

Fernando Saldano

D/B/A: Pancho Villa

164 Pleasant Street

Lemongrass

Hung Alan Hoang

D/B/A: Lemongrass

212E Maine Street

HEARING/ACTION

- 66. The Town Council will hear public comments on amendments to the Zoning Ordinance relative to Chapter Four (Development Review), Sections 401 (Applicability) and 402 (Development Review Classifications and Thresholds to Require Review of Filling and Earthmoving Activities within the NRPZ) on an emergency and regular basis, in addition to repealing the Moratorium on New Development in the Natural Resource Protection Zone as part of this public hearing, and will take any appropriate action. (Planning Board)

HEARING/ACTION

TABLED ITEM

- 57. The Town Council will consider “A Resolution Expressing the Town Council’s Support for the Maine Department of Transportation’s Proposal to Replace the Frank J. Wood Bridge”, and will take any appropriate action. (Manager)

ACTION

NEW BUSINESS

- 67. The Town Council will consider adopting “An Ordinance Authorizing the Removal and Replacement of Exterior Trim Elements of the Brunswick Town Hall, with Total Project Costs Not to Exceed \$200,000 (plus any other costs authorized hereunder), and Further Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$200,000 (plus cost of issuance), plus any Additional Appropriation Authorized Hereunder,” and will take any appropriate action. (Manager)

ACTION

- 68. The Town Council will consider setting a public hearing for June 20, 2016, on an amendment to the “First Amendment for the Brunswick Landing II Omnibus Municipal Development and Tax Increment Financing District,” and will take any appropriate action. (Manager)

ACTION

69. The Town Council will consider setting a public hearing for June 20, 2016, on an amendment to the “First Amendment for the Brunswick Executive Airport II Omnibus Municipal Development and Tax Increment Financing District,” and will take any appropriate action. (Manager)

ACTION

70. The Town Council will hear information regarding the MRRA Credit Enhancement Agreement (CEA), and may take action at the June 20, 2016 meeting. (Manager)

DISCUSSION

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

ACTION

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

Brunswick Town Council
Agenda
June 6, 2016
Council Notes and Suggested Motions

CONSENT AGENDA

- a) Approval of the Minutes of May 12, 2016: A copy of the minutes is included in your packet.
- b) Approval of the Minutes of May 16, 2016: A copy of the minutes is included in your packet.
- c) Approval of the Minutes of May 26, 2016: A copy of the minutes is included in your packet.
- d) Approval of a tax abatement relative to personal property for B & L Hardwood Floors: This item is for the Council to approve a tax abatement for personal property assessed in error. A copy of a memo from the Assessor is included in your packet.

The Council has the option to remove any item from the Consent Agenda to be considered separately.

Suggested motion:

Motion to approve the Consent Agenda

Public Comments

COMMITTEE REPORTS

- Bicycle and Pedestrian Advisory Committee
- Brunswick Development Corporation
- Human Rights Task Force
- Recycling & Sustainability Committee
- Rivers and Coastal Waters Commission

Councilors representing the Council on the above committees that have recently met will provide brief updates. If there are any Committee updates beyond those listed, Councilors may also share them with the Council and public.

MANAGER'S REPORT

A copy of a memo from Manager Eldridge providing an overview of the Manager's Report is included in your packet.

- a) Bowdoin College - President Clayton Rose: President Rose will address the Council to discuss his first year at Bowdoin College and update the Council on what has been happening.

- b) Project Tracking Report: The Council will receive this monthly report on projects being tracked. There has also been a desire to hold a workshop on the projects. We are suggesting June 23rd, to be preceded by the year-end special meeting. A copy of the project list is included in your packet.
- c) Election reminder for June 14th Primary and School Budget Validation Referendum: Absentee ballots are available in the Town Clerk's office until Thursday, June 9th. On Thursday, the office will be open until 7:00 p.m. (Normal hours are 8:30 a.m. to 4:30 p.m.) On June 14th the polls are open 7:00 a.m. to 8:00 p.m. at the Junior High School, 65 Columbia Avenue. There are two local questions on the ballot - one to vote on the school budget and the other to ask voters if they wish to continue or discontinue the referendum for at least the next three years.
- d) School Project update: This item is to update the Council and public on the status of the proposed new school. The School Board voted on May 24th to seek additional information from the architect. With the time needed to receive information, there will not be adequate time to have all information prepared for a vote on the new school this November. Additional timeframes will be forthcoming this summer.
- e) Report on Pleasant Street traffic signals: This item is in response to a request from Councilor Perreault for additional information on the timing at the Pleasant Street traffic signals. A copy of a memo with the summary information is included in your packet.

PUBLIC HEARING

65. This item is the required public hearing on special amusement license applications for Pancho Villa and Lemongrass. Pancho Villa is requesting live bands and DJs. Lemongrass would like to have live soft music for special occasions such as private birthday parties. Personal property taxes for both applicants are paid in full. Copies of the public hearing notice and the applications are included in your packet.

Suggested motion:

Motion to approve special amusement license applications for Pancho Villa, located at 164 Pleasant Street and Lemongrass, located at 212E Maine Street.

66. This item, sponsored by the Planning Board, is the required public hearing on proposed amendments to address State shoreland zoning requirements not included in the Zoning Ordinance. The Council adopted an emergency moratorium preventing any development in the NRPZ so that the Planning Board and staff could develop amendments to bring the Zoning Ordinance into compliance with the State requirements. After two workshops, the Planning Board approved the amendments being proposed. With pending projects stalled by the moratorium, the Council in the public hearing notice advertised that the amendment be enacted on both an emergency and regular basis, so action can be taken on the 6th to repeal the moratorium and enact the amendments. There is one additional step that needs to take place with the Zoning amendments after they are adopted, which is to

get approval from the DEP. The repealing of the moratorium would be effective once that approval occurs. Should DEP not approve the amendments, the moratorium may need to be extended. Copies of an updated memo from the Planning Department, the emergency moratorium, the draft amendments, and a presentation are included in your packet.

Suggested Motion:

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

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

Suggested motion:

Motion to adopt amendments to the Zoning Ordinance relative to Chapter Four (Development Review), Sections 401 (Applicability) and 402 (Development Review Classifications and Thresholds to Require Review of Filling and Earthmoving Activities within the NRPZ), on an emergency and regular basis, and to repeal the Moratorium on New Development in the Natural Resource Protection Zone. Both sections of this motion will be effective immediately upon the approval of the Zoning ordinance changes by the Department of Environmental Protection as required by state law.

TABLED ITEM

57. This item, tabled at your last meeting, comes back for the Council to consider adopting a resolution regarding the Frank J. Wood Bridge. After public outreach on the proposed bridge replacement, it was thought that the two towns may wish to go on record in support of MDOT's recommendation. It was also suggested that there be a joint design advisory committee to work with MDOT to incorporate enhancements and minor modifications to the design. The resolution will be to support the MDOT's selected option, with modifications as worked out by the design advisory committee and MDOT. There have been changes to the original draft resolution. In particular, the draft in your packet adds an expression of the Town's desire to be named as a "consulting party" in the process referred to as the Section 106 historic preservation review, required for projects that receive federal funding. Copies of a memo from Manager Eldridge, the draft resolution and information on Section 106 are included in your packet.

Suggested motion:

Motion to adopt the revised "Resolution Expressing the Town Council's Support for the Maine Department of Transportation's Proposal to Replace the Frank J. Wood Bridge."

NEW BUSINESS

67. This item comes back to the Council after the required public hearing held at the last meeting. It is to consider adopting on "An Ordinance Authorizing the Removal and Replacement of Exterior Trim Elements of the Brunswick Town Hall, with Total Project Costs Not to Exceed \$200,000 (plus any other costs authorized hereunder), and Further

Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$200,000 (plus cost of issuance), plus any Additional Appropriation Authorized Hereunder.” At the time the Town acquired the McLellan Building from Bowdoin College, it was clear that the Town would need to address the building’s trim, as most of it was, and remains, in poor condition. In 2014, to better assess the potential cost of replacing the trim and repairing the damage, the trim on two first floor windows was replaced. The wood was replaced with a composite material. During installation, water damage and rot were discovered behind the trim, necessitating additional repairs to the sheathing and vapor barrier. Warren Construction Group, LLC (Warren Construction), replaced the window trim and developed a specification for repairing the other windows. At this time staff is recommending this repair work be done this year, and be done through a bond ordinance. Copies of a memo from Manager Eldridge, a cost estimate draft ordinance, and photos are included in your packet.

Suggested motion:

Motion to adopt “An Ordinance Authorizing the Removal and Replacement of Exterior Trim Elements of the Brunswick Town Hall, with Total Project Costs Not to Exceed \$200,000 (plus any other costs authorized hereunder), and Further Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$200,000 (plus cost of issuance), plus any Additional Appropriation Authorized Hereunder.”

68. This item is for the Council to consider setting a public hearing for June 20, 2016, on amendments to the “First Amendment for the Brunswick Landing II Omnibus Municipal Development and Tax Increment Financing District.” There is an extensive packet of information on this item. The packet pages are numbered. The relevant documents and corresponding page numbers can be found in the memo that starts on the first page of the TIF packet. Copies of information for items 68, 69 and 70 are combined in your packet.

Suggested motion:

Motion to set a public hearing for June 20, 2016, on amendments to the “First Amendment for the Brunswick Landing II Omnibus Municipal Development and Tax Increment Financing District.”

69. This item is for the Council to consider setting a public hearing for June 20, 2016, on amendments to the “First Amendment for the Brunswick Executive Airport II Omnibus Municipal Development and Tax Increment Financing District.” There is an extensive packet of information on this item. The packet pages are numbered. The relevant documents and corresponding page numbers can be found in the memo that starts on the first page of the TIF packet. Copies of information for items 68, 69 and 70 are combined in your packet.

Suggested motion:

Motion to set a public hearing for June 20, 2016, on amendments to the “First Amendment for the Brunswick Executive Airport II Omnibus Municipal Development and Tax Increment Financing District,”

70. This item is for the Council to hear information regarding changes to the MRRA Credit Enhancement Agreement (CEA). There will be no action this evening, but it will come back at the June 20th meeting for adoption. There is an extensive packet of information on this item. The packet pages are numbered. The relevant documents and corresponding page numbers can be found in the memo that starts on the first page of the TIF packet. Copies of information for items 68, 69 and 70 are combined in your packet.

Suggested motion:

There is no motion required for this item at this meeting.

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

Suggested Motion:

Nominations will be made, with no seconds required, and the Council will then vote on the nominations.

Suggested Motion:

Motion to adjourn the meeting.

CONSENT AGENDA - A BACK UP MATERIALS

Draft
BRUNSWICK TOWN COUNCIL
Minutes – Special Meeting
Budget Hearing
May 12, 2016
7:00 P.M.
Council Chambers
Town Hall
85 Union Street

Councilors Present: W. David Watson, Suzan Wilson, John M. Perreault, Daniel E. Harris, Jane F. Millett, Sarah E. Brayman, Kathy Wilson and Alison Harris

Councilors Absent: Stephen S. Walker

Town Staff Present: John S. Eldridge, III, Town Manager; Fran Smith, Town Clerk; Derek Scrapchansky, Assistant Town Manager; Julia Henze, Finance Director; Tom Farrell, Parks and Recreation Director; Ken Brilliant, Fire Chief; John Foster, Public Works Director; Richard Rizzo, Police Chief; Paul Perzanoski, Superintendent of Schools; Pender Makin, Assistant Superintendent of Schools; James Oikle, School Department Business Manager; Terry Goan, Police Officer; and TV video crew

Chair Brayman called the meeting to order, asked for roll call, and acknowledged that the meeting was properly noticed.

Chair Brayman led the Pledge of Allegiance.

Adjustments to the Agenda None

PUBLIC HEARINGS

52. The Town Council will hear public comments regarding the proposed 2016-2017 Municipal Budget, which includes the school budget portion of the overall municipal budget, and Capital Improvement Plan 2017-2021, and will take any appropriate action. (Manager)

Chair Brayman opened the public hearing.

Manager Eldridge and Paul Perzanoski made a presentation on the proposed budget.

The following people spoke on this item:

- **Richard Fisco**, 2 Lincoln Street
- **Liz Doucett**, Director of the Curtis Memorial Library
- **Jean Powers**, 40 Redwood Lane

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May 12, 2016

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Chair Brayman closed the public hearing.

Councilor Millett, Councilor K. Wilson, Chair Brayman, and Councilor S. Wilson spoke regarding this item.

Councilor Perreault and Councilor Millett asked questions, to which Manager Eldridge responded.

Councilor Watson moved, Councilor A. Harris seconded, to adjourn the meeting. The motion carried with eight (8) yeas.

The meeting adjourned at 7:35 p.m.

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

*Frances M. Smith
Town Clerk
May 15, 2016*

June 6, 2016
Date of Approval

Council Chair

CONSENT AGENDA - B BACK UP MATERIALS

Draft
BRUNSWICK TOWN COUNCIL
Minutes
May 16, 2016
7:00 P.M.
Council Chambers
Town Hall
85 Union Street

Councilors Present: W. David Watson, Stephen S. Walker, Suzan Wilson, John M. Perreault, Jane F. Millett, Sarah E. Brayman, Kathy Wilson, and Alison Harris

Councilors Absent: Councilor Daniel E. Harris

Town Staff Present: John S. Eldridge, III, Town Manager; Fran Smith, Town Clerk; Derek Scrapchansky, Assistant Town Manager; Linda Smith, Business Development Manager; John Foster, Public Works Director; Tom Farrell, Parks and Recreation Director; Jeff Hutchinson, Codes Enforcement Officer; Jared Woolston, Town Planner; Marc Hagan, Police Commander; Aaron Bailey, Police Officer; and TV video crew

Chair Brayman called the meeting to order, asked for roll call, and acknowledged that the meeting was properly noticed.

Chair Brayman led the Pledge of Allegiance.

Adjustments to Agenda: None

CONSENT AGENDA *(This item was discussed at 7:02 p.m.)*

- a) **Approval of the minutes of May 2, 2016**
- b) **Approval of a tax abatement relative to a property identified as Map 4 Lot 37**
- c) **Approval of a tax abatement relative to personal property for Belle Fete LLC**
- d) **Approval of a request from the Brunswick Downtown Association to hold their annual Outdoor Arts Festival on August 20, 2016, and to waive the \$500 fee**
- e) **Approval of a request from Brunswick Downtown Association to hold a Community Barbecue on the Town Mall on June 25, 2016, and to waive the \$500 fee**

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

(A copy of materials for CA-b, CA-c, CA-d, and CA-e will be attached the official minutes.)

Public Comments *(This item was discussed at 7:04 p.m.)*

Stephen Loebs, 25 Monument Lane, spoke regarding his positive experience with the Planning Department when building his new home.

(A copy of Mr. Loeb's statement will be attached the official minutes.)

Tasha Connors, Memorial Day Parade Committee Chair, spoke regarding the upcoming Memorial Day Parade.

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May 16, 2016

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Correspondence: *(This item was discussed at 7:11 p.m.)*

Councilor Perreault spoke regarding his conversation with a resident about how tree cutting contracts for Town trees are awarded. Tom Farrell, Parks and Recreation Director, responded. Councilor Perreault also said he received complaints about traffic signals on Pleasant Street being on red even when there is no traffic coming from the other direction. He also apologized to Jean Powers for forgetting to bring her email that he told her he would read at this meeting.

Chair Brayman read an email from a resident who would like to see vehicle registration reminders once again be mailed out.

COMMITTEE REPORTS *(This item was discussed at 7:20 p.m.)*

- **Cable TV Committee**
- **MPIC**
- **Teen Center Advisory Committee**

Reports were given on the above committees.

MANAGER'S REPORT

a) Financial update *(This item was discussed at 7:25 p.m.)*

Manager Eldridge provided this update.

b) Revaluation update *(This item was discussed at 7:26 p.m.)*

Manager Eldridge provided this update.

c) Update on the Maine Natural Gas rate case *(This item was discussed at 7:28 p.m.)*

Manager Eldridge provided this update.

d) Special Permit for Wildflours Gluten-Free Bakery *(This item was discussed at 7:31 p.m.)*

Manager Eldridge provided this update.

Councilor K. Wilson spoke regarding this item.

(A copy of a memo and the Special Permit will be attached to the official minutes.)

e) (ADDED) Internet sales exchange area available at the Police Station *(This item was discussed at 7:32 p.m.)*

Marc Hagan, Police Commander, spoke regarding this item.

PUBLIC HEARING

53. **The Town Council will hear public comments on a special amusement license application, and will take any appropriate action. (Manager)** *(This item was discussed at 7:34 p.m.)*

Special Amusement

BATS LLC

Timothy Troy Kavanaugh

D/B/A: McAvoy's On The Green

165 River Road

Chair Brayman opened the public hearing.

Fran Smith, Town Clerk, spoke on this item, and responded to a question from Councilor Perreault.

Chair Brayman closed the public hearing.

Councilor Perreault moved, Councilor Millett seconded, to approve a special amusement license application for McAvoy's On The Green, located at 165 River Road. The motion carried with eight (8) yeas.

54. **The Town Council will hear public comments for "An Ordinance Authorizing the Removal and Replacement of Exterior Trim Elements of the Brunswick Town Hall, with Total Project Costs Not to Exceed \$200,000 (plus any other costs authorized hereunder), and Further Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$200,000 (plus cost of issuance), plus any Additional Appropriation Authorized Hereunder," and will take any appropriate action. (Manager)** *(This item was discussed at 7:40 p.m.)*

Chair Brayman opened the public hearing.

Manager Eldridge introduced this item and responded to questions from Councilor Millett.

Councilor Perreault disclosed that he might be bidding on this project.

Chair Brayman closed the public hearing.

Councilor S. Wilson moved, Councilor Millett seconded, to suspend the Council Rules to allow the Council to vote on this item at this meeting. The motion received five (5) yeas. Councilor Walker, Councilor Perreault, and Chair Brayman were opposed. Since the yeas were not 2/3 of the Council, the motion failed.

NEW BUSINESS

55. **The Town Council will consider recommendations from the Nathaniel Davis Fund Committee, and will take any appropriate action. (Manager)** *(This item was discussed at 7:45 p.m.)*

Town Council Minutes

May 16, 2016

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John Donovan, Chair of the Davis Fund Committee, made this presentation, and responded to questions from Councilor Perreault.

Councilor Millett spoke regarding this item.

Councilor Perreault moved, Councilor Millett seconded, to accept the recommendations for the Davis Fund's 2015-2016 allocations as recommended by the Committee. The motion carried with eight (8) yeas.

(A copy of the committee minutes with recommendations will be attached to the official minutes.)

- 56. The Town Council will consider setting a public hearing for June 6, 2016, on amendments to the Zoning Ordinance relative to Chapter Four (Development Review), Sections 401 (Applicability) and 402 (Development Review Classifications and Thresholds to Require Review of Filling and Earthmoving Activities within the NRPZ) on an emergency and regular basis, in addition to repealing the Moratorium on New Development in the Natural Resource Protection Zone as part of this public hearing, and will take any appropriate action. (Planning Board) (This item was discussed at 7:55 p.m.)**

Manager Eldridge introduced this item.

Jared Woolston, Town Planner, made a presentation regarding this item. He responded to questions from Councilor Walker, Councilor Millett, Councilor Perreault, Councilor S. Wilson, and Chair Brayman.

Manager Eldridge spoke regarding this item.

Councilor Perreault, Councilor Walker, and Councilor S. Wilson spoke regarding this item.

Jeff Hutchinson, Codes Officer, responded to questions from Councilor Millett and Councilor Walker.

Bruce Myer, 521 Gurnet Road, spoke regarding this item.

MOTION:

Councilor Perreault moved, Councilor Watson seconded, to set a public hearing for June 6, 2016, on amendments to the Zoning Ordinance relative to Chapter Four (Development Review), Sections 401 (Applicability) and 402 (Development Review Classifications and Thresholds to Require Review of Filling and Earthmoving Activities within the NRPZ), on an emergency and regular basis, and to repeal the Moratorium on New Development in the Natural Resource Protection Zone as part of this public hearing.

Councilor Perreault and Councilor Millett spoke regarding the motion.

VOTE ON MOTION:

Councilor Perreault moved, Councilor Watson seconded, to set a public hearing for June 6, 2016, on amendments to the Zoning Ordinance relative to Chapter Four (Development Review), Sections 401 (Applicability) and 402 (Development Review Classifications and Thresholds to Require Review of Filling and Earthmoving Activities within the NRPZ), on an emergency and regular basis, and to repeal the Moratorium on New Development in the Natural Resource Protection Zone as part of this public hearing. The motion carried with eight (8) yeas.

57. The Town Council will consider “A Resolution Expressing the Town Council’s Support for the Maine Department of Transportation’s Proposal to Replace the Frank J. Wood Bridge,” and will take any appropriate action. (Manager) *(This item was discussed at 9:06 p.m.)*

Manager Eldridge introduced this item and responded to questions from Councilor Walker and Councilor Watson.

Councilor A. Harris, Councilor S. Wilson, and Councilor Perreault spoke regarding this item.

Councilor Millett moved, Councilor A. Harris seconded, to adopt “A Resolution Expressing the Town Council’s Support for the Maine Department of Transportation’s Proposal to Replace the Frank J. Wood Bridge.” (No vote taken as tabling motion put forth.)

Councilor A. Harris, Councilor S. Wilson, and Councilor Perreault spoke regarding this item.

Public comments:

James Phinney Baxter White, Bridge Street, Topsham

Bruce Myer, 521 Gurnet Road *(A copy of his statement will be attached to the official minutes.)*

George Gilmore, Middle Bay Road

Richard Fisco, 2 Lincoln Street

Cathy Lamb, 331 Bunganuc Road

Steve Stern, 295 Bunganuc Road

Chair Brayman moved, Councilor Watson seconded, to table this item until the next meeting on June 6th.

Chair Brayman, Councilor Walker, Councilor Millett, Councilor S. Wilson, and Councilor Perreault spoke to the tabling motion.

VOTE ON TABLING MOTION:

Chair Brayman moved, Councilor Watson seconded, to table this item until the next meeting on June 6th. The motion carried with seven (7) yeas. Councilor K. Wilson was opposed.

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May 16, 2016

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- 58. The Town Council will discuss the Municipal Budget and provide direction as to the final budget goal, and no action will be required. (Manager) (This item was discussed at 9:56 p.m.)**

Manager Eldridge made a presentation on where the budget is and responded to a question from Councilor Perreault.

Councilor S. Wilson asked questions, to which Julie Henze responded.

Councilor Millett, Councilor K. Wilson, Councilor Perreault, Councilor Walker, Councilor S. Wilson, Chair Brayman, and Councilor A. Harris spoke regarding this item.

Manager Eldridge spoke and responded to questions from Councilor Watson.

Public comments:

Richard Fisco, 2 Lincoln Street

Councilor Millett moved, Councilor K. Wilson seconded, to reduce the School Department's budget an additional \$85,000, to be used to reduce the tax rate.

Councilor Watson, Councilor Millett, Councilor K. Wilson, and Councilor Perreault spoke on the motion.

VOTE:

Councilor Millett moved, Councilor K. Wilson seconded, to reduce the School Department's budget an additional \$85,000, to be used to reduce the tax rate. The motion carried with six (6) yeas. Councilor Watson and Councilor Perreault were opposed.

Councilor Watson moved, Councilor Walker seconded, to adjourn the meeting. The motion carried with eight (8) yeas.

The meeting adjourned at 10:36 p.m.

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

*Frances M. Smith
Town Clerk
May 18, 2016*

June 6, 2016
Date of Approval

Council Chair

CONSENT AGENDA - C BACK UP MATERIALS

Draft
BRUNSWICK TOWN COUNCIL
Special Meeting Agenda
May 26, 2016
7:00 P.M.
Council Chambers
Town Hall
85 Union Street

Councilors Present: W. David Watson, Stephen S. Walker, Suzan Wilson, John M. Perreault, Daniel E. Harris, Jane F. Millett, Sarah E. Brayman, Kathy Wilson and Alison Harris

Councilors Absent: None

School Board Members Present: Richard P. Ellis, Brenda D. Clough, Teresa V. Gillis, Janet C. Connors, Joy Y. Prescott, and William H. Thompson

Town Staff Present: John S. Eldridge, III, Town Manager; Fran Smith, Town Clerk; Derek Scrapchansky, Assistant Town Manager; Julie Henze, Finance Director; James Oikle, Business Manager of School Department; Richard Rizzo, Police Chief; Paul Perzanoski, Superintendent of Schools; Tom Farrell, Parks and Recreation Director; Terry Goan, Police Officer; and TV video crew.

Chair Brayman called the meeting to order, asked the Town Clerk for roll call, and acknowledged that the meeting was properly noticed.

Chair Brayman led the Pledge of Allegiance.

Adjustments

Chair Brayman wished to have the Council discuss the school budget prior to voting on the articles under item 59.

Councilor Perreault moved, Councilor Watson seconded, to return the \$85,000.00 that the Council had removed from the school budget.

Councilor Millett spoke regarding this motion and her motion at the last meeting.

All Councilors spoke regarding the motion.

Public Comments:

Richard Fisco, 2 Lincoln Street

Jean Powers, 3 Redwood Lane

Alan Yuodsnukis, 21 Peary Drive

Brenda Clough, School Board member

Vote on motion:

Councilor Perreault moved, Councilor Watson seconded, to return the \$85,000.00 that the Council had removed from the school budget. The motion carried with five (5) yeas. Councilor Walker, Councilor S. Wilson, Councilor K. Wilson and Councilor A. Harris were opposed.

NEW BUSINESS ITEMS:

59. The Town Council will consider adopting the 2016-2017 School Budget Articles, and will take any appropriate action. (Manager)

Manager Eldridge introduced this item and read each article prior to a vote.

REGION TEN TECHNICAL HIGH SCHOOL AND MERRYMEETING ADULT EDUCATION BUDGET ARTICLES

ARTICLE 1. Region Ten Technical High School Budget.

Chair Brayman moved, Councilor Walker seconded, to approve the Region Ten Technical High School budget as proposed by the Cooperative Board of Region Ten in an amount not to exceed \$2,232,068 with Brunswick's assessment as part of the total appropriation to the Brunswick School Department being an amount not to exceed \$832,627 for operating expenditures and \$0 for debt service expenditures. The motion carried with nine (9) yeas.

ARTICLE 2. Merrymeeting Adult Education Budget.

Councilor Walker moved, Councilor A. Harris seconded, to approve the Merrymeeting Adult Education budget in an amount not to exceed \$723,708 with Brunswick's assessment as part of the total appropriation to the Brunswick School Department not to exceed \$111,555. The motion carried with nine (9) yeas.

K-12 ARTICLES

ARTICLE 3. Local Contribution Required under EPS to Receive Full State Dollars; and State Subsidy.

Councilor Walker moved, Councilor Perreault seconded, as part of the total appropriation to the Brunswick School Department: To appropriate the sum of \$27,604,006 toward the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act; and as part of the \$27,604,006 to raise the sum of \$16,627,943 as the Town's contribution toward the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688; and as part of the \$27,604,006 to accept state subsidy anticipated in the amount of \$10,976,063. The motion carried with nine (9) yeas.

ARTICLE 4. Non-State-Funded Debt Service.

Councilor Walker moved, Chair Brayman seconded, as part of the total appropriation to the Brunswick School Department: To appropriate the sum of \$198,250 and to raise the sum of \$198,250 for the annual payments on debt service previously approved by the

legislative body for non-state-funded school construction projects, non-state-funded portions of school construction projects in addition to the funds appropriated as the local share of the school administrative unit's contribution to the total cost of funding public education from kindergarten to grade 12. The motion carried with nine (9) yeas.

ARTICLE 5. Additional Local Funds.

Councilor Walker moved, Councilor Perreault seconded, as part of the total appropriation to the Brunswick School Department: To raise and appropriate the sum of \$6,946,023 in additional local funds, which exceeds the State's Essential Programs and Services allocation model by \$6,357,577. The School Board recommends \$6,946,023 in additional local funds which amount exceeds the State's Essential Programs and Services allocation model by \$6,357,577 for the following reasons: The State's EPS allocation in Transportation, Facilities Maintenance, Special Education, Extra-Curricular and Co-Curricular programs and instructional staffing are inadequate to fully fund the 2016-17 program approved by the school board in the proposed budget. The motion carried with eight (8) yeas. Councilor Watson was opposed.

ARTICLE 6. Other Funds.

Councilor Walker moved, Councilor Perreault seconded, as part of the total appropriation to the Brunswick School Department: To accept funds from other sources as estimated below and to appropriate the amount of \$146,339.

Tuition and other charges	83,339
Miscellaneous	<u>63,000</u>
	\$ 146,339

The motion carried with nine (9) yeas.

ARTICLE 7. Unexpended Balances.

Councilor Millett moved, Councilor Perreault seconded, as part of the total appropriation to the Brunswick School Department: To appropriate \$2,599,363 from the existing, or estimated, unexpended balances of the Brunswick School Department. Total to appropriate \$2,599,363. The motion carried with nine (9) yeas.

Paul Perzanoski, Superintendent of Schools, responded to questions from Councilor Watson.

ARTICLE 8. Kindergarten to Grade 12 total Budget.

Chair Brayman moved, Councilor Walker seconded, to authorize the Brunswick School Department to expend \$37,493,981 for the fiscal year beginning July 1, 2016 and ending June 30, 2017 from the school administrative unit's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes title 20-A section 15690, unexpended balances, tuition receipts, state subsidy, and other receipts for the support of schools. The motion carried with nine (9) yeas.

ADULT EDUCATION AND FOOD SERVICE

ARTICLE 9. Adult Education.

Councilor Walker moved, Councilor Perreault seconded, as part of the total appropriation to the Brunswick School Department: To raise and appropriate \$111,555 for adult education; with authorization to expend the herein appropriated \$111,555 and any additional, incidental, or miscellaneous receipts in the interest and for the well-being of the adult education program. The motion carried with nine (9) yeas.

ARTICLE 10. Food Service.

Chair Brayman moved, Councilor K. Wilson seconded, as part of the total appropriation to the Brunswick School Department: To raise and appropriate the sum of \$90,000 in additional local dollars in support of the Brunswick School Nutrition Program, and to authorize expenditure of the herein appropriated \$90,000 for the stated purpose. The motion carried with nine (9) yeas.

ARTICLE 11. Cost Center Allocation.

Councilor Perreault moved, Councilor Walker seconded, pursuant to 20-A M.R.S.A., to authorize allocation of the school budget, \$37,695,536 to the various cost centers as recommended by the Brunswick School Board May 25, 2016 as follows:

Cost Center Summary	Amount Recommended by	Approved by
Council		
<u>Budget Category</u>	<u>School Board</u>	<u>May 26, 2016</u>
Regular Instruction	\$ 16,235,966	\$ 16,235,966
Special Education	\$ 5,079,301	\$ 5,079,301
Career and Technical Education	\$ 832,627	\$ 832,627
Other Instruction	\$ 777,449	\$ 777,449
Student and staff support	\$ 3,546,705	\$ 3,546,705
System Administration	\$ 945,297	\$ 945,297
School Administration	\$ 1,564,840	\$ 1,564,840
Transportation and Buses	\$ 1,898,703	\$ 1,898,703
Facilities Maintenance	\$ 4,925,581	\$ 4,925,581
Debt Service and Other Commitments	\$ 1,687,512	\$ 1,687,512
Other	\$ 0	\$ 0
Total to June 14 Public Referendum	\$ 37,493,981	\$ 37,493,981
Food Service	\$ 90,000	\$ 90,000
Adult Education	\$ 111,555	\$ 111,555
Summary of Total Expenditures voted		
By School Board May 25, 2016	\$ 37,695,536	\$ 37,695,536

The motion carried with eight (8) yeas. Councilor Watson was opposed.

Manager Eldridge responded to questions from Councilor Perreault and Councilor Watson.

GRANTS, DONATIONS, AND OTHER REVENUES ARTICLE

ARTICLE 12. Grants, Donations, and other revenues.

Councilor Walker moved, Chair Brayman seconded, to authorize the Brunswick School Department to make application for grants and other revenues as opportunities may become available, to appropriate such revenues to the purpose for which received, and to authorize the Brunswick School Department to accept and expend any grant awards, donations, or other revenues that may be received. The motion carried with nine (9) yeas.

(A copy of the Articles, along with a signed Cost Center summary, will be attached to the official minutes.)

- 60. The Town Council will consider a warrant for the School Budget Validation Referendum to be held on June 14, 2016, and will take any appropriate action. (Manager)**

Manager Eldridge introduced this item.

Chair Brayman moved, Councilor Perreault seconded, to approve the Election Warrant for the School Budget Validation Referendum to be held on June 14, 2016. The motion carried with nine (9) yeas.

(A copy of the Warrant for the election will be attached to the official minutes.)

- 61. The Town Council will consider adopting the “Budget Resolution for the July 1, 2016 – June 30, 2017 Fiscal Year,” and will take any appropriate action. (Manager)**

Manager Eldridge introduced this item.

Julie Henze, Finance Director, answered a question from Councilor Watson.

Chair Brayman moved, Councilor Perreault seconded, to adopt the “Budget Resolution for the July 1, 2016 – June 30, 2017 Fiscal Year.” The motion carried with eight (8) yeas. Councilor Watson was opposed.

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

- 62. The Town Council will consider adopting the “Resolution for the Capital Improvements Program For the Fiscal Years Ending June 30, 2017 - 2021,” and will take any appropriate action. (Manager)**

Manager Eldridge introduced this item.

Councilor Millett moved, Councilor Walker seconded, to adopt the “Resolution for the Capital Improvements Program For the Fiscal Years Ending June 30, 2017 – 2021.” The motion carried with nine (9) yeas.

(A copy of the adopted resolution and CIP plan will be attached to the official minutes.)

63. **The Town Council will consider adopting the “Supplemental Budget Resolution Appropriating \$40,000 from the Unassigned Balance of the General Fund to Fund Capital Projects,” and will take any appropriate action. (Manager)**

Manager Eldridge introduced this item.

Ms. Henze responded to questions from Councilor Perreault.

Councilor Perreault, Councilor S. Wilson, and Councilor Watson spoke regarding this item.

Councilor Walker moved, Councilor Watson seconded, to adopt the “Supplemental Budget Resolution Appropriating \$40,000 from the Unassigned Balance of the General Fund to Fund Capital Projects.” The motion carried with seven (7) yeas. Councilor Perreault and Councilor D. Harris were opposed.

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

64. **The Town Council will consider any other matters related to the adoption of the 2016-2017 Budget and will take any appropriate action. (Manager)**

There were none.

Councilor Watson moved, Councilor K. Wilson seconded, to adjourn the meeting. The motion carried with nine (9) yeas.

The meeting adjourned at 8:25 p.m.

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

*Frances M. Smith
Town Clerk
May 28, 2016*

June 6, 2016
Date of Approval

Council Chair

CONSENT AGENDA - D BACK UP MATERIALS

85 Union Street
Brunswick, Maine 04011



Telephone 207 725-6650
FAX 207 725-6663

Town of Brunswick, Maine

Incorporated 1739

Assessing Department

www.brunswickme.org

MEMO

TO: John Eldridge, Town Manager
Town Council Members

FROM: Cathleen M. Jamison, Assessor

DATE: May 13, 2016

SUBJECT: Abatement

It has come to my attention that B & L Hardware Floors was assessed for personal property for the 2014 tax year in error. The business closed in February 2014 and should not have been assessed for the April 1, 2014 assessment date. Therefore, I am requesting the Town Council grant an abatement under Title 36 M.R.S.A § 841(1) for the 2014 tax year as follows:

<u>Year</u>	<u>Assessment</u>	<u>Tax</u>
2014	6,500	\$178.10

If approved, please complete and forward to the Tax Collector to process the abatement:

Presented to Town Council (date): _____

Approved by Town Council (date): _____

Town Clerk attestation: _____

MANAGER'S REPORT MEMO

Town of Brunswick, Maine

OFFICE OF THE TOWN MANAGER

MEMORANDUM

TO: Town Council

FROM: John Eldridge
Town Manager

DATE: June 1, 2016

SUBJECT: Town Manager's Report (a) – (d)

Below is a brief summary of items included in the June 6, 2016 Manager's Report.

Clayton Rose, President of Bowdoin College (a)

Bowdoin College President Clayton Rose will address the Council. He is expected to speak for 15-20 minutes. President Rose is nearing completion of his first year as president of the College.

Project Tracking Report (b)

The report, tracking the projects deemed of interest to the Town Council, is included in the packet. The "current update" field identifies the last activity on the project. The Council has discussed the desire to have a workshop to review and prioritize these projects. June 23rd has been suggested as a date for this workshop. Staff would also like the Council to consider a workshop to discuss coordination of various projects among Town committees.

Election Reminder – June 14th (c)

This is to remind the public and the Town Council that the school budget validation referendum will be held on Tuesday, June 14th in conjunction with the primary election. There is one polling place for all districts – the Brunswick Junior High School. Polls are open on Tuesday, June 14th from 7:00 AM to 8:00 PM.

In addition to the school budget validation referendum, voters will be asked a second school related question - whether voters wish to continue the school budget validation referendum process for an additional three years.

School Project Update (d)

On May 24th, the School Department directed Portland Design Team (PDT) to respond to several requests. PDT indicated that it would need 5-6 weeks to respond, meaning that responses are not expected until late June or early July. Given the nature of the questions and requests, there will not be a bond referendum this November. We expect the School Department will update its anticipated schedule sometime this summer.

MANAGER'S REPORT - A NO BACK UP MATERIALS

MANAGER'S REPORT - B BACK UP MATERIALS



Town of Brunswick - Open Projects (Council)

Task Title	Class	Priority	Status	Description
91 Capital Improvement Plan 2016-2017	1 - Major	0 - Required	In Progress	Adopt 2016-17 CIP
Comments: 3/21/16 CIP delivered to Town Council Municipal CIP projects have been reviewed by Finance Committee. 5/12/16 Public Hearing; 5/26/16 Adoption				
				Current Update: CIP delivered to Town Council. CIP presentation. Council adoption May 26, 2016 Final document being printed
				5/27/2016
92 Municipal Budget 2016-2017	1 - Major	0 - Required	In Progress	Adopt 2016-17 Municipal Budget
Comments: See attached budget schedule and documents.				
				Current Update: Council adoption May 26, 2016; School budget validation referendum June 14, 2016
				5/27/2016
7 Zoning Ordinance Re-write	1 - Major	2 - High	In Progress	Re-write of Zoning Ordinance
Comments: See project timeline.				
				Current Update: ZORC draft to Planning Board on June 14th. Expected review time 2 months.
				6/1/2016
2 MRRRA Tax Appeal	1 - Major	2 - High	In Progress	MRRRA Tax Appeal Case
Comments: Settlement Reached. Implement via new Development Programs Need to schedule PH on program amendments. Negotiate the credit enhancement agreement.				
				Current Update: TIF amendments sent to DECD for review. CEA in draft form; Item for 6/6/16 Council mtg, to be approved in conjunction with Development Program Amendments
				5/27/2016

Task Title	Class	Priority	Status	Description
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4 Graham Road Landfill 1 - Major 2 - High In Progress Solid Waste Committee Review of Landfill Options
Solid Waste Plan start date

Comments: 4/28/2016

Solid Waste Committee Plan to Remain Open or Close
Legislation passed extending reimbursement window

Current Update:
Completion of solid waste alternatives report from Woodard and Curran awaiting response from MDEP. Conversations on-going with MDEP.

117 State Revolving Loan Fund 1 - Major 2 - High In Progress Fund Improvements at Junior High and Coffin Schools

Comments: 5/27/2016

DOE has approved Brunswick for funding.
Brunswick has notified MMBB and needs to file an application
School Board approved projects and borrowing
Borrowing Ordinance Must Be Adopted by Town Council - schedule for 3/7/16.

Current Update:
Ordinance adopted 3/21/16.
MMBB application approved.
Loan closing scheduled for July, 2016

32 Solar Installation at Rec Center 1 - Major 2 - High On Hold Explore Solar Installation at Recreation Center

Comments: 4/28/2016

See attached memos and Gantt chart.

See attached project details.

Current Update:
New pricing received on 3/2. Evaluating.
Complications with roof mounting design have forced reevaluation. Scheduling will now be difficult for roofers.

Task Title	Class	Priority	Status	Description
18 Reevaluation	1 - Major	2 - High	In Progress	Current Update: 5/27/2016 Data Collector's working in the River Road area 5/27/2016 Notice of Reevaluation Poster should go up around the first week of June.
Comments: Field works begins with Map 1 (River Road) area 4/24/2016 Video shot field work released 4/28/2016 Reevaluation database created on 3/24/2016 Start Up Meeting Scheduled for 3/14/2016 Contract Signed (3/9/2016) Contract Awarded to KRT (3/1/2016) Responses to RFP being reviewed. RFP Issued Included in 2015-2016 CIP Prepare RFP Prepare Bond Ordinance				

111 Mare Brook Watershed Project	1 - Major	3 - Normal	In Progress	Investigate health of impaired stream Current Update: 5/28/2016 Consultant selected: FB Environmental w/ Stantec. Six month report to MPAP (Ruta Denis) 12/31/2015 (attached) Technical Advisory Committee meeting (1 of 3) 1/22/2016 Project webpage created: http://www.brunswickme.org/departments/planning-development/mbwsa/ Technical Advisory Committee meeting (2 of 3) 4/27/2016 DEP/FB Environmental/Town Planner conference call 5/13/2016
Comments: Stressor analysis/Gap analysis complete Sampling Inspection Plan (SIP) drafted. Stantec input required prior to finalizing SIP for TAC review. 6/1/2016 Public meeting to be scheduled after SIP finalized. DEP to perform field assessment in conjunction with FB/Stantec. DEP will construct bug enclosures and town staff may assist with Bowdoin fellow in constructing enclosures, and monitoring enclosures in-stream for 7-10 days.				

Task Title	Class	Priority	Status	Description
95 Central Fire Station	1 - Major	3 - Normal	Requested	Review Options for New Station
Comments: Need to find a location for new station. Parapet needs repair Floor needs repair (Lincoln Haney Report) Building envelope is leaking				
				Current Update: Need to review options to site new station per CIP
				5/9/2016
39 Master Plan Implementation Committee	1 - Major	3 - Normal	In Progress	Implement Downtown and Pleasant Street Master Plan
Comments: See Master Plan Timeline Review Funding Opportunities Phase as appropriate				
				Current Update: See MPIC meeting minutes for details.
				3/1/2016
3 Cook's Corner Road Improvements and TIF	1 - Major	5 - Defer	Deferred	Cook's Corner Road Improvements; connection of Gurnet Rd to Wal-Mart
Comments: Prepare engineering analysis and cost estimates Coordinate extinguishment of cross easements Develop TIF funding model Develop bond ordinance Deferred due to pending sale of DDR properties				
				Current Update: Planning to meet with key property owners. Property sold to Katz. Preliminary conversations about improvements at Cook's Corner.
				3/30/2016

Task Title	Class	Priority	Status	Description
108 Freeport Dispatch Contract	2 - Large	2 - High	In Progress	Negotiate an Extension to the Contract
Comments: The contract expires on June 30, 2016.				
				Current Update: Negotiating contract extension. Granted temporary exemption while in negotiations.
				6/1/2016
83 Emerson Station Repairs	2 - Large	2 - High	In Progress	Make Improvements to HVAC System
Comments: Ouellet Associates the original contractor reviewed and had Johnson and Jordan the HVAC contractor in to review also. Johnson and Jordan did make some repairs on their own. There was money approved based on the Wright-Pierce report. There was a delay in putting out the RFP until October of 2015. No RFP's were received. On the Town Managers request I then chose one contractor- Johnson and Jordan to come in and submit a proposal. J&J is currently in the process of putting together their proposal.				
				Current Update: Work started 5/23. Progressing nicely.
				6/1/2016
1 MRRRA TIF Requests (CEA)	2 - Large	2 - High	In Progress	Amend development programs, establish credit enhancement agreement with MRRRA
Comments: Amendment of development programs and credit enhancement agreement with MRRRA based on MOA signed 10/7/15. Town Council approval required. Development program amendment also requires DECD approval.				
				Current Update: Item on 6/6/16 Council agenda to set Public Hearing for 6/20/2016. Materials for packet extensive; in Commons drive under TIF / June 6, 2016 folder
				6/2/2016

Task Title	Class	Priority	Status	Description
26 Streetlight Policy and Reduction Plan Comments: Develop street light policy based on traffic and pedestrian safety. Preliminary to street light reduction plan. Summary of cost/benefits Policy on placement of streetlights Trial sections of town.	2 - Large	2 - High	Deferred	Develop Streetlight reduction plan Current Update: Draft of street lighting policy in development.
				6/1/2016
71 Mere Point Wastewater District Comments: Review annual operating costs; audit the billing units; identify capital replacement costs; identify solution for holding tank; and propose new rates. Evaluate existing fields and pumps. 2. Field Replacement 3. Fee Charge	2 - Large	2 - High	In Progress	Address Several Issues Relating to the MP Wastewater District Current Update: JAF and Lenny Blanchette, BSD met with Richard Burns & Stoddard Smith from SeaPoint Landing on May 10, 2016 and JAF presented them with a draft budget and proposed new fees for all 33 users. JAF followed up and provided what the existing and new rates would be for each member. Todd Smith agreed to send out the proposed new rates along with the back up information provided to all members for review and comment. Expect to contact Todd Smith in last half of June for an update and to possibly schedule a public meeting with all members invited to attend.
				5/31/2016
126 Shoreland Stabilization Comments: Develop Regulations for Shoreland Stabilization Project. Kathleen Layden Maine Coastal Program. Grant possibility.	2 - Large	2 - High	Requested	Develop Shoreland Stabilization Regulations Current Update:
				5/10/2016

Task Title	Class	Priority	Status	Description
60 Solarize Brunswick	2 - Large	2 - High	In Progress	Develop and implement Solarize Brunswick Program
<p>Comments: 6/2/2016</p> <p>Project exceeded target of Tier 5 200 kw discount; actual sign up to date = 450 kw. Program extended to end of May 2016. Recycling & Sustainability Committee Chair, Mike Wilson, representing Brunswick at Maine Association of Planners 5-20-2016 workshop. See attachment.</p> <p>Current Update: Staff working with R&S Committee on project close-out report to Town Council.</p>				
89 Revenues and Fees	2 - Large	2 - High	In Progress	Review of All Fees and Charges
<p>Comments: 5/27/2016</p> <p>Review and update all fees, fines and charges in Town Ordinance:</p> <ol style="list-style-type: none"> 1. Fire Dept - updated fees approved by Council 2/1/16 2. Ambulance fees - June 2016 3. Town Clerk - July 2016 4. Public Works - possible storm drain connection fee 5. Codes Enforcement - schedule review 6. Police Dept - schedule review <p>Current Update: Fee schedule format approved by Town Council Nov 2015 Ambulance and Clerks' fees currently under review</p>				
57 Ocean Access	2 - Large	3 - Normal	Requested	Explore Additional Opportunities for Ocean Access
<p>Comments: 1/20/2016</p> <p>Current Update:</p>				
58 Multi-unit apartment inspections	2 - Large	3 - Normal	Deferred	Explore fee based apartment inspections. Draft ordinance.
<p>Comments: 6/1/2016</p> <p>In the queue since 2011. Request by the Council to explore multi unit apartment building inspections. Contacted Biddeford Codes Department. They have a new position that is funded through the budget. Nothing new here in Town.</p> <p>Current Update:</p>				

Task Title	Class	Priority	Status	Description
123 PILOT	2 - Large	3 - Normal	Requested	Investigate PILOTs throughout Maine and other states Current Update: 5/7/2016
Comments: Review the use of PILOTs				
104 Recreation Center Improvements	2 - Large	3 - Normal	In Developm	Design Recreation Center Improvements Current Update: 6/1/2016 Capital budget includes funding for planning.
Comments: Requires architect to design code compliant corridors and other building uses.				
94 Website Upgrades	2 - Large	3 - Normal	Requested	Study and Make Recommended Improvements Current Update: 2/1/2016 Requested not yet authorized
Comments: Study Recommended Improvements. Social Media Texts				
99 New Meadows Restoration	2 - Large	3 - Normal	Requested	Remove the "dam" on Bath road. Remove the lake and restore. Current Update: 5/9/2016 Recent call from ACOE asking if Brunswick wished to stay on list for potential funding. Set up meeting with West Bath Administrator
Comments: ACOE has Brunswick on the list for potential funding.				

Task Title	Class	Priority	Status	Description
38 Riverwalk	2 - Large	5 - Defer	Deferred	Implementation of Riverwalk Plan.
<p>Comments:</p> <p>Implementation of Riverwalk Plan. Check with MDOT on Funding.</p> <p>Current Update: No recent activity. Attempting to coordinate with replacement/rehab of Frank Wood Bridge.</p>				
				1/20/2016
30 Meeting Minutes & Indexing	3 - Medium	2 - High	In Progress	Review and Recommend Minutes Indexing
<p>Comments:</p> <p>Fran Smith and Bryan Cobb to investigate different ways to improve the searchability of meetings and minutes; to make recommendation.</p> <p>Current Update: Have several proposals. Narrowed to 3 and will be setting up second discussion with vendor after election</p>				
				6/1/2016
29 Cable TV Franchise Negotiations	3 - Medium	2 - High	In Progress	Negotiate New Franchise Agreement
<p>Comments:</p> <p>12/21/2015 - Councilor Watson suggested that incoming Councilor Alison Harris would be a logic choice to replace outgoing Councilor Richardson on the negotiating team.</p> <p>7/27/2015 - John Eldridge negotiated an extension for three years to March 31, 2017 and notified Council in an email.</p> <p>The Cable Franchise Negotiation Subcommittee consists of Ben Duffy (Citizen Rep), David Watson (Town Council Rep 1), John Richardson (Town Council Rep 2), Bryan Cobb (IT/Cable Manager), John Eldridge (Town Manager), Derek Scrapchansky (Assistant Town Manager).</p> <p>Current Update: Model franchise agreement to replace Brunswick agreement. 6/1 Discussion with Jay Somers on dark fiber request.</p>				
				6/1/2016

Task Title	Class	Priority	Status	Description
15 Town Hall Trim Work	3 - Medium	2 - High	In Progress	Develop Specifications and Bid Project Bond Ordinance for Funding
<p>Comments:</p> <p>Developing specifications. Developing bond ordinance. Met with John Foster, TM, and rep for Warren Construction to discuss scope of work and suggestions for bid process. Estimate provided by Town Engineer for complete R&R of Trim. PowerPoint and bond ordinance developed for council approval. (5/5/16 packet)</p>				
				Current Update: Est. \$200K Presentation to Town Council 5/5/16; Public Hearing 5/16/16; Bond Ordinance approval vote 6/6/16
				6/1/2016
59 Pleasant and Mill St Property Acquisition	3 - Medium	2 - High	In Progress	Property Acquisition
<p>Comments:</p> <p>P&S reached with Cumberland Farms. VRAP application submitted. Declaration of Covenants being reviewed.</p>				
				Current Update: Finishing VRAP and environmental covenants. Expected to close by July 1st. Contacted by MDOT about possible intersection improvements.
				6/1/2016
31 Downeaster Idling	3 - Medium	2 - High	Deferred	Reduce Idle Time for Downeaster
<p>Comments:</p> <p>Meet with NNEPRA and Amtrak. Explore Options. Need to discuss cold weather options. Anti-idling bill in legislature. Meet with NNEPRA and Amtrak.</p>				
				Current Update: No recent activity. NNEPRA believes the layover facility will resolve this issue.
				1/20/2016

Task Title	Class	Priority	Status	Description
70 Riverside Cemetery	3 - Medium	2 - High	In Progress	Re-establish Riverside Cemetery Corporation
<p>Comments: 5/4/2016</p> <p>Review the legal options with Town Attorney. Time consuming and potentially expensive process.</p> <p>Working with Town Attorney on establishing successor to Riverside Association. Requested Town Attorney to determine how to legally transfer responsibility and ownership to another association/entity. Also requested to detail the process of transfer and the steps necessary for an organization to assume custody (to include assets) and commence operations.</p>				
96 Simpson's Point	3 - Medium	2 - High	On Hold	Open Access to Propeller Driven Boats
<p>Comments: 3/1/2016</p> <p>Request made to IFW</p> <p>Waiting on decision from IFW</p>				
97 Council Rules Committee	3 - Medium	2 - High	Requested	Rules Committee to Review and Update Council Rules
<p>Comments: 4/15/2016</p> <p>Draft a committee charge</p> <p>Charge written; committee appointed.</p> <p>Asst Town Manager met with Councilor Allison Harris on 14 Apr 2016. Agreed to begin reviewing rules to determine how to make the language more clear and understandable. The next step is to reduce redundancy from within the document.</p>				
63 BHS Track	3 - Medium	3 - Normal	In Progress	Assist in development of specifications for BHS track
<p>Comments: 6/1/2016</p> <p>Project is in the School Department's CIP</p> <p>Huntress Sports Landscape Architects and Planners has developed plans for the 400 meter track and field renovations at BHS. Project specifications were reviewed with School Department representatives and town representatives on 5/17/16.</p>				

Task Title	Class	Priority	Status	Description
37 Frank Wood Bridge Comments: Possible connection to Riverwalk and Maine Street projects.	3 - Medium	3 - Normal	In Progress	MDOT Project Replacement or Rehabilitation Current Update: 6/2/2016 MDOT presented recommendation in presentation to Brunswick Town Council on 4/19, to Stakeholders on 4/25 and to general public on 4/27. On Town Council agenda for 6/6/2016.
9 Extended RR Quiet Zones Comments: Consultants to make recommendations	3 - Medium	5 - Defer	Deferred	Study alternatives for Quite Zones Current Update: 1/20/2016 Project on hold pending new train schedules.
61 Bus Transportation Comments: Explore Metro expansion and funding.	3 - Medium	5 - Defer	Deferred	Review options for bus transportation to Portland Current Update: 4/28/2016 Considering TIGER grant for next year. Will require expenditure to prepare application and supporting materials.
21 Bike Path Extension Comments:	3 - Medium	5 - Defer	Deferred	Extension to Bath (planning funds) Check with Dan Stewart on funding. Prepare for TIGER grants in 2016. Current Update: 4/28/2016 Potential for grant funding to be explored.

Task Title	Class	Priority	Status	Description
12 TV3 Website, VOD, & Programming	4 - Small	3 - Normal	In Progress	TV3 Website Improvements
Comments: TV3 Website Improvements Improve reliability of streaming Streaming reliability and VOD improved				
				Current Update: Improvements made. Continue to evaluate.
				1/20/2016
64 Human Rights Task Force	4 - Small	3 - Normal	In Progress	Assign task force to look into issues of race and gender.
Comments: Task force established. Considering membership and strategy				
				Current Update: Task force continues to meet Meeting with churches scheduled for 6/3
				6/1/2016
65 Complete Streets Policy	4 - Small	3 - Normal	Requested	Develop Complete Streets Policy
Comments: Policy should be advisory for Town reconstruction projects.				
				Current Update: Reviewed draft BBPAC policy and met with Chair. Drafting a proposed policy.
				3/20/2016
112 Ambulance Fees Update	4 - Small	3 - Normal	Requested	Update the Ambulance Fees
Comments: Consider one free non-transport.				
				Current Update: Fire Department and Finance Department have reviewed fees and No-Transports. Expect recommendation by June.
				6/1/2016

Total 44

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

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

MANAGER'S REPORT - E BACK UP MATERIALS

Town of Brunswick, Maine

OFFICE OF THE TOWN MANAGER

MEMORANDUM

TO: Town Council

FROM: John Eldridge
Town Manager

DATE: June 1, 2016

SUBJECT: Pleasant Street Traffic Signals

Below is a summary of traffic signal coordination that was installed in December 2012 and has remained unchanged since fine-tuning and as documented on As-Built plans of December 11, 2013:

November 1st - May 31st

- 7:35am-8:30am Monday-Friday (75 second cycle for all Pleasant St. signals except Stanwood/Mill that runs 150 seconds)
- 2:35pm-5:15pm Monday-Friday (80 second cycle for all Pleasant St. signals except Stanwood/Mill that runs 160 seconds)
- 11:15am-2:00pm Saturday (80 second cycle for all Pleasant St. signals except Stanwood/Mill that runs 160 seconds)
- Free/on-demand operations using variable minimum and maximum green time settings all other times of the day during the weekday and Saturday and all 24 hours of Sunday.

June 1st - October 31st

- 7:35am-8:30am Monday-Friday (75 second cycle for all Pleasant St. signals except Stanwood/Mill that runs 150 seconds)
- 2:35pm-5:15pm Monday-Thursday (80 second cycle for all Pleasant St. signals except Stanwood/Mill that runs 160 seconds)
- 11:35am-1:15pm Friday (80 second cycle for all Pleasant St. signals except Stanwood/Mill that runs 160 seconds)
- 2:35pm-6:00pm Friday (80 second cycle for all Pleasant St. signals except Stanwood/Mill that runs 160 seconds)
- 11:15am-5:30pm Saturday (80 second cycle for all Pleasant St. signals except Stanwood/Mill that runs 160 seconds)
- 11:15am-1:30pm Sunday (75 second cycle for all Pleasant St. signals except Stanwood/Mill that runs 150 seconds)
- 1:30pm-3:00pm Sunday (80 second cycle for all Pleasant St. signals except Stanwood/Mill that runs 160 seconds)
- 3:00pm-5:00pm Sunday (75 second cycle for all Pleasant St. signals except Stanwood/Mill that runs 150 seconds)
- Free/on-demand operations using variable minimum and maximum green time settings all other times of the day during the weekday and weekends.

ITEM 65

BACK UP MATERIALS

lemongrass

TOWN OF BRUNSWICK

85 Union Street Brunswick, Maine 04011 TEL: (207) 725-6658 Fax: (207) 725-6663

APPLICATION FOR SPECIAL AMUSEMENT LICENSE

Please complete:

Type of Business: Sole Proprietor-Owner's Name: HUNG ALAN HOANG
 Partnership-Partner's Names: _____
 Corporation-Corporation Name: _____
Incorporation Date: _____ Incorporation State: _____

New License: Opening Date _____ Renewal License

Business Name: LEMONGRASS E-Mail: HOANG-ALAN@HOTMAIL
Business Address: 212E MAINE Business Phone Number: 725-9008
Name of Contact Person: ALAN HOANG Contact's Phone Number: 837-3250
Mailing Address for Correspondence: 58 MAIN ST. TOPSHAM, ME 04086

Signature of Owner, Officer, Partner or Agent: 
Date: 3/08/2016

Corporations Please Complete:

Address of Incorporation:			Phone #:
Name of Corp. Officer, Owner, or Partners:	Title	Address	% of Stock or ownership

Town Clerk Use Only

License Fee \$100.00 Paid Advertising Fee \$ 73.53 Paid

Required Approvals: 0 Finance Codes/Fire 0 Council PH Date: 6/6/16

Mailed or Issued Date: _____

Clerk Notes:

OVER

hemongrass

Describe in detail the kind and nature of entertainment:

BIRTHDAY PARTY AND SPECIAL OCCASION

Describe in detail the room or rooms to be used under this license:

THE GUESTS WILL BE IN DINING ROOM

During what hours will your live entertainment occur?

BLUE GRASS , SOFT ENTERTAINMENTS

Did the Town Council place any specific restrictions on your license over the past three years? If so, what was that restriction?

NO RESTRICTIONS

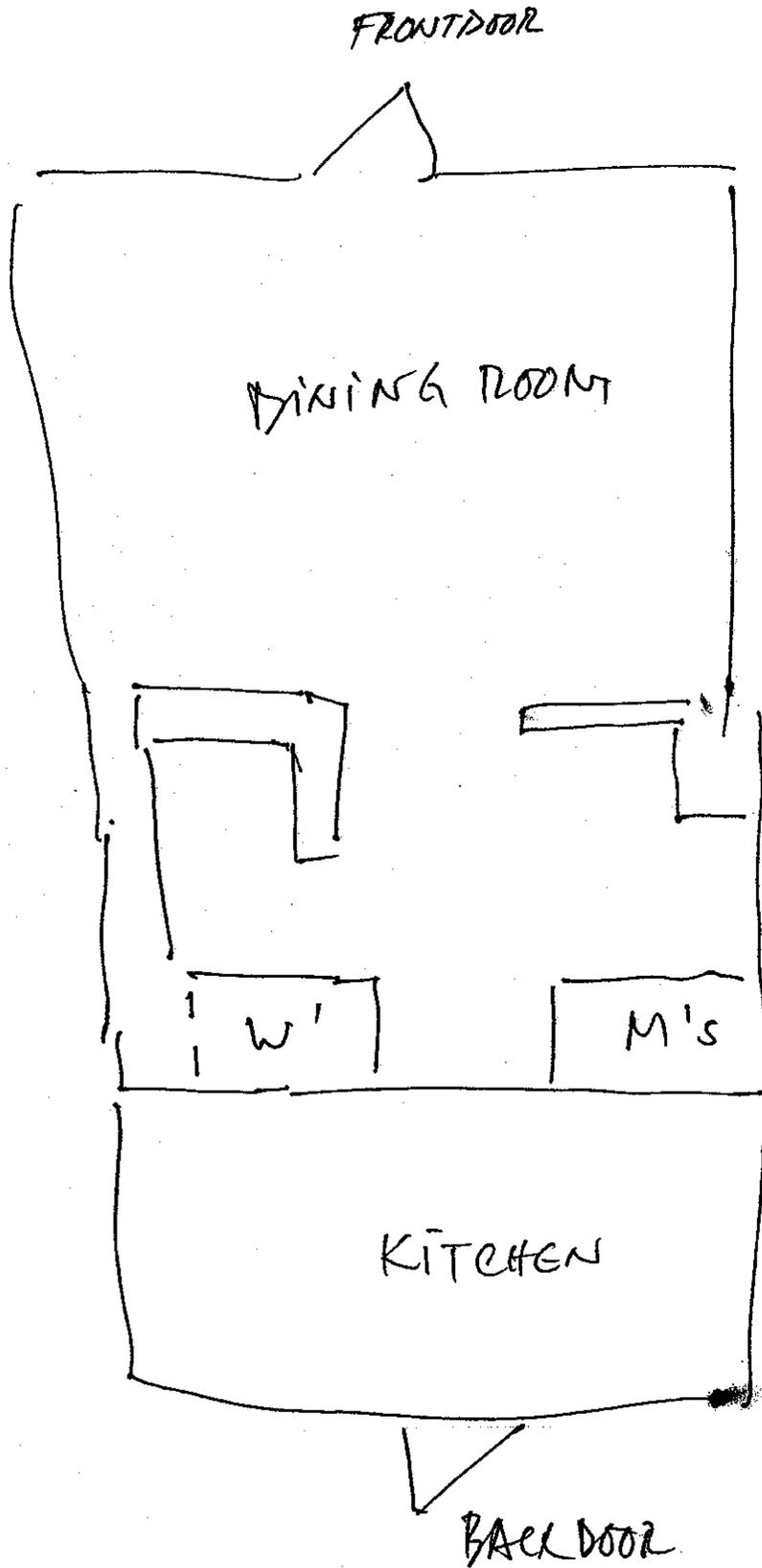
DIAGRAM

(ATTACH SEPARATE SHEET, IF NECESSARY)

See attached

PREMISE DIAGRAM 212 E MAINE ST BRUNSWICK ME

hemingway



Pancho Villa

TOWN OF BRUNSWICK

85 Union Street Brunswick, Maine 04011 TEL: (207) 725-6658 Fax: (207) 725-6663

APPLICATION FOR SPECIAL AMUSEMENT LICENSE

Please complete:

Type of Business: Sole Proprietor-Owner's Name: _____

Partnership-Partner's Names: _____

Corporation-Corporation Name: MCM Corp

Incorporation Date: 2/7/05 Incorporation State: ME

New License: Opening Date _____ Renewal License

Business Name: Pancho Villa E-Mail: panchos164@hotmail.com

Business Address: 164 Pleasant St Business Phone Number: 207 729 0029

Name of Contact Person: Fernando Saldana Contact's Phone Number: 207 729 0029

Mailing Address for Correspondence: 164 Pleasant St BRUNSWICK

Signature of Owner, Officer, Partner or Agent: 

Date: 5/9/16

Corporations Please Complete:

Address of Incorporation: 164 Pleasant St Brunswick Phone #: 207 729 0029

Name of Corp. Officer, Owner, or Partners: Title Address % of Stock or ownership

Fernando Saldana owner President 1100 4 Black cherry DR
BRUNSWICK ME 04011

Town Clerk Use Only

License Fee \$100.00 Paid Advertising Fee \$ 73.53 Paid

Required Approvals: Finance Codes/Fire Council PH Date: 6/6/16

Mailed or Issued Date: _____

Clerk Notes:

OVER

Describe in detail the kind and nature of entertainment:

DJ, Live music.

some of the
of the

Describe in detail the room or rooms to be used under this license:

dinning rooms

During what hours will your live entertainment occur?

9- to 1 am.

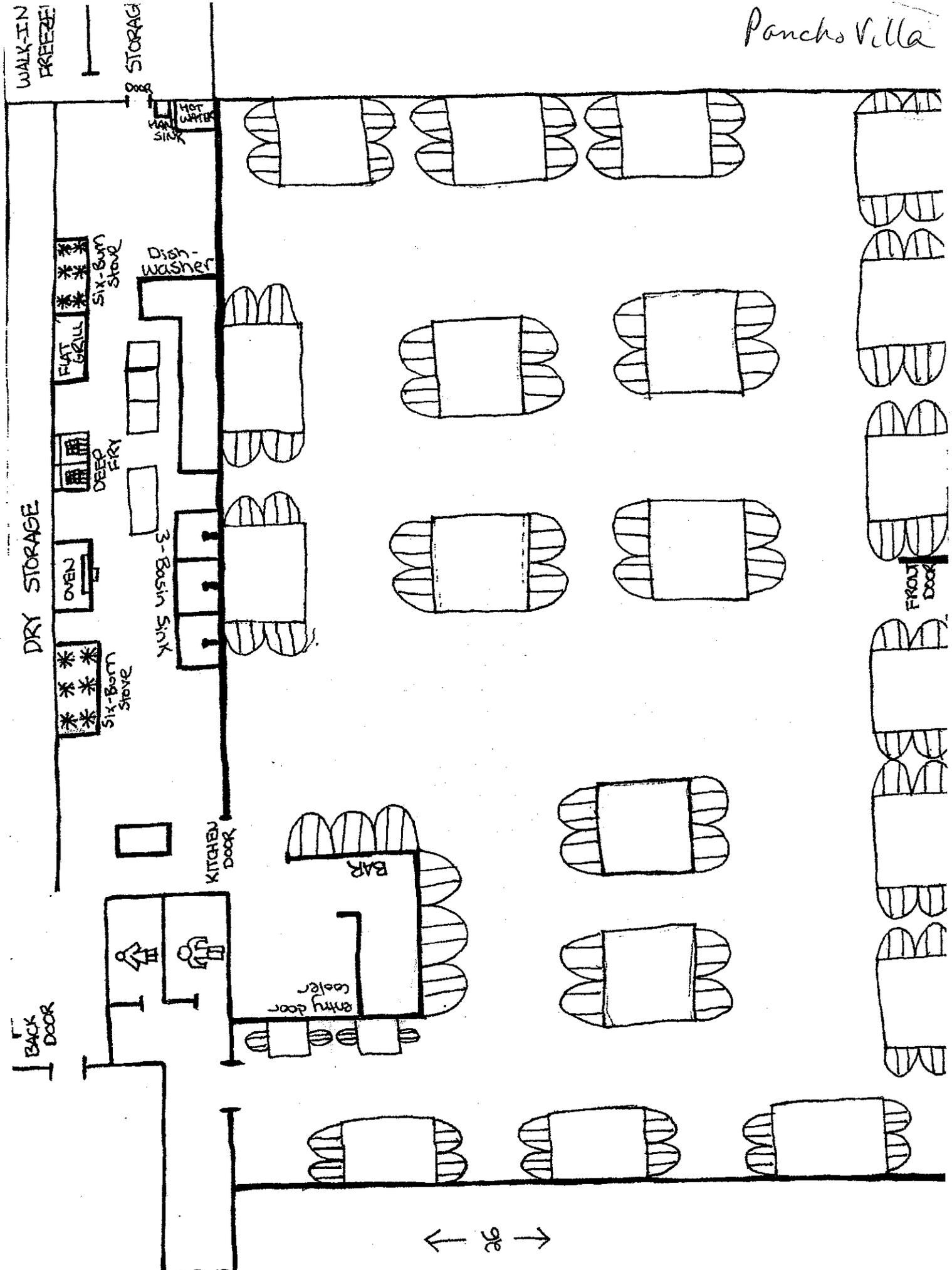
Did the Town Council place any specific restrictions on your license over the past three years? If so, what was that restriction?

DIAGRAM

(ATTACH SEPARATE SHEET, IF NECESSARY)

see attached

Pancho Villa



WALK-IN FREEZER

STORAGE

HOT WATER SINK

SIX-BURN STOVE

Dish-washer

FLAT GRILL

DEEP FRY

3-Basin Sink

SIX-BURN STOVE

KITCHEN DOOR

BAR

Entry door cooler

FRONT DOOR

BACK DOOR

← 96 →

ITEM 66

BACK UP MATERIALS



TOWN OF BRUNSWICK, MAINE

INCORPORATED 1739

DEPARTMENT OF PLANNING AND DEVELOPMENT
85 UNION STREET
BRUNSWICK, ME 04011

ANNA M. BREINICH, FAICP
DIRECTOR OF PLANNING & DEVELOPMENT

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

June 2, 2016

To: Town Council
From: Anna Breinich, FAICP and Jared Woolston, Town Planner
Subject: Zoning Ordinance Amendment Request: Chapter Four (Development Review), Sections 401 (Applicability) and 402 (Development Review Classifications and Thresholds to Require Review of Filling and Earthmoving Activities within the NRPZ)

SHORELAND ZONING BACKGROUND: Pursuant to 38 M.R.S.A. sections 435-449, the *Mandatory Shoreland Zoning Act*, requires all municipalities to adopt, administer, and enforce ordinances which regulate land use activities within 250 feet of great ponds, rivers, freshwater and coastal wetlands, including all tidal waters; and within 75 feet of streams as defined. The Act also requires the Board of Environmental Protection to establish minimum guidelines for such ordinances. Accordingly, the Department of Environmental Protection (DEP) Rule, *Chapter 1000: Guidelines for Municipal Shoreland Zoning Ordinances*, adopted by the Board on February 14, 1990 and amended July 14, 1992, August 7, 1994, February 6, 1999, February 13, 2000, May 1, 2006 and January 26, 2015 contains those guidelines for municipal shoreland ordinances. The Act requires that municipalities adopt shoreland zoning ordinances consistent with, or no less stringent than, those minimum guidelines.

EMERGENCY MORATORIUM: A review of the Town of Brunswick's shoreland zoning ordinance for activities within the so-called, *Natural Resource Protection Zone (NRPZ)*, revealed an inconsistency with Chapter 1000, specifically, that the requirement for town review and approval of activities involving filling and earthmoving within the NRPZ is not part of Brunswick's zoning ordinance.

As a result, during their March 21, 2016 meeting, the Brunswick Town Council approved an emergency moratorium on new development within the Natural Resource Protection Zone (NRPZ) involving filling and earthmoving for 90-days. The moratorium is attached.

The moratorium is set to expire on Tuesday, July 19, 2016. The ordinance amendments would not become effective for 30-days from the date of Town Council adoption unless they are adopted as an emergency action to be effective on the day of adoption. The DEP must approve the amendment and that process may take 45-days from the date the Department receives it.

PROPOSED AMENDMENT: On April 12, 2016, and April 22, 2016 the Planning Board held workshops to consider an amendment to the NRPZ. Most recently the Town Council discussed the proposed amendment to the NRPZ and set a public hearing date at a meeting on May 16, 2016. During the meetings staff received comments from the Planning Board, the Town Council and members of the public regarding the proposed review process, and associated thresholds for filling and earthmoving activities within the NRPZ. Specifically, the originally proposed

thresholds and associated review process were considered too comprehensive for small projects, and could be reviewed under a simple process comparable to the town's building permit review, or septic system review. Based on feedback from the first workshop, the amendment was revised by staff to require Code Enforcement Officer (CEO) review and written approval for filling and earthmoving activities within most areas of the NRPZ, except for activities affecting the most sensitive natural resources contained within the NRPZ. For activities affecting the most sensitive areas of the NRPZ, the development review threshold is at filling and earthmoving activities in excess of 10 cubic yards.

The following thresholds for filling and earthmoving activities were presented to the Town Council on May 16, 2016, and were considered acceptable by DEP staff pending town acceptance, and formal review and approval by the DEP: *CEO review and approval for ≤ 10 cubic yards of filling and earthmoving within areas that are equivalent to Resource Protection Districts per 06-096, Ch. 1000, and within 75 feet from streams (as defined by Brunswick Zoning Ordinance), >10 -100 cubic yards review and approval by Staff Review Committee (SRC), and >100 cubic yards review and approval by Planning Board. All other filling and earthmoving within the Natural Resource Protection Zone (NRPZ) will be reviewed and approved only by the CEO.*

On April 14, 2016, and subsequently on May 24, 2016 staff from the Department of Planning and Development (and Codes) discussed draft NRPZ language regarding filling and earthmoving with DEP staff within the Shoreland Zoning unit. In the most recent discussion, staff from the Shoreland Zoning unit indicated that Brunswick's Staff Review Committee (SRC) may be an acceptable review entity for all filling and earthmoving activities for activities that would require Planning Board review and approval in accordance with the Ch. 1000 'use table'. This guidance would allow the Council to revise the proposed review entity of Planning Board (as drafted) for activities in excess of 100 cubic yards of filling and earthmoving. Additionally, staff from the DEP indicated that the Council may choose to adopt a provision where up to 10 cubic yards of filling and earthmoving requires no review if performed in accordance with the NRPZ standards and outside of areas equivalent to *Resource Protection District*, or *Stream Protection District* (i.e. Brunswick's Zoning Ordinance at Section 211.2.A.1(b-g); and within 75 feet from streams). These two (2) possible revisions to the proposed ordinance amendment that were discussed with DEP staff on May 24, 2016 are not included in the proposed amendment language but may be used as guidance for the Council adoption process.

The intent of the proposed amendment is to assign a review entity for filling and earthmoving that is consistent with the Ch. 1000 "use table". In Ch. 1000, there is an allowance for filling and earthmoving within certain areas of the Shoreland Zone to go without review for activities involving less than 10 cubic yards. However, Brunswick's NRPZ ordinance does not provide the flexibility to allow no review for filling and earthmoving since it does not have the equivalent districts within the NRPZ (i.e. Limited Residential District, Limited Commercial District, General Development District, Commercial Fisheries/Maritime Activities District). As drafted, all filling and earthmoving within the NRPZ (even if less than 10 cubic yards) will require town review and approval by the CEO, Staff Review Committee, or Planning Board.

After corresponding with DEP, the staff understands that Brunswick's 'stream' definition and associated 75-foot setback is equivalent to a 'stream protection district' in Ch. 1000; and areas

defined in our NRPZ¹ at Section 211.2.A.1(b-g) are equivalent to a ‘resource protection district’ in Ch. 1000. In accordance with the Ch. 1000 ‘use table’, areas equivalent to ‘stream protection district’ and ‘resource protection district’ will require development review if over 10 cubic yards (less than 10 cubic yards is CEO approval only). As written, all filling and earthmoving activities within the NRPZ that are not adjacent to streams, or within areas equivalent to resource protection districts must be reviewed and approved in writing by the CEO in accordance with the requirements of the NRPZ.

The draft amendment to Section 401 (Applicability) and Section 402 (Development Review Classifications and Thresholds) is enclosed. Additionally, to address the requests for more information from representatives of the Town Council at the May 10, 2016 Planning Board meeting, the Department of Planning and Development developed a presentation for the Town Council for the purpose of demonstrating the extent of Brunswick’s Natural Resource Protection Zone (NRPZ), and the areas of the NRPZ that will be subject to the proposed Zoning Ordinance amendment which is provided as an enclosure to this memorandum. The presentation that was made at the May 16, 2016 Town Council meeting has been shortened by the staff and provided for the June 6, 2016 Public Hearing and Town Council meeting.

Attachments: Moratorium; Draft Zoning Ordinance Amendment: Sections 401 and 402; Presentation: NRPZ / Ch. 1000: Guidelines for Municipal Shoreland Zoning Ordinances

¹ Revised from 211.2.A.1(a-g), to 211.2.A.1(b-g) by the Town Planner, and accepted by the Planning Board on May 10, 2016 to indicate areas described in Brunswick’s NRPZ that are equivalent to the Ch. 1000 “Resource Protection District”.

**ADOPTED MORATORIUM ON NEW
DEVELOPMENT IN THE NATURAL RESOURCE
PROTECTION ZONE (NRPZ)**

Public Hearing – 03/21/2016

Adopted – 03/21/2016

Effective – 04/20/2016

WHEREAS, two (2) shoreline stabilization projects that involve filling and earth moving of 10 cubic yards or more are currently underway within the Town of Brunswick's Natural Resource Protection Zone (NRPZ) as defined at Section 211 of the Brunswick Zoning Ordinance; and

WHEREAS, it has been determined that land use standards for filling and earth moving activities within the NRPZ that are required under State law affecting shoreland zoning within the Town of Brunswick have inadvertently not been included in the Brunswick Zoning Ordinance despite approval of the Ordinance by the State of Maine Department of Environmental Protection; and

WHEREAS, the Brunswick Zoning Ordinance is currently inadequate to meet minimum State law requirements for shoreland zoning; and

WHEREAS, additional filling and earth moving activities within the NRPZ is anticipated; and

WHEREAS, allowing additional filling and earth moving activities to go forward within the NRPZ without adequate regulations affects life, health and property in the Town of Brunswick; and

WHEREAS, the Brunswick Zoning Ordinance is inadequate to prevent serious public harm from new filling and earth moving activities; and

WHEREAS, the Brunswick Town Council adopted an "Emergency on Moratorium on New Development in the Natural Resource Protection Zone" on March 7, 2016, with an immediate affective date;

NOW THEREFORE, be it ordained by the Town Council of Brunswick that no filling and earth moving activity within the NRPZ shall be reviewed, allowed or permitted by Town Staff, the Planning Board or under any other authority pursuant to the Brunswick Zoning Ordinance unless the activity is currently underway and approved by the Maine Department of Environmental Protection, or associated with an activity that is currently subject to Development Review pursuant to Section 402 of the Brunswick Zoning Ordinance, or within areas where principal and accessory structures are allowed with a building permit from the Town of Brunswick unless located within 125 feet, horizontal distance, of the normal high water line of a river or within 125 feet, horizontal distance, of the upland edge of a coastal or fresh water wetland or 75 feet, horizontal distance, of the normal high water line of a stream. This does not prevent the Code Enforcement Officer or Planning Board from allowing such activities if necessary to prevent immediate and irreparable environmental harm.

This Moratorium shall be in effect for 90 days from the date from its effective date. (which will be July 19, 2016)

CHAPTER FOUR: DEVELOPMENT REVIEW

Development review includes Subdivision and Site Plan review, and certain changes of use and other procedures as outlined in Section 402. No development shall be approved unless it complies with all review criteria and findings indicated in Section 411.

All time frames for development review expressed in this chapter are maximums. The Town's staff and reviewing entities shall make every effort to conduct reviews as expeditiously as possible.

401 Applicability

401.1 The following outlines the applicability for Development Review:

A. Development review does not apply to:

- 1) ~~A~~a single or two family dwelling.
 - 2) ~~U~~ses or structures that are accessory to a single or two family dwelling.
 - 3) ~~A~~gricultural land management practices, including farm and woods roads developed in accordance with "Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices", as amended (Amended 9/3/02 R)
 - 4) ~~U~~npaved trails and paths developed in accordance with Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices, as amended. (Groups or individuals planning such trails and paths are encouraged to consult with the Planning Department prior to construction) (Amended 9/3/02 R)
 - 5) ~~Filling and earthmoving activities within the Natural Resource Protection Zone (NRPZ) provided the Code Enforcement Officer issues a written approval for the more than 10 cubic yards of filling and earthmoving on a lot activity in accordance with the "Additional Requirements for the Shoreland Area" at Section 211.2 et al., and that all filling and earthmoving activities within the NRPZ of more than 10 cubic yards on a lot are not located within 75 feet from a stream or within areas described at Section 211.2.A.1(b-g).~~
- ~~6~~5) The *initial* non-military re-occupancy of a building in the BNAS Reuse District existing as of the July 20, 2009 adoption of this provision provided all of the following are met:

- a) The new use is a permitted use in the Reuse Land / Use District in which it is located, per the BNAS Reuse Master Plan, approved December 2007,
- b) The re-occupancy maintains the pre-existing pattern of use of the site including the general location of the building and parking and service areas,
- c) The usable floor area of the building is not increased by more than two thousand (2,000) square feet, within the existing building footprint,
- d) The amount of impervious surface on the project site is not increased by more than two thousand (2,000) square feet,

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Comment [JW1]: Revised by Town Planner as described at Town Council meeting on 5/16/2016

Comment [JW2]: Revised by Town Planner as described at Town Council meeting on 5/16/2016

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Comment [JW3]: Revised by Town Planner and accepted by Planning Board on 5/10/2016

e) There is adequate parking available for the new use in accordance with Section 512,

f) The re-occupancy of the building will not change the primary use of the building from residential to non-residential or from non-residential to residential,

g) The *initial* non-military re-occupancy of a building shall not be considered a change of use even if it does not meet the vacancy time limits of Section 702.1. All subsequent re-occupancy of buildings in the BNAS Reuse District shall be subject to the change of use review requirements of Sections 402 and 702 of this ordinance as applicable, and (Amended 7/20/09R)

76) The change of use of a building in the BNAS Reuse District with less than 10,000 square feet of floor area following its initial non-military occupancy provided that the new use does not significantly intensify the use of the property compared to its previous use. A new use that increases the required off-street parking in accordance with Sections 512.1 or 512.2 by more than twenty percent (20%) or that increases the number of peak hour vehicle trips based upon the current edition of the ITE Trip Generation Manual, as amended, by more than twenty percent (20%) or that meets any of the review thresholds of Section 702.3 shall be considered to significantly intensify the use. If the Codes Enforcement Officer determines that there will be a significant intensification of the use, the activity shall be deemed to be a minor development subject to development review in accordance with Section 402.1. (Amended 7/20/09R)

- B. Activities not subject to development review still require appropriate permits issued by the Codes Enforcement Officer and/or the Village Review Board if the property is in the Village Review Zone.
- C. All activities listed in Section 402 shall be subject to Development Review.
- D. Projects subject to development review shall be divided into two classes, Major and Minor. Minor projects shall be reviewed by the Staff Review Committee. Major projects shall be reviewed by the Planning Board.
- E. Thresholds for development review apply only to new, or “add-on” construction, except as indicated in Section 402. Floor area and impervious surface area are calculated on a net basis. The floor area and the impervious surface area (roof) of a building each contribute separately to the cumulative total of the two. (Amended 6/19/00 R)
- F. If development is proposed on two or more lots and the Director of Planning and Development finds that the development functions as a single project, thresholds for development review shall be applied to the project as though the lots on which it is located were single lots. (Amended 9/4/01 R)

402 Development Review Classification and Thresholds

402.1 Activities Subject to Minor Review

The following activities shall be subject to Minor Development Review by the Staff Review Committee:

- A. Any development activity or combination of activities that, within any five year period results in the construction of the following:
 1. In all zoning districts except for those indicated in Sections 402.1 A.2 and 402.1 A.3: (Amended 7/20/09R)
 - a. Between 1,000 and 4,999 square feet of new floor area; (Amended 6/19/00 R)
 - b. Between 1,000 and 4,999 square feet of new impervious surface, or
 - c. A cumulative total of between 1,500 and 7,499 square feet of floor area and impervious surface. (Amended 6/19/00 R)
 2. In the MU4 (Fox Run), CC (Cook's Corner Center), I2 (Church Road Industrial Park), I3 (Bath Road Industrial), I4 (Exit 22), HC2 (Inner Bath Road):
 - a. Between 2,000 and 9,999 square feet of new floor area; (Amended 6/19/00 R)
 - b. Between 2,000 and 9,999 square feet or more of new impervious surface; or
 - c. A cumulative total of between 3,000 and 14,999 square feet or more of floor area and impervious surface. (Amended 6/19/00 R)
 3. In the BNAS Reuse District:
 - a. Between 2,000 and 9,999 square feet of new floor area;
 - b. Between 2,000 and 9,999 square feet of new impervious surface; or
 - c. A cumulative total of between 3,000 and 19,999 square feet of new floor area and impervious surface. (Amended 7/20/09R)
- B. Any use that involves the construction of one drive-up window.
- C. Marine Activities that involve the creation of less than 5,000 square feet of new impervious surface.
- D. Construction of a multi-family dwelling unit in all zoning districts except the BNAS Reuse District, containing between 3 and 5 units that does not create a subdivision. In the BNAS Reuse District, activities involving the construction of multi-family dwellings with up to ten (10) units that do not create a subdivision are classified as Minor Projects. (Amended 7/20/09)
- E. Development subject to Special Permit (Section 701) that results in the creation of less than 5,000 square feet of new impervious surface.
- F. Construction within the Natural Resources Protection Zone subject to the provisions of section 211.2.A.3, 304.6.D.4., 304.4.B or 304.7 (Amended 9/4/01 R, 10/15/01 R)
- G. Establishment or expansion of a Neighborhood Store. (Amended 7/5/05 R)
- H. Change of use of a building within the BNAS Reuse District that affects 10,000 to 19,999 square feet of floor area, pursuant to Section 702. (Amended 7/20/09R)
- ~~H.I.~~ ~~I.~~ Filling and earthmoving activities of more than 10 cubic yards and less than or

equal to 100 cubic yards on a lot and within 75 feet from a stream or within areas of the Natural Resource Protection Zone (NRPZ) described at Section 211.2.A.1(b-g).

Comment [JW4]: Revised by Town Planner and accepted by Planning Board on 5/10/2016

402.2 Activities Subject to Major Review

The following activities shall be subject to Major Development Review by the Planning Board:

- A. The creation of a Subdivision as defined by 30-A M.R.S.A. Section 4401, as amended.
- B. Any development activity, or combination of activities that, within any five year period results in the construction of the following:
 - 1. In all zoning districts except for those indicated in Sections 402.2 B.2 and 402.2 B.3: (Amended 7/20/09R)
 - a. 5,000 square feet or more of new floor area; (Amended 6/19/00 R)
 - b. 5,000 square feet or more of new impervious surface, or
 - c. A cumulative total of 7,500 square feet or more of floor area and impervious surface. (Amended 6/19/00 R)
 - 2. In the MU4 (Fox Run), CC (Cook's Corner Center), I2 (Church Road Industrial Park), I3 (Bath Road Industrial), I4 (Exit 22), HC2 (Inner Bath Road):
 - a. 10,000 square feet or more of new floor area;(Amended 6/19/00 R)
 - b. 10,000 square feet or more of new impervious surface; or
 - c. A cumulative total of 15,000 square feet or more of floor area and impervious surface. (Amended 6/19/00 R)
 - 3. In the BNAS Reuse Zoning District:
 - a. 10,000 square feet or more of new floor area;
 - b. 10,000 square feet or more of new impervious surface; or
 - c. A cumulative total of 20,000 square feet or more of new floor area and impervious surface. (Amended 7/20/09R)
- C. Any use that involves the construction of 2 or more drive-up windows.
- D. Changes of use that affect 10,000 square feet or more of floor area, pursuant to Section 702, or 20,000 square feet or more of floor area in the BNAS Reuse District. (Amended 7/20/09R)
- E. Changes of use that involve conversion of a single or two-family home to any other use in Town Residential and Residential Districts.
- F. The development or expansion of a Mobile Home Park, pursuant to Section 212.
- G. Development subject to Special Permit (Section 701) that involves creation of 5,000 square feet or more of new impervious surface.
- H. Mineral Extraction, pursuant to Section 306.6.
- I. The addition or expansion of a canopy for a gasoline sales station, pursuant to Section 306.14.
- J. Any activity in the BNAS Reuse District that is located within two hundred (200) feet of the district boundary that would otherwise be classified as a minor project. (Amended 7/20/09R)
- K. Any activity in the BNAS Reuse District that generates more than one hundred (100) peak hour vehicle trips, based upon the current edition of the ITE Trip Generation Manual, as amended, unless the activity is part of an approved subdivision or common development plan in which traffic was addressed as part of the approved plan.

(Amended 7/20/09R)

L. Filling and earthmoving activities of more than 100 cubic yards on a lot and within 75 feet from a stream or within areas of the Natural Resource Protection Zone (NRPZ) described at Section 211.2.A.1(b-g).

Comment [JW5]: Revised by Town Planner and accepted by Planning Board on 5/10/2016



TOWN OF BRUNSWICK, MAINE

INCORPORATED 1739

DEPARTMENT OF PLANNING AND DEVELOPMENT
85 UNION STREET
BRUNSWICK, ME 04011

ANNA M. BREINICH, FAICP
DIRECTOR OF PLANNING & DEVELOPMENT

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

NRPZ and Ch. 1000: Resource Protection District & Stream Protection District Comparison

NRPZ Section 211.2.A.1(b-g)

211.2.A.1 No new principal or accessory structures, except structures which require direct access to the water as an operational necessity (including but not limited to piers, docks, retaining walls and public waterfront trails, but excluding recreational boat storage buildings) shall be located within any of the following areas:

a. Areas within one hundred twenty-five (125) feet, horizontal distance, of the normal high water line of a river; or within one hundred twenty-five (125) feet, horizontal distance, of the upland edge of a coastal or freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high water line of a stream. (Amended 11/18/02 R, 6/15/09 R)

b. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, salt marshes and salt meadows, and wetlands associated with great ponds and rivers, which are rated as "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) as of December 31, 2008, as depicted on a Geographic Information System (GIS) data layer maintained by MDIF&W or MDEP, and as shown on the Brunswick Official Zoning Map. These areas are defined as "Resource Protection Areas" and include areas which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values (see also section 211.2.A.3). (Amended 5/17/99 E/R, 6/15/09 R)

c. Water and wetland setback measurements shall be taken from the top of a coastal bluff such as those that have been identified on Coastal Bluff maps as being "highly unstable" or "unstable" by the Maine Geological Survey pursuant to its "Classification of Coastal Bluffs" and published on the most recent Coastal Bluff map, and as depicted on the Brunswick GIS. If the applicant and the permitting official(s) are in disagreement as to the specific location of a "highly unstable" or "unstable" bluff, or where the top of the bluff is located, the applicant may at his or her expense, employ a Maine Registered Professional Engineer, a Maine Certified Soil Scientist, or a Maine State Geologist to make a determination. (Section inserted 6/15/09 R) 44

d. Flood plains adjacent to tidal waters, rivers and flood plains along artificially formed great ponds along rivers, defined by the 100-year flood plain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard

Comment [JW1]: Equivalent to Ch. 1000 "Resource Protection District"

Comment [JW2]: Equivalent to Ch. 1000 "Stream Protection District"

Boundary Maps Flood Boundary and Floodway Maps or the flood of record. (Amended 6/15/09 R)

e. Areas of two (2) or more contiguous acres with sustained slopes of 20% or greater.

f. Areas of two (2) or more contiguous acres of wetlands which are not part of a freshwater or coastal wetland and which are not surficially connected to a river, tidal waters or stream during the period of normal high water. (Amended 11/18/02 R, 6/15/09 R)

g. Land along rivers subject to severe bank erosion, undercutting, or river bed movement and lands adjacent to tidal waters which are subject to severe erosion or mass movement, such as steep coastal bluffs.

Ch. 1000 Resource Protection District

A. Resource Protection District. The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone, exclusive of the Stream Protection District, except that areas which are currently developed and areas which meet the criteria for the Limited Commercial, General Development I, or Commercial Fisheries/Maritime Activities Districts need not be included within the Resource Protection District.

(1) Floodplains along rivers and floodplains along artificially formed great ponds along rivers, defined by the 100 year floodplain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent floodplain soils. This district shall also include 100 year floodplains adjacent to tidal waters as shown on FEMA's Flood Insurance Rate Maps or Flood Hazard Boundary Maps.

Comment [JW3]: Brunswick Zoning Ordinance Section 211.2.A.1(d)

(2) Areas of two or more contiguous acres with sustained slopes of 20% or greater.

Comment [JW4]: Brunswick Zoning Ordinance Section 211.2.A.1(e)

(3) Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater or coastal wetland as defined, and which are not surficially connected to a water body during the period of normal high water.

Comment [JW5]: Brunswick Zoning Ordinance Section 211.2.A.1(f)

NOTE: These areas usually consist of forested wetlands abutting water bodies and non-forested wetlands.

(4) Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement, and lands adjacent to tidal waters which are subject to severe erosion or mass movement, such as steep coastal bluffs.

Comment [JW6]: Brunswick Zoning Ordinance Section 211.2.A.1(c) and 211.2.A.1(g)

NOTE: Municipalities may also include the following other areas which have been recommended for protection in the comprehensive plan of the municipality, or as otherwise endorsed for protection by the municipal legislative body, such as:

A. Other important wildlife habitat;

-
- B. Natural sites of significant scenic or esthetic value;
 - C. Areas designated by federal, state or municipal governments as natural areas of significance to be protected from development; and
 - D. Other significant areas which should be included in this district to fulfill the purposes of this Ordinance, such as, but not limited to, existing public access areas and certain significant archaeological and historic sites deserving of long-term protection as determined by the municipality after consultation with the Maine Historic Preservation Commission.
 - E. Areas within 250 feet, horizontal distance, of the upland edge of freshwater and/or coastal wetlands, which are rated "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W). These areas are generally depicted on a Geographic Information System (GIS) data layer.
-

Comment [JW7]: Brunswick Zoning Ordinance Section 211.2.A.1(b)

Ch. 1000 Stream Protection District

- G. Stream Protection District.** The Stream Protection District includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond, or river, or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater or coastal wetland. Where a stream and its associated shoreland area are located within two-hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.

Comment [JW8]: Brunswick Zoning Ordinance all "streams"

Ch. 1000: Table 1. LAND USES IN THE SHORELAND ZONE

LAND USES		DISTRICT					
		SP	RP	LR	LC	GD	CFMA
1.	Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	yes	yes	yes	yes	yes	yes
2.	Motorized vehicular traffic on existing roads and trails	yes	yes	yes	yes	yes	yes
3.	Forest management activities except for timber harvesting & land management roads	yes	yes	yes	yes	yes	yes
4.	Timber harvesting	yes	CEO	yes	yes	yes	yes
5.	Clearing or removal of vegetation for activities other than timber harvesting	CEO	CEO1	yes	yes	yes	yes
6.	Fire prevention activities	yes	yes	yes	yes	yes	yes
7.	Wildlife management practices	yes	yes	yes	yes	yes	yes
8.	Soil and water conservation practices	yes	yes	yes	yes	yes	yes
9.	Mineral exploration	no	yes2	yes2	yes2	yes2	yes2
10.	Mineral extraction including sand and gravel extraction	no	PB3	PB	PB	PB	PB
11.	Surveying and resource analysis	yes	yes	yes	yes	yes	yes
12.	Emergency operations	yes	yes	yes	yes	yes	yes
13.	Agriculture	yes	PB	yes	yes	yes	yes
14.	Aquaculture	PB	PB	PB	yes	yes	yes
15.	Principal structures and uses						
A.	One and two family residential, including driveways	PB4	PB9	CEO	CEO	CEO	no
B.	Multi-unit residential	no	no	PB	PB	PB	no
C.	Commercial	no	no10	no10	PB	PB	PB5
D.	Industrial	no	no	no	no	PB	PB5
E.	Governmental and institutional	no	no	PB	PB	PB	PB5
F.	Small non-residential facilities for educational, scientific, or nature interpretation purposes	PB4	PB	CEO	CEO	CEO	PB5
16.	Structures accessory to allowed uses	PB4	PB	CEO	CEO	yes	yes
17.	Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland						
a.	Temporary	CEO11	CEO11	CEO11	CEO11	CEO11	CEO11
b.	Permanent	PB	PB	PB	PB	PB	PB5
18.	Conversions of seasonal residences to year-round residences	LPI	LPI	LPI	LPI	LPI	no
19.	Home occupations	PB	PB	PB	CEO	yes	yes
20.	Private sewage disposal systems for allowed uses	LPI	LPI	LPI	LPI	LPI	LPI
21.	Essential services	PB6	PB6	PB	PB	PB	PB
A.	Roadside distribution lines (34.5kV and lower)	CEO ⁶	CEO ⁶	yes ¹²	yes ¹²	yes ¹²	yes ¹²
B.	Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone	pb ⁶	pb ⁶	CEO	CEO	CEO	CEO
C.	Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone	pb ⁶	pb ⁶	PB	PB	PB	PB
D.	Other essential services	pb ⁶	pb ⁶	PB	PB	PB	PB
22.	Service drops, as defined, to allowed uses	yes	yes	yes	yes	yes	yes
23.	Public and private recreational areas involving minimal structural development	PB	PB	PB	CEO	CEO	CEO5
24.	Individual, private campsites	CEO	CEO	CEO	CEO	CEO	CEO
25.	Campgrounds	no	no7	PB	PB	PB	no
26.	Road construction	PB	no8	PB	PB	PB	PB5
27.	Land management roads	yes	PB	yes	yes	yes	yes
28.	Parking facilities	no	no7	PB	PB	PB	PB5
29.	Marinas	PB	no	PB	PB	PB	PB
30.	Filling and earth moving of <10 cubic yards	CEO	CEO	yes	yes	yes	yes
31.	Filling and earth moving of >10 cubic yards	PB	PB	CEO	CEO	CEO	CEO
32.	Signs	yes	yes	yes	yes	yes	yes
33.	Uses similar to allowed uses	CEO	CEO	CEO	CEO	CEO	CEO
34.	Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO	CEO	CEO
35.	Uses similar to uses requiring a PB permit	PB	PB	PB	PB	PB	PB

Ch. 1000: Table of Land Uses

Pursuant to 06-096, Ch. 1000: All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in *Section 15.

<u>Key to Table 1:</u>			
Yes -	Allowed (no permit required but the use must comply with all applicable land use standards.)		
No -	Prohibited		
PB -	Allowed with permit issued by the Planning Board.		
CEO -	Allowed with permit issued by the Code Enforcement Officer		
LPI -	Allowed with permit issued by the Local Plumbing Inspector		
<u>Abbreviations (Districts):</u>			
RP -	Resource Protection	GD -	General Development I and General Development II
LR -	Limited Residential	CFMA -	Commercial Fisheries/Maritime Activities
LC -	Limited Commercial	SP -	Stream Protection

*06-096, Ch. 1000 §15 “Land Use Standards

Ch. 1000: Filling and Earthmoving

LAND USES	DISTRICT					
	SP	RP	LR	LC	GD	CFMA
Filling and earth moving of <10 cubic yards	CEO	CEO	yes	yes	yes	yes
Filling and earth moving of >10 cubic yards	PB	PB	CEO	CEO	CEO	CEO

NRPZ Amendment

- What is proposed?
- Mandatory Shoreland Zoning
- Brunswick's Zoning Ordinance
- Chapter 1000 and NRPZ: Equivalent Protection

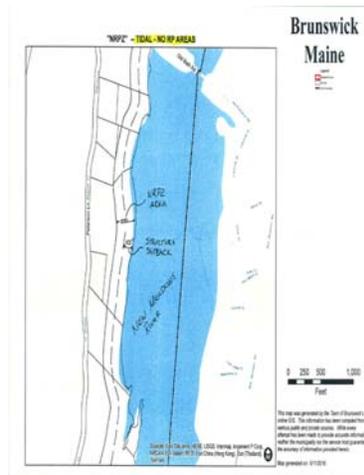
What is proposed?

- CEO written approval pursuant to Section 211 of Brunswick's Zoning Ordinance for filling and earthmoving in all areas of the NRPZ with no threshold limits except for within 75 feet of streams; or within areas equivalent to a Ch. 1000 Resource Protection District, specifically:
 - b. Town mapped moderate to high value wetlands
 - c. Maine Geological Survey mapped highly unstable and unstable bluffs
 - d. 100 Year floodplains adjacent to river & tidal areas
 - e. Greater than two (2) acres of steep slopes (>20%)
 - f. Greater than two (2) acres of wetlands
 - g. River and coastal land subject to severe erosion
- In areas described above CEO approval will be limited to less than 10 cubic yards of filling and earthmoving
- Development review will be required for exceeding 10 cubic yards adjacent to streams, and areas listed above (b-g)
 - Staff Review Committee (SRC) may review up to 100 cubic yards
 - Planning Board may review more than 100 cubic yards

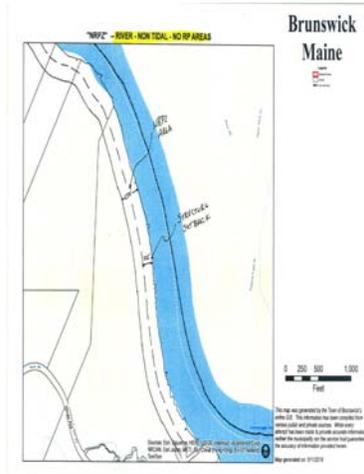
NRPZ: Filling and Earthmoving

- The proposed amendment only applies to filling and earthmoving activities within the Natural Resource Protection Zone (NRPZ);
- As proposed, all filling and earthmoving within areas of the NRPZ that are not located in areas equivalent to Ch. 1000's "Resource Protection District" or "Stream Protection District" are subject only to Code Enforcement Officer (CEO) review and written approval in accordance with Section 211 *et al.*

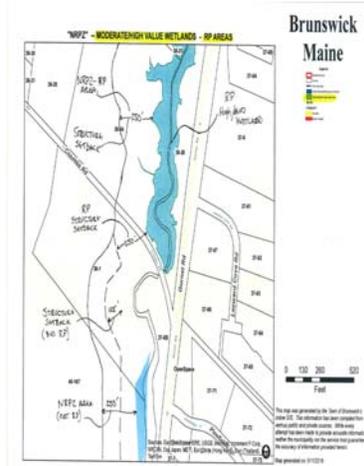
NRPZ – Tidal Areas



NRPZ - River



NRPZ – “Moderate” to “High” Value Wetlands



Why?

Mandatory Shoreland Zoning Act

- Statute: 38 M.R.S.A. sections 435-449
- Requires all municipalities to adopt, administer, and enforce ordinances which regulate land use activities within 250 feet of great ponds, rivers, freshwater and coastal wetlands, including all tidal waters; and within 75 feet of streams as defined.
- Board of Environmental Protection (“board”) established minimum guidelines for ordinances by Department of Environmental Protection (DEP) Rule – 06-096, Chapter 1000

Brunswick's Shoreland Zoning

- Brunswick's Shoreland Zoning Ordinance may be no less restrictive than Ch. 1000;
- Brunswick does not require review of filling and earthmoving activities within the NRPZ unless ancillary to a permitted activity (Example: earthwork associated with constructing a single family house);
- Ch. 1000 requires municipalities to review filling and earthmoving activities within the Shoreland Zone;
- Brunswick's Zoning Ordinance is therefore less restrictive than Ch. 1000.

Town of Brunswick Review Authority

- Code of Ordinances: Sec. 5-51. - Building code
 - Applies to constructing buildings, structures, and demolition
 - Reviewed by Code Enforcement Officer (CEO) or designee
- Brunswick Zoning Ordinance
 - Zoning Districts and Overlay Zones
 - Zoning Districts = Chapter 2, Sections 201-208, Appendices III, IV, and V
 - Overlay Zones = Chapter 2, Sections 209-217

Brunswick's Overlay Zones

1. Coastal Protection Zone
2. Aquifer Protection Zone
3. Natural Resource Protection Zone
4. Medical Use Zone
5. Mobile Home Park Zone
6. Telecommunications Zone
7. BNAS Flight Path Zone
8. Village Review Zone
9. Rural Brunswick Smart Growth

Section 211: Natural Resource Protection Zone (NRPZ)

- NRPZ consists of the following areas:
 - Shoreland Area:
 - land within 250 feet of rivers, and wetlands;
 - within 75 feet of streams
 - Special Flood Hazard Area
 - FEMA 100 Year Flood

Brunswick's Current Zoning Ordinance NRPZ

- The Code Enforcement Officer (CEO) or Local Plumbing Inspector (LPI) reviews and approves most activities within the NRPZ;
- CEO/LPI approval may be required for many activities such as the construction of a new structure, or the installation of a new septic system;
- Activities described above and within areas described at Section 211.2.A.1(a-g) are either prohibited or development review (Staff Review Committee (SRC) or Planning Board)

NRPZ 211.2.A.1(a)

- a.** Areas within one hundred twenty-five (125) feet, horizontal distance, of the normal high water line of a river;
- or within one hundred twenty-five (125) feet, horizontal distance, of the upland edge of a coastal or freshwater wetland;
- or within seventy-five (75) feet, horizontal distance, of the normal high water line of a stream. (Amended 11/18/02 R, 6/15/09 R)

Ch. 1000: Table of Land Uses

Pursuant to 06-096, Ch. 1000: All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in *Section 15.

Key to Table 1:			
Yes -	Allowed (no permit required but the use must comply with all applicable land use standards.)		
No -	Prohibited		
PB -	Allowed with permit issued by the Planning Board.		
CEO -	Allowed with permit issued by the Code Enforcement Officer		
LPI -	Allowed with permit issued by the Local Plumbing Inspector		
Abbreviations (Districts):			
RP -	Resource Protection	GD -	General Development I and General Development II
LR -	Limited Residential	CFMA -	Commercial Fisheries/Maritime Activities
LC -	Limited Commercial	SP -	Stream Protection

*06-096, Ch. 1000 §15 "Land Use Standards"

Ch. 1000: Table 1. LAND USES IN THE SHORELAND ZONE

LAND USES	DISTRICT					
	SP	RP	LR	LC	GD	CFMA
1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	yes	yes	yes	yes	yes	yes
2. Motorized vehicular traffic on existing roads and trails	yes	yes	yes	yes	yes	yes
3. Forest management activities except for timber harvesting & land management roads	yes	yes	yes	yes	yes	yes
4. Timber harvesting	yes	CEO	yes	yes	yes	yes
5. Clearing or removal of vegetation for activities other than timber harvesting	CEO	CEO	yes	yes	yes	yes
6. Fire prevention activities	yes	yes	yes	yes	yes	yes
7. Wildlife management practices	yes	yes	yes	yes	yes	yes
8. Soil and water conservation practices	yes	yes	yes	yes	yes	yes
9. Mineral exploration	no	yes2	yes2	yes2	yes2	yes2
10. Mineral extraction including sand and gravel extraction	no	PB	PB	PB	PB	PB
11. Surveying and resource analysis	yes	yes	yes	yes	yes	yes
12. Emergency operations	yes	yes	yes	yes	yes	yes
13. Agriculture	yes	PB	yes	yes	yes	yes
14. Associations	PB	PB	PB	yes	yes	yes
15. Principal structures and uses						
A. One and two family residential, including driveways	PB4	PB	CEO	CEO	CEO	no
B. Multi-unit residential	no	no	PB	PB	PB	no
C. Commercial	no	no2	no2	PB	PB	PB5
D. Industrial	no	no	no	no	PB	PB5
E. Governmental and institutional	no	PB	PB	PB	PB	PB5
F. Small non-residential facilities for educational, scientific, or nature interpretation purposes	PB4	PB	CEO	CEO	CEO	PB5
16. Structures accessory to allowed uses	PB4	PB	CEO	CEO	yes	yes
17. Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line within a wetland						
A. Temporary	CEO11	CEO11	CEO11	CEO11	CEO11	CEO11
B. Permanent	PB	PB	PB	PB	PB	PB5
18. Conversions of seasonal residences to year-round residences	LPI	LPI	LPI	LPI	LPI	no
19. Home occupations	PB	PB	PB	CEO	yes	yes
20. Private sewage disposal systems for allowed uses	LPI	LPI	LPI	LPI	LPI	LPI
21. Essential services	PB5	PB5	PB	PB	PB	PB
A. Roadside distribution lines (34.5KV and lower)	CEO2	CEO2	yes12	yes12	yes12	yes12
B. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone	yes5	PB5	CEO	CEO	CEO	CEO
C. Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone	PB5	PB5	PB	PB	PB	PB
D. Other essential services	PB5	yes5	PB	PB	PB	PB
22. Service drops, as defined, to allowed uses	yes	yes	yes	yes	yes	yes
23. Public and private recreational areas involving minimal structural development	PB	PB	PB	CEO	CEO	CEO
24. Individual private campsites	CEO	CEO	CEO	CEO	CEO	CEO
25. Campgrounds	no	no7	PB	PB	no	no
26. Road construction	PB	no8	PB	PB	PB	PB5
27. Land management roads	yes	PB	yes	yes	yes	yes
28. Parking facilities	no	no7	PB	PB	PB	PB5
29. Marinas	PB	no	PB	PB	PB	PB
30. Filling and earth moving of 100 cubic yards	CEO	CEO	yes	yes	yes	yes
31. Filling and earth moving of 250 cubic yards	PB	PB	CEO	CEO	CEO	CEO
32. Signs	yes	yes	yes	yes	yes	yes
33. Uses similar to allowed uses	CEO	CEO	CEO	CEO	CEO	CEO
34. Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO	CEO	CEO
35. Uses similar to uses requiring a PB permit	PB	PB	PB	PB	PB	PB

Ch. 1000: Filling and Earthmoving

LAND USES	DISTRICT					
	SP	RP	LR	LC	GD	CFMA
Filling and earth moving of <10 cubic yards	CEO	CEO	yes	yes	yes	yes
Filling and earth moving of >10 cubic yards	PB	PB	CEO	CEO	CEO	CEO

Stream Protections

- Stream protections in the Shoreland Zone are based on the ***stream*** definition:
 - Ch. 1000: “Stream” and Stream Protection District
 - Ch. 1000: “Tributary Stream”
 - Brunswick’s Zoning Ordinance: “Stream”
 - Equivalent to Ch. 1000 Stream Protection District

Brunswick Zoning Ordinance: NRPZ “Stream”

STREAM - A channel between defined banks created by the action of surface water and has two (2) or more of the following characteristics.

- A. It contains or is known to contain flowing water continuously for a period of at least 6 months of the year under normal seasonal rainfall conditions.
- B. The channel bed is primarily composed of mineral material such as sand, scoured silt, gravel, clay, or other parent material that has been deposited or scoured by water.
- C. The channel contains aquatic animals such as fish, aquatic insects or mollusks in the water or, if no surface water is present, within the stream bed.
- D. The channel contains aquatic vegetation and is essentially devoid of upland vegetation.

This definition is based on physical characteristics that in case of development need to be field verified.

The Town has attempted to map streams throughout the community to serve as an initial guide for land owners and developers. This information is available in the Town Planning and Codes Enforcement Offices, but should not be considered a substitute for field verification.

Bordering freshwater wetlands that are not separated from the stream channel by a distinct change in elevation (such as hillside groundwater seeps) or barrier, and wetlands that are subject to periodic flooding or soil saturation as a result of high stream flows are considered part of the stream. Where these wetlands are present, the normal high water line of the stream is measured from the upland / wetland transition of bordering wetlands subject to periodic 11c stream water flooding or saturation, or where changes in wetland vegetation, soil characteristics, or topography clearly demonstrate wetland hydrology not associated with associated with periodic flood flows.

Natural and artificial impoundments at the source and along the course of the stream are considered to be part of the stream. Stream does not mean a ditch or other drainage way constructed, or constructed and maintained, solely for the purpose of draining storm water or a grassy swale. (Amended 11/18/02 R)

NRPZ Equivalent to Ch. 1000 Resource Protection District

- NRPZ Section 211.2.A.1(b-g)
 - b. Town mapped moderate to high value wetlands
 - c. Maine Geological Survey mapped highly unstable and unstable bluffs
 - d. 100 Year floodplains adjacent to river & tidal areas
 - e. Greater than two (2) acres of steep slopes (>20%)
 - f. Greater than two (2) acres of wetlands
 - g. River and coastal land subject to severe erosion

One more time... What is proposed?

- CEO written approval pursuant to Section 211 of Brunswick's Zoning Ordinance for filling and earthmoving in all areas of the NRPZ with no threshold limits except for within 75 feet of *streams*; and within areas equivalent to a *Ch. 1000 Resource Protection District*, specifically:
 - b. Town mapped moderate to high value wetlands
 - c. Maine Geological Survey mapped highly unstable and unstable bluffs
 - d. 100 Year floodplains adjacent to river & tidal areas
 - e. Greater than two (2) acres of steep slopes (>20%)
 - f. Greater than two (2) acres of wetlands
 - g. River and coastal land subject to severe erosion
- In areas described above CEO approval will be limited to less than 10 cubic yards of filling and earthmoving
- Development review will be required for exceeding 10 cubic yards adjacent to streams, and areas listed above (b-g)
 - Staff Review Committee (SRC) may review up to 100 cubic yards
 - Planning Board may review more than 100 cubic yards

ITEM 57

BACK UP MATERIALS

Town of Brunswick, Maine

OFFICE OF THE TOWN MANAGER

MEMORANDUM

TO: Town Council

FROM: John Eldridge
Town Manager

DATE: June 1, 2016

SUBJECT: Frank J. Wood Bridge

At your last meeting, we presented a draft resolution which, if adopted, would express the Town Council's support for the Maine Department of Transportation's (MDOT) recommendation for the replacement of the Frank J. Wood Bridge. MDOT concluded that replacement was preferable to rehabilitation for the reasons set forth in the draft resolution.

Attached is a revised draft resolution. In particular, this draft adds an expression of the Town's desire to be named as a "consulting party" in the process referred to as the Section 106 historic preservation review, required for projects that receive federal funding. Section 106 of the National Historic Preservation Act of 1966 (NHPA) requires that federal agencies take into account the effects of their undertakings on historic properties, and affords the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment. Information taken from the ACHP website, summarizing the section 106 process, is also attached.

Recall that the resolution proposes to establish a Design Advisory Committee (DAC) to work with the MDOT to optimize the final design of a new bridge. Staff has reached out to various committees and has identified several individuals who are willing to serve on the DAC.

Since the resolution was introduced, the Brunswick Development Corporation (BDC) and the Southern Midcoast Maine Chamber (SMCC) voted to support the project. The BDC's letter of support and the SMCC's resolution are attached. We expect others will attend your June 6th meeting to speak to the resolution proposed for the Brunswick Town Council.

We understand that the Topsham Board of Selectmen, at its June 2nd meeting, will be considering a resolution similar to the one proposed for Brunswick.

Finally, we would be happy to respond to any questions the Council may have.

Attachments

**TOWN OF BRUNSWICK, MAINE
TOWN COUNCIL**

**A Resolution Expressing the Town Council's Support for the Maine Department of
Transportation's Proposal to Replace the Frank J. Wood Bridge**

WHEREAS, the Brunswick Town Council acknowledges and respects the long service of the Frank J. Wood Bridge (the Bridge), the main link spanning the Androscoggin River between the lower village of Topsham and downtown Brunswick; and

WHEREAS, the Maine Department of Transportation (MDOT) investigated both rehabilitation and replacement of the Bridge; and

WHEREAS, among MDOT's considerations were the following factors:

- accelerating deterioration in the condition of the existing bridge
- increasing maintenance and inspection costs associated with a rehabilitated bridge
- adverse impacts to local businesses arising from repeated, lengthy closures required for rehabilitation
- significantly longer life span of and lower life-cycle costs of a new bridge
- safer transportation facilities for pedestrians and bicyclists

WHEREAS, after its investigation and analysis, MDOT recommended replacement with a new bridge to be located upstream of the current Bridge; and

WHEREAS, MDOT is encouraging the communities to participate in the final design of the replacement to ensure that it best meets the needs of all who will use the bridge;

NOW THEREFORE, BE IT RESOLVED, that the Brunswick Town Council supports the replacement of the Frank J. Wood Bridge with a new bridge that includes improved safety and access for all users, including pedestrians and bicyclists.

BE IT FURTHER RESOLVED, that to ensure that the final design for a new bridge best meets the public's transportation needs while incorporating, to the extent technically and financially feasible, the aesthetic and functional preferences of both Topsham and Brunswick, the Brunswick Town Council agrees to appoint members to a joint Brunswick/Topsham Design Advisory Committee to work with the MDOT to optimize the final design of a new bridge.

BE IT FURTHER RESOLVED, that pursuant to 36 CFR § 800.2(c)(3)¹, a representative of a local government with jurisdiction over the area in which the effects of an undertaking may occur is entitled to participate as a consulting party. The Town of Brunswick ask that its status as an entitled consulting party be reorganized and hereby appoints Linda Smith, Director of Economic Development, to be the Town's representative in the § 106 process for the Frank J. Wood Bridge.

¹ CFR – Code of Federal Regulations

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Section 106 Regulations Summary

Introduction

Initiate Section 106 process

Identify historic properties

Assess adverse effects

Resolve adverse effects

Implementation

Failure to resolve adverse effects

Tribes, Native Hawaiians, and the public

Introduction

Section 106 of the [National Historic Preservation Act of 1966 \(NHPA\)](#) requires Federal agencies to take into account the effects of their undertakings on historic properties, and afford the [Advisory Council on Historic Preservation](#) a reasonable opportunity to comment. The historic preservation review process mandated by Section 106 is outlined in regulations issued by ACHP. Revised regulations, "[Protection of Historic Properties](#)" (36 CFR Part 800), became effective August 5, 2004, and are summarized below.

Initiate Section 106 process

The responsible Federal agency first determines whether it has an undertaking that is a type of activity that could affect historic properties. Historic properties are properties that are included in the [National Register of Historic Places](#) or that meet the [criteria for the National Register](#). If so, it must identify the appropriate [State Historic Preservation Officer/Tribal Historic Preservation Officer * \(SHPO/THPO*\)](#) to consult with during the process. It should also plan to involve the public, and identify other potential consulting parties. If it determines that it has no undertaking, or that its undertaking is a type of activity that has no potential to affect historic properties, the agency has no further Section 106 obligations.

Identify historic properties

If the agency's undertaking could affect historic properties, the agency determines the scope of appropriate identification efforts and then proceeds to identify historic properties in the area of potential effects. The agency reviews background

information, consults with the SHPO/THPO* and others, seeks information from knowledgeable parties, and conducts additional studies as necessary. Districts, sites, buildings, structures, and objects listed in the National Register are considered; unlisted properties are evaluated against the National Park Service's published [criteria](#), in consultation with the SHPO/THPO* and any Indian tribe or Native Hawaiian organization that may attach religious or cultural importance to them.

If questions arise about the eligibility of a given property, the agency may seek a formal determination of eligibility from the [National Park Service](#). Section 106 review gives equal consideration to properties that have already been included in the National Register as well as those that have not been so included, but that meet National Register criteria.

If the agency finds that no historic properties are present or affected, it provides documentation to the SHPO/THPO* and, barring any objection in 30 days, proceeds with its undertaking.

If the agency finds that historic properties are present, it proceeds to assess possible adverse effects.

Assess adverse effects

The agency, in consultation with the SHPO/THPO*, makes an assessment of adverse effects on the identified historic properties based on criteria found in ACHP's regulations.

If they agree that there will be **no adverse effect**, the agency proceeds with the undertaking and any agreed-upon conditions.

If a) they find that there is an **adverse effect**, or if the parties cannot agree and ACHP determines within 15 days that there is an adverse effect, the agency begins consultation to seek ways to avoid, minimize, or mitigate the adverse effects.

Resolve adverse effects

The agency consults to resolve adverse effects with the SHPO/THPO* and others, who may include Indian tribes and Native Hawaiian organizations, local governments, permit or license applicants, and members of the public. ACHP may participate in consultation when there are substantial impacts to important historic properties, when a case presents important questions of policy or interpretation, when there is a potential for procedural problems, or when there are issues of concern to Indian tribes or Native Hawaiian organizations.

Consultation usually results in a Memorandum of Agreement (MOA), which outlines agreed-upon measures that the agency will take to avoid, minimize, or mitigate the adverse effects. In some cases, the consulting parties may agree that no such measures are possible, but that the adverse effects must be accepted in the public interest.

Implementation

If an MOA is executed, the agency proceeds with its undertaking under the terms of the MOA.

Failure to resolve adverse effects

If consultation proves unproductive, the agency or the SHPO/THPO*, or ACHP itself, may terminate consultation. If a SHPO terminates consultation, the agency and ACHP may conclude an MOA without SHPO involvement. However, if a THPO* terminates consultation and the undertaking is on or affecting historic properties on tribal lands, ACHP must provide its comments. The agency must submit appropriate documentation to ACHP and request ACHP's written comments. The agency head must take into account ACHP's written comments in deciding how to proceed.

Indian Tribes and Native Hawaiian Organizations

The regulations also place major emphasis on consultation with Indian tribes and Native Hawaiian organizations, in keeping with the 1992 amendments to NHPA. Consultation with an Indian tribe must respect tribal sovereignty and the government-to-government relationship between the Federal Government and Indian tribes. Even if an Indian tribe has not been certified by NPS to have a [Tribal Historic Preservation Officer](#) who can act for the SHPO on its lands, it must be consulted about undertakings on or affecting its lands on the same basis and in addition to the SHPO.

The Public

Public involvement is a key ingredient in successful Section 106 consultation, and the views of the public should be solicited and considered throughout the process.

*** The regulations define the term "THPO" as those tribes that have assumed SHPO responsibilities on their tribal lands and have been certified pursuant to Section 101(d) (2) of the NHPA. Nevertheless, remember that tribes that have not been so certified have the same consultation and concurrence rights as THPOs when the undertaking takes place, or affects historic properties, on their tribal lands. The practical difference is that during such undertakings, THPOs would be consulted *in lieu of* the SHPO, while non-certified tribes would be consulted *in addition to* the SHPO.**

Updated April 18, 2013

[Return to Top](#)

**Brunswick Development Corporation
85 Union Street
Brunswick, Maine 04011**

June 1, 2016

Joel Kittredge, Project Manager
Maine Department of Transportation
16 State House Station
Augusta, Maine 04333-0016

Dear Mr. Kittredge:

The Brunswick Development Corporation (BDC) was created in 1995 to encourage and promote the development of business enterprises within the Town of Brunswick, Maine for purposes of stimulating economic development by, among other things, providing incentives for businesses to locate and expand in Brunswick and to construct and expand facilities incorporating new techniques, and for purposes of maintaining and improving the economic health of the Town, lessening the burdens of government, and providing for additional employment opportunities and increased tax base within the Town. Infrastructure improvements, such as rehabilitating or replacing the current Brunswick-Topsham bridge, fall within the parameters of stimulating economic development in Brunswick and as such are of concern to the BDC.

Based on the presentations that the Maine Department of Transportation (DOT) has made to the Brunswick Town Council and the general public in the Brunswick-Topsham area on April 19, 2016 and April 27, 2016 respectively, it appears that continued investment in the 84 year old Frank J. Wood bridge would not be the preferred option, due to the rehabilitation costs, limited life cycle, and expensive, labor-intensive follow-up maintenance. While the BDC Board recognizes that the existing bridge has advocates for its rehabilitation, we also appreciate the benefits that can accrue to the Brunswick and Topsham communities if a new bridge is put in place, such as improved access and safety for pedestrians and bicyclists, observation "bump-outs" for upstream and downstream viewing of the river, reduced maintenance and inspection costs, and a longer life cycle. In addition, the prospect of the potential closures, associated with the rehabilitation of the existing bridge, that are anticipated to be for five to seven months per year for two or three years, constitutes an unacceptable burden on our Town's businesses, particularly those in our downtown.

Therefore, the BDC Board voted at its May 20, 2016 meeting to support the recommendation of the Maine DOT that the existing bridge be replaced, based upon more than a year of careful consideration of all alternatives, including rehabilitation. We appreciate the Maine DOT opportunity to provide comments on its recommendation and applaud its invitation to Brunswick and Topsham municipalities to appoint representatives to a Design Advisory Team to help increase the new bridge's aesthetic appeal for both communities.

Sincerely,

Larissa Darcy
BDC President

Cc: John Eldridge, Brunswick Town Manager

Southern Midcoast Maine Chamber

RESOLUTION REGARDING THE TOPSHAM-BRUNSWICK BRIDGE

Adopted: May 26, 2016

WHEREAS: The Directors of the Southern Midcoast Maine Chamber of Commerce acknowledge and respect the long service of the Frank J. Wood Bridge, but also express the following very strong concerns regarding continued reliance on this 84-year-old bridge:

- Accelerating deterioration in the condition of the existing bridge
- Increasing maintenance and inspection costs associated with a rehabilitated bridge
- Very substantial adverse impacts to local businesses arising from the repeated, lengthy closures required for rehabilitation of the existing bridge
- Much lower life-cycle costs of a new bridge
- Significantly improved and safer transportation facilities provided by a new bridge for **all** users, including pedestrians and bicyclists
- The fact that the bridge would still need to be replaced – at even higher cost – at the end of the limited additional useful life resulting from a rehabilitation
- The recommendation of the Maine Department of Transportation that the existing bridge be replaced, based upon more than a year of careful consideration of all alternatives, including rehabilitation

BE IT RESOLVED, THEREFORE: That the Directors of the Southern Midcoast Maine Chamber of Commerce fully support the replacement of the Frank J. Wood Bridge with a new bridge that includes improved access and safety for all users, including pedestrians and bicyclists, and minimizes the current and future financial impacts on our communities. Furthermore, to ensure local input on the design of the bridge, the Directors encourage the Towns of Brunswick and Topsham to establish a joint Design Advisory Committee to work with the Maine Department of Transportation to optimize the final design for the new bridge.

<http://www.midcoastmaine.com/blog/post/southern-midcoast-maine-chamber-resolution-regarding-the-topsham-brunswick-bridge-adopted-may-26-2016>

ITEM 67

BACK UP MATERIALS

Town of Brunswick, Maine

OFFICE OF THE TOWN MANAGER

MEMORANDUM

TO: Town Council

FROM: John Eldridge
Town Manager

DATE: May 12, 2016

SUBJECT: Town Hall Trim Repairs

Attached is a revised estimate for the Town Hall Trim replacement project. Since the last Town Council meeting, we have had the exterior doors re-evaluated and we are no longer recommending replacement of all the exterior doors. However, we have included an allowance for plywood replacement and increased the amount we recommended for contingency. We are hopeful that much of the allowance and contingency will not be needed. That depends on the damage that is uncovered once the work begins. We also intend to use a portion of the contingency to assist in the management/inspection of the project.

Also attached is the proposed bond ordinance and public hearing notice. While we are still recommending that the project be funded with debt, we will reevaluate funding sources prior to the issuance of debt, should another source be deemed to be more desirable.

Finally, we have also prepared a brief presentation that follows the format we are now using for presenting capital projects. We look forward to your questions on the 16th.

Attachments

Updated Town Hall Trim Replacement Estimate

85 Union Street

Scope of Project: Replace trim around all windows and doors, including panels on all three floors of building with AZEK™ or equal composite wood.

Estimate by Warren Construction Group and John Foster, Town Eng.

Print Date: May 12, 2016

Item	Type Window	Size	Quantity	Unit	Total Cost
A	Window A	8' x 8'	17	ea.	\$ 10,730.82
B	Window B	4.34 x 4'	20	ea.	\$ 5,445.35
C	Window C	2 x 6'	2	ea.	\$ 1,507.57
D	Window D	4 x 6'	32	ea.	\$ 11,706.67
E	Window E	4 x 4.34'	8	ea.	\$ 2,078.44
F	Window F	4.34 x 5'	30	ea.	\$ 7,254.47
G	Window G	5 x 9'	2	ea.	\$ 822.12
H	Window H	5 x 9'	2	ea.	\$ 700.92
J	Window J	4 x 4'	2	ea.	\$ 914.83
K	Gable Trim/Rake		292	l.f.	\$ 9,770.32
L	Fascia/No Soffit		260	l.f.	\$ 6,389.76
M	Trim @ Flare		248	l.f.	\$ 8,412.16
N	Horizontal Trim		2360	s.f.	\$ 36,500.08
O	Replace Trim Around 5 Doors		5	ea.	\$ 5,000.00
P	Allowance for Replacing Plywood		400	s.f.	\$ 10,000.00
Q	Manlift Rental		4	months	\$ 6,400.00
R	Misc. Fasteners			L.S.	\$ 800.00
S	Replace Six Panel Door		1	ea.	\$ 3,300.00
T	Replace Hollow Metal Frame w/SS		1	ea.	\$ 3,500.00
	Overhead & Profit				\$ 23,622.03
Total Estimated Construction Cost					\$ 154,855.54
Contingency			25%		\$ 38,713.88
Total Estimated Project Cost					\$ 193,569.42
Recommended Project Budget:					\$ 194,000.00

TOWN OF BRUNSWICK, MAINE

An Ordinance Authorizing the Removal and Replacement of Exterior Trim Elements of the Brunswick Town Hall, with Total Project Costs Not to Exceed \$200,000 (plus any other costs authorized hereunder), and Further Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$200,000 (plus cost of issuance), plus any Additional Appropriation Authorized Hereunder

WHEREAS, the Town Council (the “Town Council”) of the Town of Brunswick (the “Town”) has adopted a Capital Improvement Program for the fiscal years ending June 30, 2016-2020 (the “CIP”); and

WHEREAS, the CIP recommends removal and replacement of exterior trim elements of the Brunswick Town Hall at 85 Union Street ; (the “Town Hall Trim Project” or “Project”) and,

WHEREAS, the Town has established a project budget of \$200,000, all of which is expected to be financed with the issue of general obligation bonds; and

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

NOW THEREFORE THE FOLLOWING ORDINANCE IS ADOPTED.

Section 1. Funding Sources and Appropriations.

- a. A total of two hundred thousand (\$200,000), plus any additional amounts authorized under this ordinance, are appropriated to finance the cost of removal and replacement of exterior trim elements of the Brunswick Town Hall at 85 Union Street, and any other components and costs deemed necessary by the Town Manager to repair and improve the building envelope (the “Project”).
- b. The issue and sale of the Town’s general obligation bonds or notes (and notes in anticipation thereof) is authorized in an aggregate principal amount not to exceed two hundred thousand dollars (\$200,000), plus the cost of issuance. The proceeds of the bonds and notes are appropriated to finance the costs of the Project. The bonds and notes may also be used to reimburse the Town for any prior expenditures on the Project, or to refinance notes or advances as authorized herein.

Section 2. Authorization to Remove and Replace Exterior Trim on the Brunswick Town Hall. The Town Manager is authorized to negotiate, execute, and deliver, in the name of and on behalf of the Town, such contracts, agreements, and other documents and certificates as the Town Manager may determine to be necessary or appropriate in connection with the Project. The aforementioned items shall be in such form and contain such terms and conditions as may be approved by the Town Manager. Such approval shall be conclusively evidenced by the Town Manager’s execution thereof, provided however, that the Town Manager may delegate the authority granted hereunder as the Town Manager deems appropriate.

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

- a. the cost of planning, and engineering, and other professional services associated with the Project;
- b. the costs related to applying for and obtaining all permits and licenses,
- c. the cost of constructing the Project, and all costs determined by the Town Manager to be necessary to place the Project in service and ready for its intended use;
- d. the cost of insuring the Project while under construction and for a reasonable period upon substantial completion of the project, including builders risk, general liability, product liability, workers compensation and any other insurance costs the Town Manager determines is related to the Project;
- e. the costs of financing the Project including but not limited to financing charges and issuance costs, underwriters' fees and costs, legal and accounting fees and costs, application fees, and other fees and expenses related to financing the Project;
- f. interest costs prior to and during construction and for a period not to exceed three years from the issue date of the bonds, underwriters' fees and costs, legal and accounting fees and costs, application fees, and other fees and expenses related to the financing transaction;
- g. any other costs identified in the Project budget provided with the proposal, and the cost of any other items or services deemed to be cost under generally accepted accounting principles ("GAAP") as determined by the Town's Finance Director.

Section 4. Details of the Bonds or Notes.

- a. Execution and Delivery of Bonds and Notes. The bonds and notes issued hereunder, and any issued as the result of exchanges or transfers, shall be signed by the Treasurer and be countersigned by the Chair of the Town Council. The bonds and notes shall have the seal of the Town affixed thereon, and be attested by the Town Clerk. The Treasurer and Chair of the Town Council, from time to time, shall execute such bonds and notes as may be required to provide for exchanges or transfers of bonds and notes hereinbefore authorized.
- b. Book Entry Certificates In lieu of physical certificates of the bonds and notes, the Treasurer be and hereby is authorized to undertake all acts necessary to provide for the issuance and transfer of such bonds and notes in book-entry form pursuant to the Depository Trust Company Book-Entry Only System. As an alternative to the provisions herein regarding physical transfer of bonds, and the Treasurer is authorized and empowered to enter into a Letter of Representation or any other contract, agreement or understanding necessary or, in the Treasurer's opinion, appropriate in order to qualify the bonds for and participate in the Depository Trust Company Book-Entry Only System.
- c. Tax Exempt Bonds Option. The Treasurer and Chair of the Town Council are individually authorized to determine whether to issue the bonds and notes authorized herein as taxable bonds and notes or tax-exempt bonds and notes. To the extent such bonds and notes are issued as tax-exempt bonds, the Treasurer and Chair of the Town Council are individually authorized to covenant and agree, on behalf of the Town and for the benefit of the holders of such bonds and notes, that the Town will file any required reports and take any other action that may be necessary to ensure that interest on the bonds and notes will remain exempt from federal income taxation and that the Town will

refrain from any action that would cause interest on the bonds and notes to be subject to federal income taxation.

- d. No Arbitrage Certification. The Treasurer and Chair of the Town Council are individually authorized to covenant and certify on behalf of the Town that no part of the proceeds of the bonds and notes shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause such bonds or notes to be “arbitrage bonds” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended.
- e. Qualified Tax Exempt Obligations. The Treasurer is hereby authorized and empowered to take all such action as may be necessary to designate such bonds and/or notes as qualified tax-exempt obligations for purposes of Section 265(b) of the Code; it being the Town’s intention that the Treasurer, with advice of bond counsel, to make the required Section 265(b) election with respect to such bonds and notes, but only to the extent the election may be available and advisable as determined by the Treasurer.
- f. Principal Denominations. The principal amount of the bonds of the same maturity shall be such minimum denomination as the Treasurer, in the Treasurer’s discretion, may approve.
- g. Maturities and Interest Rates. The maturity(ies), interest rate(s) and sale price of the bonds or notes issued hereunder shall be either sent out to bid or negotiated by the Treasurer in such manner as the Treasurer deems appropriate and in the best interest of the Town and the financing of the above-referenced Project. The Treasurer be and hereby is authorized to provide that any of the bonds or notes hereinbefore authorized may be made callable, with or without premium, prior to their stated dates of maturity. The bonds or notes hereby authorized shall be in such form and to otherwise contain such other terms and provisions as the Treasurer may approve, his or her approval to be conclusively evidenced by his/her execution thereof.
- h. Consolidation of Bond or Notes. Any or all of the bonds or notes issued hereunder may be consolidated with and become a part of any other issue of bonds or notes authorized to be issued by any previous or subsequent ordinance of the Town Council of the Town of Brunswick.
- i. Other Authorized Officials. If the Treasurer, Chair of the Town Council or Town Clerk are for any reason unavailable to approve and execute the bonds hereinbefore authorized or any other documents necessary or convenient to the issuance, execution and delivery of the bonds, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had performed such act.
- j. Absence of Officials Prior to Delivery. If any of the officials of the Town who have signed or sealed the bonds or notes shall cease to be such officials before the bonds or notes signed and sealed shall have been actually authenticated or delivered by the Town, such bonds and notes nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such bonds or notes had not ceased to be such officer or official; and also any such bonds and notes may be signed and sealed on behalf of the Town by those persons who, at the actual date of

the execution of such bonds and notes, shall be the proper officials of the Town, although at the nominal date of such bonds and notes any such person shall not have been such officer or official.

Section 5. Sale of Bonds or Notes and Registrar, Paying Agent and Transfer Agent

- a. **Official Statement.** The Treasurer is authorized to prepare, or cause to be prepared, a Preliminary Official Statement and an Official Statement for use in the offering and sale of the bonds or notes. The Preliminary Official Statement and Official Statement shall be in such form and contain such information as may be approved by the Treasurer, with the advice of the underwriter for the bonds or notes and bond counsel for the Town. The distribution of the Preliminary Official Statement and the Official Statement in the name of and on behalf of the Town in connection with offering the bonds or notes is approved.
- b. **Counsel.** The Treasurer is authorized to select Issuer Counsel, Bond Counsel and any other counsel the Treasurer deems necessary in connection with the planning, sale and issuance of the notes or bonds, and to execute and deliver such contracts or agreements as may be necessary or appropriate in connection therewith.
- c. **Underwriter.** The Treasurer is authorized to select the underwriter for the bonds and notes, and to execute and deliver such contracts or agreements as may be necessary or appropriate in connection therewith.
- d. **Registrar, Paying Agent and Transfer Agent.** The Treasurer is authorized to select the registrar, paying agent, and transfer agent for the bonds or notes and to execute and deliver such contracts and agreements as may be necessary or appropriate to secure their services. The bonds and notes shall be transferable only on the registration books of the Town kept by the transfer agent. Upon surrender of the bonds or notes with an accompanying written instrument of exchange or transfer, executed by the registered owner or the owner's attorney, duly authorized in writing and satisfactory to the transfer agent, the Town and the transfer agent shall make a charge sufficient to cover any tax, fee or any other governmental charge required to be payable with respect to such exchange or transfer. Subsequent to the first exchange or transfer, the cost of preparing new bonds or notes upon exchanges or transfer thereof shall be paid by the person requesting the same.

Section 6. Refunding. The Treasurer and Chair of the Town Council be and hereby are authorized to execute a refunding of general obligation bonds and notes herein authorized when the Treasurer and the Chair of the Town Council determine that such refunding is in the best interest of the Town. All delegated authority provided pursuant to this ordinance shall also apply to a refunding bond and note issue relating to the general obligation bonds and notes herein authorized.

Section 7. Continuing Disclosure. The Treasurer and Chair of the Town Council be and hereby are individually authorized to covenant, certify, and agree, on behalf of the Town, for the benefit of the holders of such bonds and notes, that the Town will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to ensure that the disclosure requirements imposed by Rule 15c12-12 of the Securities and Exchange Commission are met.

Section 8. Investment Earnings and Other Bond Proceeds. Any investment earnings on the proceeds of the bonds and notes and any other unexpended proceeds thereof are appropriated for the following purposes:

- a. To any costs of the Project in excess of the amounts authorized herein;
- b. In accordance with the applicable terms and conditions of the Town's Arbitrage and Use of Proceeds Certificate delivered in connection with the sale of the bonds or notes including, to the extent permitted thereunder, to interest on the bonds or notes, or to the Town's general fund;
- c. To any other qualified costs approved by the Town Council and not prohibited by the Town Charter or Ordinances, Maine law or the Internal Revenue Code.

Section 9. Authority to Levy Tax for Debt Service. In each of the years during which any of the bonds or notes are outstanding, there shall be levied a tax in an amount which, with other revenues, if any, available for that purpose, shall be sufficient to pay the interest on said bonds or notes, payable in such year, and the principal of such bonds maturing in such year.

Section 10. Advances to Fund Project. The Town is authorized to make advances, from the Town's general fund to a capital projects fund, in an aggregate amount not to exceed \$200,000 in anticipation of the issuance of bonds or notes, or for the purpose of financing any part of the Project. Advances used in lieu of bonds or notes authorized hereunder, are appropriated to finance the cost, or any part thereof, of the Project. The Treasurer is authorized to establish and amend all details of any advances including, but not limited to the term, interest rates, and payment schedule. The authority to issue the bonds and notes authorized herein shall remain and continue in full force and effect during the entire term of the advance(s). The proceeds of the bonds and notes issued hereunder may be used to repay the advance(s) of any portion thereof.

Section 11. Declaration of Official Intent. Advances from the Town's general fund may finance the original expenditures related to the Project. It is expected that those advances will be reimbursed in part or in whole by the issuance of bonds or notes authorized hereunder. It is the intent of the Town Council that this Ordinance shall constitute the Town's declaration of official intent within the meaning of Treasury Regulation 1.150-2.

Section 12. Abandonment of Borrowing Authority. The Treasurer is empowered to declare abandoned, the authority to issue any bonds or notes the Treasurer deems to be in excess of the amount necessary to complete the Project. Such a declaration once made may not be reversed other than by ordinance.

Proposed to Town Council: May 2, 2016
Public Hearing:
Adopted by Town Council:

**TOWN OF BRUNSWICK
NOTICE OF PUBLIC HEARING**

The Town Council will hold a public hearing on Monday, May 16, 2016 at 7:00 p.m. in the Council Chambers of the Brunswick Town Hall, 85 Union Street, to consider the following:

An Ordinance Authorizing the Removal and Replacement of Exterior Trim Elements of the Brunswick Town Hall, with Total Project Costs Not to Exceed \$200,000 (plus any other costs authorized hereunder), and Further Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$200,000 (plus cost of issuance), plus any Additional Appropriation Authorized Hereunder

The text of the proposed ordinance is too extensive to be included with this notice. Anyone having questions about the proposed ordinance or wishing to obtain copies of it should contact the Brunswick Town Clerk's or Town Manager's Office during regular office hours Monday through Friday from 8:30 a.m. to 4:30 p.m.

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

_____, 2016

Printed in the *Times Record* on _____, 2016

Town Hall Exterior Trim



Before



After

Town Hall Exterior Trim

- Examples of damage



ITEM 68, 69 & 70
BACK UP MATERIALS

Town of Brunswick, Maine

OFFICE OF THE TOWN MANAGER

MEMORANDUM

TO: Town Council

FROM: John Eldridge
Town Manager

DATE: June 1, 2016

SUBJECT: Timeline and Supporting Documentation for Brunswick Landing TIF Amendments and Midcoast Regional Redevelopment Authority CEA

At the June 6, 2016 Town Council meeting, there are two related items requiring several supporting documents. To facilitate the Council's review and discussion of these items, a timeline with related materials follows.

June 6, 2016 – Town Council packet to set Public Hearing for TIF Districts Amendments

Item 1:

- 3** • Town Manager's Memo on the Brunswick Landing TIF District (First Amendment) and Brunswick Executive Airport TIF District (First Amendment)
- 6** • Public Hearing Notice (combined notice for both TIF Districts' Amendments)

Item 1.a.:

- 7** • Brunswick Landing TIF District First Amendment Council Resolution (draft)
- 9** • Brunswick Landing TIF District First Amendment (redlined)

Item 1.b.

- 37** • Brunswick Executive Airport TIF District First Amendment Council Resolution (draft)
- 39** • Brunswick Executive Airport TIF District First Amendment (redlined)

Item 2.

- 67** • Town Manager's Memo on the Midcoast Regional Redevelopment Authority (MRRA) Credit Enhancement Agreement (CEA)
- 68** • Midcoast Regional Redevelopment Authority (MRRA) Credit Enhancement Agreement (CEA)
- 88** • MRRA CEA Council Order (draft)

June 9, 2016 – Publish Public Hearing Notice

Brunswick Landing TIF District (First Amendment) and Brunswick Executive Airport TIF District (First Amendment) Public Hearing Notice Published - combined notice for both TIF Districts' Amendments

June 20, 2016 – Town Council packet to hold Public Hearing for TIF Districts Amendments

Item 1:

- Town Manager's Memo on the Brunswick Landing TIF District (First Amendment) and Brunswick Executive Airport TIF District (First Amendment)

Item 1.a.:

- Brunswick Landing TIF District First Amendment Council Resolution
- Brunswick Landing TIF District First Amendment (clean copy)

Item 1.b.

- Brunswick Executive Airport TIF District First Amendment Council Resolution
- Brunswick Executive Airport TIF District First Amendment (clean copy)

Item 2.

- Town Manager's Memo on the Midcoast Regional Redevelopment Authority (MRRA) Credit Enhancement Agreement (CEA)
- Midcoast Regional Redevelopment Authority (MRRA) Credit Enhancement Agreement (CEA)
- MRRA CEA Council Order

All materials related to the TIF Amendments and MRRA CEA will be available to the public, effective June 2, 2016, when the Town Council packet is posted. The Public Hearing notice is expected to be published in the *Times Record* on June 9, 2016. As the Town Council voted not to hold a July 5th meeting, it may wish to consider voting to adopt the two Resolutions at the June 20, 2016 meeting since the next regular Town Council meeting will not take place until July 18, 2016.

Town of Brunswick, Maine

OFFICE OF THE TOWN MANAGER

MEMORANDUM

TO: Town Council

FROM: John Eldridge
Town Manager

DATE: June 1, 2016

SUBJECT: Brunswick Landing TIF District (First Amendment)
Brunswick Executive Airport TIF District (First Amendment)

Background

In March 2013, the Town designated two TIF districts to assist with the redevelopment of the former Naval Air Station Brunswick (“NAS Brunswick” or “NASB” or the “Base”):

- (1) 542-acre Brunswick Landing II Omnibus Municipal Development and Tax Increment Financing District (the “Brunswick Landing District”).
- (2) 146-acre Brunswick Executive Airport II Omnibus Municipal Development and Tax Increment Financing District (the “Executive Airport District”)

At that time, the TIF districts were only designated geographically. Implementation of the TIF districts required the adoption of development programs and the Town wanted additional time to develop comprehensive programs that would be designed to foster a broad range of economic redevelopment activity at the former NASB. The Town subsequently completed those development programs and submitted them to the Department of Economic and Community development (“DECD”) for approval. By separate letters dated October 24, 2013, DECD issued full approval of the two TIF Districts and the development programs.

In April 2011, the Midcoast Regional Redevelopment Authority (“MRRRA”) entered into a lease agreement with Kestrel Aircraft Company, Inc. for a portion of property located at Brunswick Executive Airport. That property was later included within the property designated as the Executive Airport District. Among other things, the Kestrel lease provided that the leased premises must be used exclusively for aeronautical purposes as defined in 6 M.R.S. § 3(2).

On April 1, 2012, MRRRA applied to the Town for tax-exempt status for a portion of Hangar 6 covered by the Kestrel Lease, asserting that MRRRA’s ownership of the property and Kestrel’s use of the property qualified the property for the property tax exemption for public airports set forth in 36 M.R.S. § 651(1)(F). The Town disagreed with MRRRA’s position and did not grant a tax exemption. The Town issued tax bills to MRRRA for the portion of Hangar 6 subject to the Kestrel Lease and MRRRA paid the taxes in full for both years. However, MRRRA continued to dispute the tax status of that portion of Hangar 6 subject to the Kestrel Lease.

In April 2014, MRRRA filed a declaratory judgment lawsuit in the Maine Superior Court against the

Town and the Town's Assessor. In the lawsuit, MRRA asked the Court to, among other things, determine that MRRA was entitled to a tax exemption pursuant to 36 M.R.S. § 651(1)(F), order the Town to refund the taxes MRRA paid in 2012 and 2013 related to the portion of Hangar 6 leased by Kestrel, and issue an injunction directing the Town's Assessor to classify the portion of Hangar 6 leased by Kestrel as tax exempt pursuant to 36 M.R.S. § 651(1)(F).

Despite the pending lawsuit, the Town and MRRA continued to try to resolve their differences regarding the tax status of Hangar 6 and continued to work together in an effort to foster the redevelopment of the former NAS Brunswick. Toward that end, in October 2015, the Town and MRRA entered into a Memorandum of Agreement (the "MOA"), in which the Town agreed to pursue certain amendments to the Development Programs for the TIF Districts, including a new allocation of TIF Revenues, and the Town agreed to negotiate and enter into a credit enhancement agreement with MRRA (the "CEA") to memorialize the new allocation of TIF Revenues. For its part, MRRA agreed in the MOA that it would not appeal any future decisions of the Town regarding the taxable status of property located within the Executive Airport District, and it would include language in its leases prohibiting MRRA's lessees from challenging the Town's interpretation and application of the tax exemption set forth in 36 M.R.S. § 651(1)(F). MRRA further agreed to dismiss its pending lawsuit after the TIF amendments receive final approval from DECD and after the CEA is fully executed.

First Amendment Highlights

The purpose of these First Amendments to the Brunswick Landing District and the Brunswick Executive Airport (collectively the "TIF Districts") is to implement the relevant terms set forth in the MOA that relate to the TIF Districts.

The First Amendment is designed to modify the development programs to:

- (1) Articulate the history that necessitated the amendments;
- (2) Confirm the Town's intent to administer together, the Brunswick Landing District and Executive Airport District;
- (3) Provide for minor modifications regarding eligible road improvement activities;
- (4) Add the following - Item 7. General Economic Development, Item 8. Recreational Trails, and Item 9. Road and Infrastructure Improvements within and adjacent to Brunswick Landing;
- (5) Increase the cap available to MRRA from \$12 million to \$15 million; and,
- (6) Allocate TIF revenues according to the chart as shown as Table 2.

Public Hearing Requirement

As was required in the initial designation and adoption of the districts, approval of the amendments requires a public hearing, adoption by the Town Council, and subsequent approval by DECD. Therefore, the request of the Town Council is to set a separate public hearing on June 20, 2016 for:

Memo to Town Council
Amendments to Brunswick Landing and
Brunswick Airport TIF Districts
June 1, 2016
Page 3 of 3

- (1) the First Amendment for the Brunswick Landing II Omnibus Municipal Development and Tax Increment Financing District; and
- (2) the First Amendment for the Brunswick Executive Airport II Omnibus Municipal Development and Tax Increment Financing District.

Shana Cook Mueller from Bernstein Shur assisted with the preparation of these amendments and will attend the public hearing. We look forward to addressing your questions.

**NOTICE OF PUBLIC HEARING
TOWN OF BRUNSWICK**

Regarding

**The First Amendment to
the Municipal Tax Increment Financing Development Program for the District Known As
The “Brunswick Landing Omnibus Municipal Development
and Tax Increment Financing District”**

And

**The First Amendment to
the Municipal Tax Increment Financing Development Program for the District Known as
the “Brunswick Executive Airport Omnibus Municipal Development
and Tax Increment Financing District”**

Notice is hereby given that the Brunswick Town Council will hold a public hearing on

June 20, 2016

at the

**Brunswick Town Office at 85 Union Street, Brunswick, Maine,
The Public Hearing will be at 7:00 p.m.**

The purpose of the public hearing is to receive public comments on the approval of the First Amendment to the development programs for the municipal tax increment financing districts identified above, designated on March 29, 2013 and also known as the “Landing TIF” and the “Airport TIF,” pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended.

The Landing TIF district consists of 542 acres of property located at the former Naval Air Station Brunswick and the Airport TIF district consists of 146 acres of property located at the former Naval Air Station Brunswick.

All interested persons are invited to attend the public hearing and will be given an opportunity to be heard at that time. The Development Programs and First Amendments are available for review by all interested parties at the Town Clerk’s Office during normal business hours (Monday to Friday, 8:30 AM to 4:30 PM).

**TOWN OF BRUNSWICK, MAINE
TOWN COUNCIL RESOLUTION**

**Adopting the First Amendment of the Brunswick Landing II Municipal Development
and Tax Increment Financing District Omnibus Development Program**

WHEREAS, the Town of Brunswick (the “Town”) is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to designate specific areas within the Town as the Brunswick Landing II Municipal Development and Tax Increment Financing District Omnibus Development Program (the “District”) and to adopt a Development Program Amendment for the District (the “Development Program Amendment”); and

WHEREAS, there is a need to encourage and facilitate the rapid redevelopment of industrial, commercial and professional office space within the Town at the former naval air base known as the Naval Air Station Brunswick (“NAS Brunswick”); and

WHEREAS, the 2011 closure of NAS Brunswick created an acute need to provide additional employment opportunities for the residents of the Town and the surrounding region; to improve and broaden the tax base of the Town; and to improve the general economy of the Town, the surrounding region and the State of Maine; and

WHEREAS, the Town designated the District on March 18, 2013 to ensure that any new taxable value located in the District would be captured in a tax increment financing (“TIF”) district and the Maine Department of Economic and Community Development (the “Department”) issued a conditional approval of the District effective as of March 29, 2013; and

WHEREAS, the Town adopted a Development Program for the District on July 29, 2013 in order to capture the value of the real property improvements made within the District, and to enable the use of TIF Revenues for various municipal and other economic development projects, and the Maine Department of Economic and Community Development (the “Department”) issued a full approval of the District and the Development Program effective as of October 24, 2013; and

WHEREAS, amending the Development Program for the District will help to continue to create new employment for the citizens of the Town and the surrounding region; improve and broaden the tax base of the Town; and improve the economy of the Town and the State of Maine; and

WHEREAS, the Town Council has held a public hearing on June 20, 2016, upon at least ten (10) days prior notice published in a newspaper of general circulation within the Town, on the question of adopting the Development Program Amendment for the District in accordance with the requirements of 30-A M.R.S.A. § 5226; and

WHEREAS, the Town Council has considered the comments provided at the public hearing, both for and against the adoption of the Development Program Amendment, if any; and

WHEREAS, the Town desires to adopt the Development Program Amendment of the District; and

WHEREAS, it is expected that approval will be sought and obtained from the Department, approving the Development Program Amendment.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

Section 1. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the Town Council hereby adopts the Development Program Amendment, all as more particularly described in the Development Program presented to the Town Council and such Development Program is hereby incorporated by reference into this vote as the Development Program Amendment for the District.

Section 2. Pursuant to the provisions of 30-A M.R.S.A. § 5227, the percentage of the increased assessed value to be retained as captured assessed value in the District is hereby established as set forth in the Development Program Amendment.

Section 3. The Town Manager, or his duly appointed representative, is hereby authorized, empowered and directed to submit the proposed Development Program Amendment to the Department for review and approval pursuant to the requirements of 30-A M.R.S.A. § 5226(2).

Section 4. The foregoing adoption of the Development Program Amendment shall automatically become final and shall take full force and effect upon receipt by the Town of approval of the Development Program Amendment by the Department, without requirement of any further action by the Town, the Town Council, or any other party.

Section 5. The Town Manager, or his duly appointed representative, is hereby authorized and empowered, at his discretion, from time to time, to make such revisions to the documents related to the Development Program Amendment as he may deem reasonably necessary or convenient in order to facilitate the process for review and approval of the Development Program Amendment by the Department, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the Council in adopting the Development Program Amendment.

Section 6. This Resolution shall take effect immediately upon adoption.

Proposed to Town Council: June 6, 2016
Public Hearing: June 20, 2016
Adopted by Town Council: _____

**ECONOMIC DEVELOPMENT
BRUNSWICK, MAINE**

*An Application for a Municipal Development and Tax Increment Financing District
Development Program*

**FIRST AMENDMENT TO
BRUNSWICK LANDING II MUNICIPAL DEVELOPMENT AND
TAX INCREMENT FINANCING DISTRICT OMNIBUS DEVELOPMENT PROGRAM**

Presented to:

TOWN OF BRUNSWICK

DATED: ~~July 29, 2013~~ _____

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SCHEDULES AND EXHIBITS:

Schedules:

- 1 ~~March 29~~[October 24](#), 2013 DECD Approval Letter ~~Conditionally~~ Approving the Town’s Designation of the Brunswick Landing II Municipal TIF District-
- 2 ~~January, 18, 2013 DECD Approval Letter Approving and~~ the [Mölnlycke Manufacturing Municipal TIF omnibus development program for the District and Development Program.](#)

Exhibits:

- A TIF District Maps
- B Statutory Requirements & Thresholds
- C Assessor’s Certificate of Original Assessed Value
- D-1 TIF Revenue Projections
- D-2 Tax Shift Projections
- E-1 Public Hearing Notice [for First Amendment](#)
- F-1 Public Hearing Minutes [for First Amendment](#)
- G-1 Town Council Resolution

[for First Amendment](#)

[H Exhibit A to Memorandum of Agreement Showing Hangars 4, 5 & 6](#)

[I Definition of “Aeronautical Business”](#)

I. Introduction

A. Midcoast Regional Redevelopment Authority

On August 24, 2005, the Federal Base Realignment and Closure (“BRAC”) Commission voted eight to one to close Naval Air Station Brunswick (“NAS Brunswick” or “NASB” or the “Base”) and move its aircraft operations to Jacksonville, Florida. The 79-acre Topsham Annex located in Topsham, Maine was also included as part of the closure. On September 15, 2005, the final list was approved by the President of the United States. By law, both properties were required to close before September 15, 2011. For the Town of Brunswick, the Town of Topsham, Cumberland and Sagadahoc counties, and the State of Maine, that decision was the culmination of an intense process and significant community effort to keep the facility open to maintain an employment base of over 5,200 military and civilian personnel.

NAS Brunswick was built as a multi-purpose campus that has changed over many years to serve a variety of purposes. It has been an airport since its initial development in the late 1930s, built on the site of a municipal airfield. Its primary mission has been to house and maintain various patrol aircraft and other Navy aviation and non-aviation activities. The base is considered both an industrial facility where aircraft were hangared, maintained and flown, as well as a support facility with offices, retail buildings, housing and ancillary uses associated with a relatively self-contained operation. In total there are over 200 buildings totaling over 1.75 million square feet on the Base; forty of which buildings would be considered significant facilities.

The closure of NAS Brunswick represents one of the largest single employer relocations or closings in the history of the state. The State Planning Office conducted an assessment of impact closure and revised the state gross product projection for 2015 downward by \$390 million, cutting the projected growth rate from two to approximately one percent. They also revised the state population growth downward by 7,400 as a result of the base closure. Projected state personal income was also reduced by \$370 million. Revenues to the State of Maine are also expected to be reduced by some \$20 million.

In other economic displacement events such as plant closings, most individuals continue to live in the community, albeit with reduced income, and they still contribute to the economy, have children in local schools, and participate in the activities of the community. In the case of a base closure and realignment, however, an entire segment of the population leaves the area, which increases vacancy rates and eliminates millions of dollars spent in the local economy on everything from housing, food, transportation and energy costs, to professional services and entertainment.

The impact of the closure is so large that the Maine Legislature created the Midcoast Regional Redevelopment Authority (“MRRA”) for the purpose of managing the transition of this large military facility back into the fabric of the region and to support the rapid and successful redevelopment of NAS Brunswick. MRRA is a public municipal corporation. While MRRA has many of the powers of a municipality, it does not have taxing jurisdiction over the property located within NAS Brunswick. See 5 M.R.S.A. § 13083-I(1). Thus, in order to use municipal tax increment financing (“TIF”) as an economic development tool to aid in the redevelopment of

NAS Brunswick, MRRA must work cooperatively with the Town of Brunswick (the “Town”) in order to create and use TIF Revenues ~~the tax revenues generated by the captured assessed value in the TIF districts (the “TIF Revenues”)~~ to foster and/or fund the desired redevelopment activities.

B. MRRA’s Request for Tax Increment Financing Assistance

In the fall of 2011, MRRA presented the Town with a request for ~~\$12 million in~~ tax increment financing assistance at NAS Brunswick as part of a larger project to redevelop the 1.7 million square feet of industrial, commercial and professional office space at NAS Brunswick. MRRA’s mission is to facilitate the rapid redevelopment of the Base properties in order to realize full build-out of Brunswick Landing in accordance with the adopted Reuse Master Plan for NAS Brunswick: (the “Reuse Master Plan”). MRRA specifically requested that the Town create a tax increment financing district around the area formerly known as the cantonment area at the Base, which will be developed into professional office space to enhance the competitiveness of the Midcoast region and the State of Maine to attract, grow and create new businesses in the industry clusters identified in the Reuse Master Plan for NAS Brunswick. These targeted industries include: composite manufacturing, information technology, alternative energy development, research, development and manufacturing and tourism and convention businesses in the Midcoast region. Having this area in a TIF district will facilitate MRRA’s efforts to redevelop the Base by allowing MRRA to seek funding from the Town for assistance in its efforts to redevelop the Brunswick Landing portion of the NAS Brunswick.

C. Designation of TIF District

Following extensive TIF-related discussions with MRRA and actively considering how best to maximize the Town’s ability to assist in the redevelopment of the NAS Brunswick through the use of tax increment financing, in March 2013 the Town designated ~~a 542-acre tax increment financing district for a 30-year period~~ two TIF districts to be known as ~~assist with the Brunswick Landing redevelopment of the Base: (1) the 146-acre Brunswick Executive Airport II Omnibus Municipal Development and Tax Increment Financing District (the “Executive Airport District”) and (2) a 542-acre Brunswick Landing II Omnibus Municipal Development and Tax Increment Financing District (the “Brunswick Landing District” or the “District”) (collectively the “TIF Districts”)~~. At that time, the Town wanted to take more time to flesh out a comprehensive development program that would be designed to foster a broad range of economic redevelopment activity at the former NASB, so the ~~District was~~ TIF Districts were designated without a development program.

By ~~letter~~ separate letters dated March 29, 2013, the Maine Department of Economic and Community Development (“DECD”) issued ~~a conditional approval~~ approvals of the Town Council’s designation of the ~~District~~ TIF Districts after a public hearing held on March 4, 2013, and a vote of the Council held on March 18, 2013. By separate letters dated October 24, 2013, DECD issued full approval of the two TIF Districts and the development programs for those Districts. Attached hereto as Schedule 1 is a copy of the DECD Approval letter ~~conditionally approving the Town’s designation of the District, subject to later DECD approval of a for the Brunswick Landing District and the~~ development program for the District.

D. Dispute Regarding Tax Exemption for Municipal Airports

In April 2011, MRRA entered into a lease agreement with Kestrel Aircraft Company, Inc. for property located at the Base, which property was later included within the property designated as the Executive Airport District. On the same date, Kestrel Aircraft Company, Inc. entered into a sublease with Kestrel Brunswick Corporation (both Kestrel entities are collectively “Kestrel”) for the same land area and the same terms as the primary lease (the lease and sublease are collectively the “Kestrel Lease”). The property subject to the Kestrel Lease includes just over half of a large aircraft hangar known as Hangar Number Six (“Hangar 6”), use of the tie-down area adjacent to Hangar 6, non-exclusive use of the runways, taxi-ways and aprons and other conveniences for the take-off, flying and landing of aircraft, and an area for parking motor vehicles. The Kestrel Lease, among other things, provided that the leased premises must be used exclusively for aeronautical purposes as defined in 6 M.R.S. § 3(2).

On April 1, 2012, MRRA applied to the Town for tax exempt status for the area of Hangar 6 covered by the Kestrel Lease, asserting that MRRA’s ownership of the property and Kestrel’s use of the property qualified the property for the property tax exemption for public airports set forth in 36 M.R.S. § 651(1)(F). The Town disagreed with MRRA’s position and did not grant a tax exemption for the portion of Hangar 6 subject to the Kestrel Lease. The Town issued tax bills to MRRA for the portion of Hangar 6 subject to the Kestrel Lease in the amount of \$114,114 for the Town’s 2012 tax year and \$123,700 for the Town’s 2013 tax year. MRRA paid the taxes in full for both years. The parties, however, continued to dispute the tax status of the portion of Hangar 6 subject to the Kestrel Lease.

In April 2014, MRRA filed a declaratory judgment lawsuit in the Maine Superior Court against the Town and the Town’s Assessor (the “lawsuit”). In the lawsuit, MRRA asked the Court to, among other things, determine that MRRA was entitled to a tax exemption pursuant to 36 M.R.S. § 651(1)(F), order the Town to refund the taxes MRRA paid in 2012 and 2013 related the portion of Hangar 6 leased by Kestrel, and issue an injunction directing the Town’s Assessor to classify the portion of Hangar 6 leased by Kestrel as tax exempt pursuant to 36 M.R.S. § 651(1)(F).

Despite the pending lawsuit, the Town and MRRA have continued to try to resolve their differences regarding the tax status of Hangar 6 and continued to work together in an effort to foster the redevelopment of the former NAS Brunswick. Toward that end, in October 2015, the Town and MRRA entered into a Memorandum of Agreement (the “MOA”), in which the Town agreed to pursue certain amendments to the Development Programs for the TIF Districts, including a new allocation of TIF Revenues, and the Town agreed to negotiate and enter into a credit enhancement agreement with MRRA (the “CEA”) to memorialize the new allocation of TIF Revenues. For its part, MRRA agreed in the MOA that it would not appeal any future decisions of the Town regarding the taxable status of property located within the Executive Airport District, and it would include language in its leases prohibiting MRRA’s lessees from challenging the Town’s interpretation and application of the tax exemption set forth in 36 M.R.S.

§ 651(1)(F). MRRA further agreed to dismiss its pending lawsuit after the TIF amendments receive final approval from DECD and after the CEA is fully executed.

The purpose of this First Amendment to the Brunswick Landing II Omnibus Municipal Development and Tax Increment Financing District Development Program is to implement the relevant terms set forth in the MOA that relate to the Development Program for the Brunswick Landing District.

II. Development Program Narrative

A. The Development Program

This Development Program is structured and proposed pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended (the “TIF Statute”). The Town’s designation of the District combined with the adoption of this Development Program create a single municipal TIF district in order to capture the value of the real property improvements made within the District, and enable the use of TIF Revenues for various municipal and other economic development projects. The Development Program will run for the same 30-year period as the District designation.

~~Under this~~ It is the Town of Brunswick’s intent to administer the Development Program, Programs for the Executive Airport District and the Brunswick Landing District together. The Town will capture one hundred percent (100%) of the new real property value located in the District both TIF Districts. The Town will retain, in aggregate fifty percent (50%) of the tax revenues TIF Revenues generated by the captured assessed value (the “TIF Revenues”) to fund infrastructure improvements, public safety equipment, its existing Downtown TIF District, school construction and/or renovations, and other administrative costs, all as further described in Table 1 herein within the two TIF Districts. The Town will set aside the remaining fifty percent (50%) of the aggregate TIF Revenues from the two TIF Districts in order to make those TIF Revenues available to MRRA and future developers (when this word is used in this document it includes both developers and companies) by application to the Town through the use of CEAs and/or other reimbursement agreements. Payments to MRRA and future developers would most likely, but not necessarily, be made through future credit enhancement agreements, all as further described in this Development Program in Section IV – Financial Plan.

By adopting this Development Program, the Town embarks upon the final step in creating a TIF district that will significantly contribute to MRRA’s and the Town’s efforts to maximize the benefits achieved through the redevelopment of the NAS Brunswick. It will also underscore Brunswick’s growing reputation as a commercial hub and desirable place in which to locate a business; promote additional economic development in Brunswick by extending the possibility of credit enhancement arrangements between the Town and future developers.

In designating the District and adopting this Development Program, the Town can accomplish the following goals:

- Maintain existing tax revenues;

- Enjoy enhanced future tax revenues generated by new development within the District spearheaded by MRRA in conformance with the Reuse Master Plan;
- Create long-term, stable employment opportunities for areas residents;
- Assist MRRA in attracting businesses and promoting the economic viability and sustainability of the general economy of the Town, the Midcoast Maine region and the State of Maine.

Thus, the Town's designation of the TIF District and pursuit of this Development Program constitute a good and valid public purpose pursuant to Chapter 206 of Title 30-A because it represents a substantial contribution to the economic wellbeing of both the Town and the Midcoast Maine Region by providing jobs, contributing to property taxes and diversifying the region's economic base.

In addition, by creating the District, the Town will "shelter" the increase in municipal valuation that development in the District will bring about. This is particularly significant, because the original assessed value of the District was zero dollars (\$0) as of March 31, 2012 (April 1, 2011). Since MRRA is also a tax exempt entity, there will not be any new taxable value in the District until new taxable value is created in the District as a result of MRRA's and the Town's successful redevelopment efforts. This tax shift benefit will mitigate the adverse effect that the District's increased assessed property value would have on the Town's share of state aid to education, municipal revenue sharing and its county tax assessment. An estimate of the tax shift benefit is shown as [Exhibit D-2](#) attached hereto.

B. The Projects

1. Municipal Projects

Development within the District will provide a revenue source for the Town's economic development projects. The Town plans to use its portion of the TIF Revenues for several projects that will enhance the exposure and viability of the Town as a vibrant place to locate a business, to visit and to work. The Town plans to invest in its infrastructure by improving roads leading to and from the District, purchasing new public safety equipment needed to provide public safety services to the District and the former NAS Brunswick, and by contributing TIF Revenues to fund projects set forth in the Town's existing Downtown TIF District, along with additional administrative expenses outlined on Table 1. Additionally, because of the unique economic impacts the Town is encountering and will continue to encounter as a result of the closure and redevelopment of the former base, the Town will use a portion of its TIF Revenues for debt-service payments on school construction and/or renovation bonds.

Regarding the Town's proposed road improvements, the Maine Department of Transportation completed a comprehensive traffic study in 2010 that specifically related to enhancing the redevelopment of the former NASB. Throughout the study and the public meetings leading up to the final report, a constant theme that was raised was the need for safe and efficient travel routes to the former Base. The Base is located in the geographic center of the

Town of Brunswick and does not have direct rail access. All employees, deliveries and exports will likely take place over the various streets and roads that lead into the Town of Brunswick and to Brunswick Landing. The streets and roads that the Town has identified on Table 1 are a combination of local connectors to Brunswick Landing or connectors from the region into the Town of Brunswick that subsequently route traffic to the former NASB.

Regarding the Town's plan to use TIF Revenues to purchase public safety vehicles, the redevelopment of NASB instantly adds over 3,300 acres and 200 non-residential buildings to the jurisdiction of the Town—not counting the new commercial buildings that will be built in the future as a result of redevelopment efforts. In order to provide adequate public safety services to this new area of the Town, the Town will need to stretch its existing fleet of public safety (police, rescue and fire) vehicles further each year. Additionally, MRRA is planning to submit proposed legislation that would cede jurisdiction for traffic enforcement on the Base to the Town, which would result in the Town's police officers enforcing speeding and other traffic laws on the former Base, in addition to providing general public safety services. The Town currently has a fleet of 22 police vehicles, most of which are already on the road 24 hours per day, seven days per week, all 52 weeks of the year. The Town also has a fleet of 13 fire department vehicles, 3 of which are ambulances. The ambulances are replaced approximately every 3 years. As a direct result of the redevelopment of the former NASB, the Town's fleet of public safety vehicles will incur significantly increased mileage, wear and tear, which will require the Town to replace them with greater frequency than prior to any redevelopment activity at the former NASB. Since the Town's need to replace its public safety vehicles (police, fire and rescue vehicles) with much greater frequency is directly related to and made necessary by the redevelopment of the former NASB and the District, the Town will use TIF funds to cover the cost of up to four (4) public safety vehicles each year.

As a direct result of the closure of the Base, the Town of Brunswick's pupil count has dropped radically and precipitously, which has resulted in a massive reduction of school funding aid from the State of Maine to the Town. Additionally, with the prospect of significant future redevelopment at the Base, the Town stands to lose substantial amounts of future aid for education, which is expected to compound an already untenable funding situation for Brunswick's School Department. Because of the unique situation created by the Base closure and the regional effort to redevelop the Base, the Town stands to bear the brunt of a massive and unsustainable drop in school funding aid from the State. In light of this unique situation, the Town will use TIF funds to pay debt-service on school construction and/or renovation bonds to improve the schools used by residents of the Town of Brunswick in order to make the former Base more attractive for commercial redevelopment. While the Town is fully committed to fostering redevelopment of the Base with TIF Revenues, in order to be in a position to provide TIF funding to MRRA and future developers in the District without suffering further adverse impacts, the Town needs to retain a portion of the TIF funds for school construction and/or renovation. Thus, Brunswick's school funding crisis is directly related to the closure of the former Base and is exacerbated by the redevelopment of the Base with TIF Revenues.

The Town plans to use TIF Revenues as part of its overall plan to use its location and resources to attract and retain businesses that want to take advantage of Brunswick's business-friendly location at the gateway to the Midcoast while offering their employees a rich, dynamic

and high quality of life. Please see Table 1 herein for a complete list of authorized projects and their respective cost estimates.

TABLE 1
Town of Brunswick’s Project Development Costs

Notes:

~~* The first five projects listed in the Town’s project list is the global master project list that the Town created for the Mölnlycke Manufacturing Municipal Development and Tax Increment Financing District and Development Program and for any future districts and development programs that the Town may create in the future at the location of and to foster the redevelopment of the former NASB. DECD approved the Mölnlycke global master project list by letter of the Commissioner dated January 18, 2013. Attached hereto as Schedule 2 is a copy of the DECD approval letter approving the Mölnlycke Manufacturing Municipal TIF District and Development Program. This list includes one additional project, item #6, which was not included on the approved global master project list.~~

~~* The TIF Revenues from this District* Items #7, 8 and 9 are new projects added in 2016 as part of the First Amendment to the Executive Airport and Brunswick Landing TIF Districts.~~

~~* The TIF Revenues from these Districts are not intended to fully fund each of the projects listed below—indeed, the total project costs for the projects listed below far exceed the Town’s estimated share of the TIF Revenues from ~~this District~~the Districts. The project cost estimates are reflective of the estimated total cost for each project, each of which is common to the Brunswick Executive Airport TIF District (the cost estimates do NOT reflect only half of the total project cost).~~

	Project	Cost Estimate	Statutory Cite
1.	<p><u>Road Improvements:</u> The Town will use TIF funds to improve and maintain Town-owned roads and streets (<u>improvements and maintenance includes but is not limited to paving, reconstruction and storm water work</u>) that form the transportation routes most directly impacted by the creation of the District and the redevelopment of the former NASB. Improvements to the designated portions of the roads and streets identified below are directly related to and made necessary by the redevelopment of the NASB and the creation of the District, which will significantly increase the amount of commercial traffic going to/from the District from the Town’s Downtown and other locations throughout the Town. Local road/street reconstruction is estimated to cost \$175,000/mile (approximately 36.55 miles), and individual projects are expected to have a 10-year lifespan.</p> <ol style="list-style-type: none"> 1. River Road (5.01 miles) 2. Bath Road (4.75 miles) 3. Federal Street (.59 miles) 4. McKeen Street (1.59 miles) 5. Maine Street (2.22 miles) 6. Pleasant Hill Road (4.12 miles) 7. Jordan Avenue (1.55 miles) 8. Mere Point Road (5.46 miles) 9. Middle Bay Road (1.16 miles) 10. Durham Road (3.44 miles) 11. Casco Road (1.92 miles) 12. Union Street (.77 miles) 13. Church Road (1.93 miles) 14. Bunganuc Road (2.04 miles) 	<p>\$640,000/year</p> <p>\$19,200,000 (total 30 years)</p>	<p>30-A M.R.S.A. § 5225(1)(B)(1) <u>and (B)(2)</u></p>

	Project	Cost Estimate	Statutory Cite
2.	<p><u>Public Safety Improvements:</u> As a direct result of the redevelopment of the NASB and the creation of the District, the Town will now be required to replace public safety equipment in the form of fire trucks, police cars and ambulances at an increased frequency in order to provide public safety services to the businesses locating in the former NASB and the District. Prior to the closure of the NASB, these areas were under the jurisdiction of the federal government, and did not receive (or require) Town-provided police, fire and rescue services. Since the Town's need to replace its public safety vehicles (police, fire and rescue vehicles) with much greater frequency is directly related to and made necessary by the redevelopment of the former NASB and the District, the Town will use TIF funds to cover the cost of up to four (4) public safety vehicles each year.</p>	<p>\$130,000/year \$3,900,000 (total 30 years)</p>	<p>30-A M.R.S.A. § 5225(1)(B)(2)</p>
3.	<p><u>Downtown TIF Projects:</u> The Town will use TIF funds to mitigate the impacts of the District on the Town's downtown area by funding projects described in the 2010 Brunswick Downtown Municipal Development and Tax Increment Financing District Development Program, as it may be amended from time to time; provided that the provisions of 30-A M.R.S.A. Sec. 5225(1)(B)(3) (Supp. 2011) must continue to be met, as is the case currently. Specifically, any public facilities and improvements funded through the Downtown TIF must be located within the Downtown TIF District, and the entire tax increment from the Downtown TIF must be committed to the development program for the Downtown TIF.</p>	<p>\$100,000/year \$3,000,000 (total 30 years)</p>	<p>30-A M.R.S.A. § 5225(1)(B)(3)</p>
4.	<p><u>Brunswick Downtown Association:</u> The Town will be authorized to provide annual funding to the Brunswick Downtown Association to help fund economic development programs or events designed to foster economic development within the Town's Downtown, or to help fund the marketing of the Town as a business location.</p>	<p>\$100,000/year \$3,000,000 (total 30 years)</p>	<p>30-A M.R.S.A. § 5225(1)(C)(1)</p>
5.	<p><u>Professional & Administrative Costs:</u> The Town will fund professional services costs and administrative costs (i.e., pro rata portions of the Town Assessor, Town Manager and Business Development Manager salaries) related to the negotiation and completion of this development program and any credit enhancement agreements related to this development program, and the ongoing administration of the Town's TIF programs.</p>	<p>\$20,000/year \$600,000 (total 30 years)</p>	<p>30-A M.R.S.A. § 5225(1)(A)(4) and (5)</p>

	Project	Cost Estimate	Statutory Cite
6.	<p><u>School Construction/Renovation</u>: As a direct result of the closure of the Base, the Town of Brunswick’s pupil count has dropped radically and precipitously, which has resulted in a massive reduction of school funding aid from the State of Maine to the Town. Additionally, with the prospect of significant future redevelopment at the Base, the Town stands to lose substantial amounts of future aid for education, which is expected to compound an already untenable funding situation for Brunswick’s School Department. Because of the unique situation created by the Base closure and the regional effort to redevelop the Base, the Town stands to bear the brunt of a massive and unsustainable drop in school funding aid from the State. In light of this unique situation, the Town will use TIF funds to pay debt-service on school construction and/or renovation bonds to improve the schools used by residents of the Town of Brunswick in order to make the former Base more attractive for commercial redevelopment. While the Town is fully committed to fostering redevelopment of the Base with TIF Revenues, in order to be in a position to provide TIF funding to MRRA and future developers in the District without suffering further adverse impacts, the Town needs to retain a portion of the TIF funds for school construction and/or renovation. Thus, Brunswick’s school funding crisis is directly related to the closure of the former Base and is exacerbated by the redevelopment of the Base with TIF Revenues.</p>	<p>\$2,000,000/year \$40,000,000 (total 20 years)</p>	<p>30-A M.R.S.A. § 5225(1)(B)</p>

	Project	Cost Estimate	Statutory Cite
7.	<p><u>General Economic Development: The Town will use TIF funds on a broad array of projects and programs to promote economic development throughout the Town and to fund the marketing of the municipality as a business or arts location, including:</u></p> <ul style="list-style-type: none"> <u>a) Support economic development staffing and professional services at the municipal level (including salaries of economic development staff and prorated salaries of other municipal staff who may be called in to provide economic development services as well as prorated professional services costs and fees);</u> <u>b) Participate in regional marketing campaigns to promote Brunswick as a business destination and a tourist destination;</u> <u>c) Establish/support permanent economic development revolving loan funds, investment funds and grants, likely through the the local economic development corporation (currently, the Brunswick Development Corporation) and primarily related to business start-up and expansion costs;</u> <u>d) Create a discretionary reserve fund to be used as the local match for state and federal economic development grants for projects that would otherwise be permissible to be funded under this development program as well as the following:</u> <ul style="list-style-type: none"> <u>o Local match for grants to fund transit service capital costs associated with a new or expanded transit service (in the case of funding a contract provider of transit services, a prorated portion of such contract relating to capital costs of the services as opposed to operating costs).</u> <u>o Local match for grants to fund costs of improvements made within the tax increment financing district;</u> <u>e) Provide funds to support the Town’s business expansion and recruitment efforts through the enhancement of the Town’s technology systems such as updating and improving the Town’s geographic information system (“GIS”), and upgrading computers and assessing software;</u> <u>f) Promote the identity and branding of the Town as a place to do business and as a tourist destination through investments such as signage and streetscapes; and.</u> <u>g) Support economic studies and environmental studies and improvements of properties within the Town of Brunswick to determine and help realize their most effective commercial or arts district use.</u> 	<p><u>\$500,000/year (for 30 years)</u></p> <p><u>\$15,000,000 (total for 30 years)</u></p>	<p><u>30-A M.R.S.A. §§ 5225(1)(A)(4), (1)(C)(1),(C)(2), & (C)(3)</u></p> <p><u>With respect to 7(d): 30-A M.R.S.A. §§ 5230, 5225(1)(A) & (C)(7)(a)</u></p>

	Project	Cost Estimate	Statutory Cite
8.	<u>Recreational Trails with Significant Potential to Promote Economic Development: The Town will use TIF funds for costs related to planning, design, construction, maintenance, grooming and improvements to new or existing recreational trails designed to enhance the draw to the Town, including bridges that are part of the trail corridor, used all or in part for hiking, bicycling, cross-country skiing or other uses.</u>	<u>\$50,000/year</u> (for 30 years) <u>\$1,500,000</u> (total for 30 years)	<u>30-A M.R.S.A. § 5225(1)(C)(6)</u>
9.	<u>Road and Infrastructure Improvements within and adjacent to Brunswick Landing:</u> (a) <u>Currently, the roads within Brunswick Landing are owned and maintained by MRRRA. MRRRA has requested that the Town take over the roads within Brunswick Landing as public roads. In the event that the Town agrees to take any of the Brunswick Landing roads as public roads, the Town will use TIF funds to construct, improve and maintain those roads; and</u> (b) <u>The Cooks Corner area (in the vicinity of the intersection of Gurnet Road and Bath Road), adjacent to the Brunswick Landing District, may have various improvements made necessary by the MRRRA redevelopment activities, including but not limited to road construction, improvement and maintenance including storm water or sanitary sewer lines, water lines, electrical lines and amenities on streets.</u>	<u>\$600,000/year</u> (for 30 years) <u>\$18,000,000</u> (total for 30 years)	<u>30-A M.R.S.A. § 5225(1)(A), (B)(1) or (B)(2)</u>
	Total Municipal Project Costs:		
	First 20 years	\$2,990 <u>(\$4,140,000/</u> year \$598 <u>2,800,000</u> (total <u>for first</u> 20 years)	
	Last 10 years	\$990 <u>(\$2,140,000/</u> year \$9,900 <u>21,400,000</u> (total <u>for last</u> 10 years)	
	Grand Total	\$69,700 <u>\$104,200,000</u> (total <u>for 30</u> years)	

2. Base Redevelopment Projects

a. MRRA Projects

MRRA has included ~~\$12 million~~ the use of TIF Revenues in its business plan since the beginning of the Base redevelopment planning process. MRRA plans to be used use TIF Revenues for essential new physical infrastructure investment, to repair and/or ~~replacement~~ of replace existing infrastructure, and ~~related to~~ facilitate physical improvements necessary to maintain the property and attract businesses. The costs associated with these MRRA projects would be authorized project costs pursuant to 30-A M.R.S.A. § 5225(1)(A) for Tier I projects located within the District. ~~It~~ As stated above, it is the Town of Brunswick's intent to administer the Brunswick Landing and ~~Brunswick~~ Executive Airport ~~Omnibus~~ Development Programs together to facilitate MRRA's ability to fund these projects in whole or in part with TIF Revenues.

b. \$15 Million Cap on TIF Funding Available to MRRA

While the Town is willing to support MRRA's redevelopment efforts with TIF Revenues, the Town is placing a maximum limit on the TIF Revenues it will make available to MRRA. The Town will make up to a cap of ~~\$12~~ \$15 million available to MRRA ~~in combined new TIF Revenues~~ from the aggregate fifty percent (50%) of TIF Revenues allocated for Base Redevelopment from the Brunswick Landing and ~~Brunswick Executive Airport TIF districts,~~ the Town expressly is not guaranteeing \$12 million in TIF Revenues to MRRA. ~~Executive Airport Districts.~~ The Town expressly is not guaranteeing \$15 million in TIF Revenues to MRRA. The Town intends to count against this \$15 million cap the \$200,000 in TIF Revenues that the Town paid to MRRA in October 2015. Further, in the event that subsequent legislative action or judicial interpretation result in the Town changing its interpretation and application of the property tax exemption set forth in 36 M.R.S. § 651(1)(F) causing the values of Hangars 4, 5, and 6 to become tax exempt, the \$15 million cap shall be reduced to correspond to the dollar amount of the property tax exemption over the remaining life of the Executive Airport District, with such amount to be determined by the Town.

c. Other Future Developers

In addition to any TIF appropriations the Town may make to MRRA, the Town also intends to consider other types of TIF agreements with businesses and other entities to facilitate further development and job growth at within the Brunswick Landing and the ~~Brunswick~~ Executive Airport Districts. Any future TIF agreements of this type will be funded from the fifty percent (50%) of new TIF Revenues allocated for Base Redevelopment, and will be considered independently and as a separate use from any approved dollar appropriation for the infrastructure needs of MRRA.

d. Application Process of TIF Funding

Thus, in order to help foster the economic redevelopment of the Base, the Town intends to make up to fifty percent (50%) of the combined TIF Revenues from both TIF Districts available by application to MRRA and to future developers who may wish to locate within either of the ~~District~~TIF Districts. In order to obtain TIF funding for its redevelopment projects, MRRA and any future developers that may wish to seek TIF funding for their development projects, will need to apply to the Town for funding for specific projects, ~~which using the application process prescribed by~~ the Town at the time of the request. The Town Council will consider all requests for TIF funding on a case-by-case basis.

C. Strategic Growth and Development

By creating the TIF ~~District~~Executive Airport and Brunswick Landing Districts, the Town is able to capitalize on the momentum of MRRA's efforts and maximize the economic redevelopment potential of the ~~District~~TIF Districts by streamlining the process for future businesses seeking to locate within either of the ~~District~~Districts. Rather than navigating the lengthy process and significant expense to designate a new TIF district each time a new developer investigates locating its business on the former NAS Brunswick, with the ~~District~~TIF Districts already in place, the Town can immediately focus on negotiating and finalizing credit enhancement agreements ("CEAs") that will meet the needs of MRRA individual developers and the Town, ~~which CEAs~~. These future credit enhancement agreements may provide for reimbursement of up to fifty percent (50%) of taxes paid on captured assessed value created by such developer/developers within the ~~District~~TIF Districts and within sole Town Council discretion. Having the ~~District~~TIF Districts in place will greatly enhance the marketability and development potential for commercial and industrial use of properties within the ~~District~~TIF Districts.

D. Improvements to the Public Infrastructure

As further set forth in Table 1, the Town will use certain TIF Revenues for road improvements that are directly related to and made necessary by the redevelopment of the former NASB.

E. Operational Components

1. Public Facilities

The Town plans to use a portion of the TIF Revenues to fund certain projects approved within the existing Downtown TIF District and to fund school construction and/or renovations.

2. Commercial Improvements Financed Through Development Program

At this time, no commercial improvements will be financed through the Development Program. The Town may, in the future, share a percentage of the TIF Revenues with future developers pursuant to the terms of such CEAs that may be negotiated with such developers.

3. Relocation of Displaced Persons.

Not applicable.

4. Transportation Improvements

The Town will fund road improvements made necessary by the increased traffic to the District from other parts of the Town.

5. Environmental Controls

The improvements made under this Development Program will meet or exceed all federal, state and local environmental laws, regulations and ordinances and will comply with all applicable land use requirements for the Town.

6. Plan of Operation

During the term of the District, the Town Manager or his designee will be responsible for all administrative matters within the purview of the Town concerning the implementation and operation of the District.

III. Physical Description

Note that the details in this Article III address the conditions for approval contained in 30-A M.R.S.A. § 5223(3). The ~~proposed~~ 542-acre District is shown on Exhibit A. The statutory threshold limits addressing the conditions for approval mandated by 30-A M.R.S.A. § 5223(3) are set forth in Exhibit B.

IV. Financial Plan

~~The collective original assessed value of~~ The Town shall allocate all TIF Revenues collected by the property in Town since April 1, 2013 consistent with the provisions set forth in this First Amendment to the Brunswick Landing II Omnibus Municipal Development and Tax Increment Financing District was zero dollars (\$0) as of March 31, 2012 (April 1, 2011)-Development Program. The Town will capture one hundred percent (100%) of the increased assessed value of the real ~~estate located~~ property located within the District for the duration of the 30-year term of the District. ~~Personal property tax value will not be captured within the District. The TIF Revenues so collected will fund and/or contribute to the funding of the approved projects, including each of the projects described on Table 1 hereof, which collectively increase the Town's ability to stand out in a competitive marketplace as a dynamic municipality in which to grow a business. All assessed real property value captured in the District will be added to the general tax rolls at the end of the TIF term. Personal property tax value will not be captured within the District.~~

Upon each payment of real property taxes for property located inside the District, the Town will deposit into a development program fund (the "Development Program Fund") the

entirety of the property tax payments constituting TIF Revenues. The Development Program Fund is pledged to and charged with the payment of the project costs in the manner and in the order provided in 30-A M.R.S.A. § 5227(3). The Development Program Fund will consist of a development sinking fund account (the “[Sinking Fund Account](#)”), and a project cost account (the “[Project Cost Account](#)”) that will have subaccounts for the Town and for Base Redevelopment. From the Development Program Fund, the Town will deposit: (a) fifty percent (50%) of the TIF Revenues into the Town’s Sinking Fund Account and/or the Town’s subaccount of the Project Cost Account to be used to fund the projects listed in Table 1; and (b) ~~fifty percent (50%)~~[an amount of the TIF Revenues to the Base Redevelopment subaccount as set forth immediately below in Table 2:](#)

TABLE 2
Allocation of TIF Revenues from both TIF Districts

	<u>Town Allocation of TIF Revenues</u>	<u>Base Redevelopment Allocation of TIF Revenues</u>
<u>Executive Airport District:</u>		
<u>TIF Revenues generated by “aeronautical business” tenants within Hangars 4, 5 and 6 (parcels 040-250, 040-005 and 040-006 respectively, as further shown on Exhibit H)</u> <u>Note: “Aeronautical business” is defined in Exhibit I.</u>	<u>0%</u>	<u>100%</u>
<u>TIF Revenues generated by all other (i.e., not “aeronautical business”) tenants within Hangars 4, 5 and 6 (parcels 040-250, 040-005 and 040-006 respectively), and all other properties with the Executive Airport District.</u>	<u>50%</u>	<u>50%</u>
<u>Brunswick Landing District:</u>	<u>75%</u>	<u>25%</u>
<u>Either TIF District:</u>	<u>Variable amount on an annual basis to be determined, and only if needed, to make Town’s aggregate allocation of TIF Revenues equal 50% of total TIF Revenues from both TIF Districts.</u>	

The TIF Revenues deposited into the Base Redevelopment subaccount of the Project Cost Account will be used to fund payments available to MRRA and/or individual future developers within the District pursuant to by application to the Town, using the process set forth above in Section II.B.2.d. Payments to any CEAs then in effect future developers would most likely, but not necessarily be made through future credit enhancement agreements.

Periodically, and pursuant to the terms of any applicable credit enhancement agreement, any TIF Revenues that remain deposited in the Base Redevelopment subaccount of the Project Cost Account that are not allocated to either MRRA or a developer will revert back to the Town’s subaccount of the Project Cost Account. All assessed real property value captured in the District will be added to the general tax rolls at the end of the TIF term.

Estimates of the increased assessed property values of the District, the anticipated TIF Revenues generated by the District, and the estimated tax shifts are shown in Exhibits D-13 and D-2, respectively.

A. Costs and Sources of Revenues

[Private improvements will result in the captured assessed value that will generate Tax Increment Revenues.](#) The current and future developers owning or leasing properties located within the District will pay for and/or finance all private improvements located in the District through private sources.

B. Indebtedness

None of the project costs will be met through public indebtedness, except for future school construction and/or renovations, as set forth in Table 1.

V. Financial Data

The statutory requirements and thresholds for approval required by Section 5223(3) of the TIF Statute are set forth in [Exhibit B](#).

VI. Tax Shifts

In accordance with the TIF Statute, the table set forth in [Exhibit D-2](#) identifies the tax shifts that the Town estimates will result during the term of the District.

VII. Municipal Approvals

A. Notice of Public Hearing

Attached as [Exhibit E-1](#) hereto is a copy of the Notice of Public Hearing regarding adoption of [the First Amendment to](#) the Development Program for the District, published in the *Times Record*, a newspaper of general circulation in the Town, on ~~July 18, 2013~~, a date at least ten (10) days prior to the public hearing. The public hearing on the [First Amendment to the](#) Development Program was held on ~~July 29, 2013~~[June 20, 2016](#), in accordance with the requirements of 30-A M.R.S.A. § 5226(1).

B. Minutes of Public Hearing Held by Town Council

Attached as [Exhibit F-1](#) hereto is a certified copy of the minutes of the public hearing held on ~~July 29, 2013~~[June 20, 2016](#), at which time this [First Amendment to the](#) Development Program was discussed by the public.

C. Authorizing Votes

Attached as [Exhibit G-1](#) hereto is a copy of the Brunswick Town Council Resolution approving this [First Amendment to the](#) Development Program, which Resolution was adopted by the Council at a meeting of the Council duly called and held on ~~July 29, 2013~~[June 20, 2016](#).

SCHEDULES AND EXHIBITS

{To Be Inserted}

Schedules:

- 1 ~~March 29, 2013 DECD Approval Letter Conditionally Approving the Town's Designation of the Brunswick Landing II Municipal TIF District.~~
- 2 ~~January, 18, 2013 DECD Approval Letter Approving the Mölnlycke Manufacturing Municipal TIF District and Development Program.~~

Exhibits:

- A ~~TIF District Maps~~
- B ~~Statutory Requirements & Thresholds~~
- C ~~Assessor's Certificate of Original Assessed Value~~
- D-1 ~~TIF Revenue Projections~~
- D-2 ~~Tax Shift Projections~~

EXHIBIT E

NOTICE OF PUBLIC HEARING

TOWN OF BRUNSWICK

Regarding

**[The First Amendment to](#)
[the Municipal Tax Increment Financing Development Program for the District Known As](#)
[The “Brunswick Landing Omnibus Municipal Development](#)
[and Tax Increment Financing District”](#)**

[And](#)

**[The First Amendment to](#)
[the Municipal Tax Increment Financing Development Program for the District Known as](#)
[the “Brunswick Executive Airport Omnibus Municipal Development](#)
[and Tax Increment Financing District”](#)**

Notice is hereby given that the Brunswick Town Council will hold a public hearing on

**[July 29, 2013,](#)
[June 20, 2016](#)
at the**

**Brunswick ~~Municipal Meeting Room~~ Town Office at ~~16 Station Avenue~~ 85 Union Street,
Brunswick, Maine,**

The Public Hearing will be at ~~7:00~~[insert time] p.m.

The purpose of the public hearing is to receive public comments on the approval of the ~~Development Program~~First Amendment to the development programs for the municipal tax increment financing ~~district~~districts identified above, designated on March 29, 2013 and also known as the ~~Brunswick “Landing Municipal Development TIF”~~ and ~~Tax Increment Financing District (the “District”)~~the “Airport TIF.” pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended.

The ~~designated municipal development and tax increment financing~~[Landing TIF](#) district consists of 542 acres of property located at the former Naval Air Station Brunswick. ~~– and the~~ [Airport TIF district consists of 146 acres of property located at the former Naval Air Station Brunswick.](#)

All interested persons are invited to attend the public hearing and will be given an opportunity to be heard at that time. [The Development Programs and First Amendments are available for review by all interested parties](#)_____.

EXHIBIT F-1

Minutes of Public Hearing and Town Council Meeting

EXHIBIT G-1

Town Council Resolution

EXHIBIT H

Exhibit A to MOA Showing Hangars 4, 5 & 6

EXHIBIT I

DEFINITION OF "AERONAUTICAL BUSINESS"

For the purpose of this Development Program, "aeronautical business" means the act, practice of, or instruction in the art and science of transportation by aircraft, and operation, construction, repair or maintenance of aircraft, airports and air navigation facilities. Such uses shall include:

Air carrier. "Air carrier" means a person who undertakes, whether directly or indirectly or by lease or other arrangement, to engage in air commerce and is certificated under Federal Air Regulations.

Air commerce. "Air commerce" means the carriage by aircraft of persons or property for compensation or hire, when that carriage is a major enterprise for profit and not merely incidental to a person's other business.

Air navigation facility. "Air navigation facility" means any facility used in, available for use in, or designed for use in, aid of air navigation, including airports, lights, any apparatus or equipment for disseminating weather information, for signaling, for radio-directional finding, or for radio or other electrical communication, and any other structure or mechanism having a similar purpose for guiding or controlling flight in the air or the landing and takeoff of aircraft.

Air taxi. "Air taxi" means a person who undertakes, whether directly or indirectly or by lease or other arrangement, to engage in air commerce and who possesses an Air Taxi Commercial Operators Certificate issued by the Federal Aviation Administration under 14 Code of Federal Regulations, Part 135.

Aircraft Construction. "Aircraft construction" means the design, construction, manufacturing or assembly of aircraft that would require the presence of an airfield as an integral part of its business operation for the design, testing, sale or distribution of aircraft.

Aircraft dealer. "Aircraft dealer" means any person engaged in the sale or purchase or manufacture of new or used aircraft.

Aviation Fueling Facilities. "Aviation Fueling Facilities" means entities that provide aircraft fueling services.

Basing aircraft. "Basing aircraft" means storing, parking, tying down or mooring aircraft in Maine for more than 30 consecutive calendar days.

Maintenance, Overhaul or Repair (MRO). "MRO" means any business or entity involved in the maintenance, overhaul or repair of aircraft, aircraft components and aircraft completions.

**TOWN OF BRUNSWICK, MAINE
TOWN COUNCIL RESOLUTION**

Adopting the First Amendment of the Brunswick Executive Airport II Municipal Development and Tax Increment Financing District Omnibus Development Program

WHEREAS, the Town of Brunswick (the “Town”) is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to designate specific areas within the Town as the Brunswick Executive Airport II Municipal Development and Tax Increment Financing District Omnibus Development Program (the “District”) and to adopt a Development Program Amendment for the District (the “Development Program Amendment”); and

WHEREAS, there is a need to encourage and facilitate the rapid redevelopment of industrial, commercial and professional office space within the Town at the former naval air base known as the Naval Air Station Brunswick (“NAS Brunswick”); and

WHEREAS, the 2011 closure of NAS Brunswick created an acute need to provide additional employment opportunities for the residents of the Town and the surrounding region; to improve and broaden the tax base of the Town; and to improve the general economy of the Town, the surrounding region and the State of Maine; and

WHEREAS, the Town designated the District on March 18, 2013 to ensure that any new taxable value located in the District would be captured in a tax increment financing (“TIF”) district and the Maine Department of Economic and Community Development (the “Department”) issued a conditional approval of the District effective as of March 29, 2013; and

WHEREAS, the Town adopted a Development Program for the District on July 29, 2013 in order to capture the value of real property improvements made within the District, and to enable the use of TIF revenues for various municipal and other economic development projects and the Maine Department of Economic and Community Development (the “Department”) issued a full approval of the District and the Development Program effective as of October 24, 2013; and

WHEREAS, amending the Development Program for the District will help to continue to create new employment for the citizens of the Town and the surrounding region; improve and broaden the tax base of the Town; and improve the economy of the Town and the State of Maine; and

WHEREAS, the Town Council has held a public hearing on June 20, 2016, upon at least ten (10) days prior notice published in a newspaper of general circulation within the Town, on the question of adopting the Development Program Amendment for the District in accordance with the requirements of 30-A M.R.S.A. § 5226; and

WHEREAS, the Town Council has considered the comments provided at the public hearing, both for and against the adoption of the Development Program Amendment, if any; and

WHEREAS, the Town desires to adopt the Development Program Amendment of the District; and

WHEREAS, it is expected that approval will be sought and obtained from the Department, approving the Development Program Amendment.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

Section 1. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the Town Council hereby adopts the Development Program Amendment, all as more particularly described in the Development Program presented to the Town Council and such Development Program is hereby incorporated by reference into this vote as the Development Program Amendment for the District.

Section 2. Pursuant to the provisions of 30-A M.R.S.A. § 5227, the percentage of the increased assessed value to be retained as captured assessed value in the District is hereby established as set forth in the Development Program Amendment.

Section 3. The Town Manager, or his duly appointed representative, is hereby authorized, empowered and directed to submit the proposed Development Program Amendment to the Department for review and approval pursuant to the requirements of 30-A M.R.S.A. § 5226(2).

Section 4. The foregoing adoption of the Development Program Amendment shall automatically become final and shall take full force and effect upon receipt by the Town of approval of the Development Program Amendment by the Department, without requirement of any further action by the Town, the Town Council, or any other party.

Section 5. The Town Manager, or his duly appointed representative, is hereby authorized and empowered, at his discretion, from time to time, to make such revisions to the documents related to the Development Program Amendment as he may deem reasonably necessary or convenient in order to facilitate the process for review and approval of the Development Program Amendment by the Department, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the Council in adopting the Development Program Amendment.

Section 6. This Resolution shall take effect immediately upon adoption.

Proposed to Town Council: June 6, 2016
Public Hearing: June 20, 2016
Adopted by Town Council: _____

**ECONOMIC DEVELOPMENT
BRUNSWICK, MAINE**

*An Application for a Municipal Development and Tax Increment Financing District
Development Program*

**FIRST AMENDMENT TO
BRUNSWICK EXECUTIVE AIRPORT II MUNICIPAL DEVELOPMENT AND
TAX INCREMENT FINANCING DISTRICT OMNIBUS DEVELOPMENT PROGRAM**

Presented to:

TOWN OF BRUNSWICK

DATED: ~~July 29, 2013~~ ____

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SCHEDULES AND EXHIBITS:

Schedules:

- 1 ~~March 29~~[October 24](#), 2013 DECD Approval Letter ~~Conditionally~~ Approving the Town’s Designation of the Brunswick Executive Airport II Municipal TIF District.
- 2 ~~January, 18, 2013 DECD Approval Letter Approving~~ and the ~~Mölnlycke Manufacturing Municipal TIF~~[omnibus development program for the District and Development Program](#).

Exhibits:

- A TIF District Maps
- B Statutory Requirements & Thresholds
- C Assessor’s Certificate of Original Assessed Value
- D-1 TIF Revenue Projections
- D-2 Tax Shift Projections
- E-1 Public Hearing Notice [for First Amendment](#)
- F-1 Public Hearing Minutes [for First Amendment](#)
- G-1 Town Council Resolution [for First Amendment](#)

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[I Definition of “Aeronautical Business”](#)

I. Introduction

A. Midcoast Regional Redevelopment Authority

On August 24, 2005, the Federal Base Realignment and Closure (“BRAC”) Commission voted eight to one to close Naval Air Station Brunswick (“NAS Brunswick” or “NASB” or the “Base”) and move its aircraft operations to Jacksonville, Florida. The 79-acre Topsham Annex located in Topsham, Maine was also included as part of the closure. On September 15, 2005, the final list was approved by the President of the United States. By law, both properties were required to close before September 15, 2011. For the Town of Brunswick, the Town of Topsham, Cumberland and Sagadahoc counties, and the State of Maine, that decision was the culmination of an intense process and significant community effort to keep the facility open to maintain an employment base of over 5,200 military and civilian personnel.

NAS Brunswick was built as a multi-purpose campus that has changed over many years to serve a variety of purposes. It has been an airport since its initial development in the late 1930s, built on the site of a municipal airfield. Its primary mission has been to house and maintain various patrol aircraft and other Navy aviation and non-aviation activities. The base is considered both an industrial facility where aircraft were hangared, maintained and flown, as well as a support facility with offices, retail buildings, housing and ancillary uses associated with a relatively self-contained operation. In total there are over 200 buildings totaling over 1.75 million square feet on the Base; forty of which buildings would be considered significant facilities.

The closure of NAS Brunswick represents one of the largest single employer relocations or closings in the history of the state. The State Planning Office conducted an assessment of impact closure and revised the state gross product projection for 2015 downward by \$390 million, cutting the projected growth rate from two to approximately one percent. They also revised the state population growth downward by 7,400 as a result of the base closure. Projected state personal income was also reduced by \$370 million. Revenues to the State of Maine are also expected to be reduced by some \$20 million.

In other economic displacement events such as plant closings, most individuals continue to live in the community, albeit with reduced income, and they still contribute to the economy, have children in local schools, and participate in the activities of the community. In the case of a base closure and realignment, however, an entire segment of the population leaves the area, which increases vacancy rates and eliminates millions of dollars spent in the local economy on everything from housing, food, transportation and energy costs, to professional services and entertainment.

The impact of the closure is so large that the Maine Legislature created the Midcoast Regional Redevelopment Authority (“MRRA”) for the purpose of managing the transition of this large military facility back into the fabric of the region and to support the rapid and successful redevelopment of NAS Brunswick. MRRA is a public municipal corporation. While MRRA has many of the powers of a municipality, it does not have taxing jurisdiction over the property located within NAS Brunswick. See 5 M.R.S.A. § 13083-I(1). Thus, in order to use municipal tax increment financing (“TIF”) as an economic development tool to aid in the redevelopment of

NAS Brunswick, MRRA must work cooperatively with the Town of Brunswick (the “Town”) in order to create and use ~~TIF Revenues~~the tax revenues generated by the captured assessed value in the TIF districts (the “TIF Revenues”) to foster and/or fund the desired redevelopment activities.

B. MRRA’s Request for Tax Increment Financing Assistance

In the fall of 2011, MRRA presented the Town with a request for ~~\$12 million in~~ tax increment financing assistance at NAS Brunswick as part of a larger project to redevelop the 1.7 million square feet of industrial, commercial and professional office space at NAS Brunswick. MRRA’s mission is to facilitate the rapid redevelopment of the base properties in order to realize full build-out of the aeronautical-related facilities at NAS Brunswick and Brunswick Landing in accordance with the adopted Reuse Master Plan for NAS Brunswick and the Airport Master Plan (the “Reuse Master Plan”). MRRA specifically requested that the Town create a tax increment financing district around the former naval airfield, which is intended to facilitate the redevelopment, investment and transition of the naval airfield into a civilian general aviation airport and business executive park. Investment in the buildings and infrastructure used for aeronautical purposes associated with this District would enhance the competitiveness of the Midcoast region and the State of Maine, and allow the area to attract, grow and create new businesses in the growing aeronautical cluster in the Midcoast region. Having this area in a TIF district will facilitate MRRA’s efforts to redevelop the Base by allowing MRRA to seek funding from the Town for assistance in its efforts to redevelop the executive airport portion of the NAS Brunswick.

C. Designation of TIF ~~District~~Districts

Following extensive TIF-related discussions with MRRA and actively considering how best to maximize the Town’s ability to assist in the redevelopment of the NAS Brunswick through the use of tax increment financing, in March 2013 the Town designated atwo TIF districts to assist with the redevelopment of the Base: (1) the 146-acre tax increment financing district for a 30-year period to be known as the Brunswick Executive Airport II Omnibus Municipal Development and Tax Increment Financing District (the “Executive Airport District” or the “District”) and (2) the 542-acre Brunswick Landing II Omnibus Municipal Development and Tax Increment Financing District (the “Brunswick Landing District”) (collectively the “TIF Districts”). At that time, the Town wanted to take more time to flesh out a comprehensive development program that would be designed to foster a broad range of economic redevelopment activity at the former NASB, so the ~~District was~~TIF Districts were both designated without a development program.

By letterseparate letters dated March 29, 2013, the Maine Department of Economic and Community Development (“DECD”) issued ~~a~~ conditional approval of the Town Council’s designation of the ~~District~~TIF Districts after a public hearing held on March 4, 2013, and a vote of the Council held on March 18, 2013. By separate letters dated October 24, 2013, DECD issued full approval of the two TIF Districts and the development programs for those Districts. Attached hereto as Schedule 1 is a copy of the DECD Approval letter ~~e~~conditionally approving for the ~~Town’s designation of the~~Executive Airport District, ~~subject to later DECD approval of a and~~ the development program for the District.

D. Dispute Regarding Tax Exemption for Municipal Airports

In April 2011, MRRA entered into a lease agreement with Kestrel Aircraft Company, Inc. for property located at the Base, which property was later included within the property designated as the Executive Airport District. On the same date, Kestrel Aircraft Company, Inc. entered into a sublease with Kestrel Brunswick Corporation (both Kestrel entities are collectively “Kestrel”) for the same land area and the same terms as the primary lease (the lease and sublease are collectively the “Kestrel Lease”). The property subject to the Kestrel Lease includes just over half of a large aircraft hangar known as Hangar Number Six (“Hangar 6”), use of the tie-down area adjacent to Hangar 6, non-exclusive use of the runways, taxi-ways and aprons and other conveniences for the take-off, flying and landing of aircraft, and an area for parking motor vehicles. The Kestrel Lease, among other things, provided that the leased premises must be used exclusively for aeronautical purposes as defined in 6 M.R.S. § 3(2).

On April 1, 2012, MRRA applied to the Town for tax exempt status for the area of Hangar 6 covered by the Kestrel Lease, asserting that MRRA’s ownership of the property and Kestrel’s use of the property qualified the property for the property tax exemption for public airports set forth in 36 M.R.S. § 651(1)(F). The Town disagreed with MRRA’s position and did not grant a tax exemption for the portion of Hangar 6 subject to the Kestrel Lease. The Town issued tax bills to MRRA for the portion of Hangar 6 subject to the Kestrel Lease in the amount of \$114,114 for the Town’s 2012 tax year and \$123,700 for the Town’s 2013 tax year. MRRA paid the taxes in full for both years. The parties, however, continued to dispute the tax status of the portion of Hangar 6 subject to the Kestrel Lease.

In April 2014, MRRA filed a declaratory judgment lawsuit in the Maine Superior Court against the Town and the Town’s Assessor (the “lawsuit”). In the lawsuit, MRRA asked the Court to, among other things, determine that MRRA was entitled to a tax exemption pursuant to 36 M.R.S. § 651(1)(F), order the Town to refund the taxes MRRA paid in 2012 and 2013 related the portion of Hangar 6 leased by Kestrel, and issue an injunction directing the Town’s Assessor to classify the portion of Hangar 6 leased by Kestrel as tax exempt pursuant to 36 M.R.S. § 651(1)(F).

Despite the pending lawsuit, the Town and MRRA have continued to try to resolve their differences regarding the tax status of Hangar 6 and continued to work together in an effort to foster the redevelopment of the former NAS Brunswick. Toward that end, in October 2015, the Town and MRRA entered into a Memorandum of Agreement (the “MOA”), in which the Town agreed to pursue certain amendments to the Development Programs for the TIF Districts, including a new allocation of TIF Revenues, and the Town agreed to negotiate and enter into a credit enhancement agreement with MRRA (the “CEA”) to memorialize the new allocation of TIF Revenues. For its part, MRRA agreed in the MOA that it would not appeal any future decisions of the Town regarding the taxable status of property located within the Executive Airport District, and it would include language in its leases prohibiting MRRA’s lessees from challenging the Town’s interpretation and application of the tax exemption set forth in 36 M.R.S.

§ 651(1)(F). MRRA further agreed to dismiss its pending lawsuit after the TIF amendments receive final approval from DECD and after the CEA is fully executed.

The purpose of this First Amendment to the Brunswick Executive Airport II Omnibus Municipal Development and Tax Increment Financing District Development Program is to implement the relevant terms set forth in the MOA that relate to the Development Program for the Executive Airport District.

II. Development Program Narrative

A. The Development Program

This Development Program is structured and proposed pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended (the “TIF Statute”). The Town’s designation of the District combined with the adoption of this Development Program create a single municipal TIF district in order to capture the value of the real property improvements made within the District, and enable the use of TIF Revenues for various municipal and other economic development projects. The Development Program will run for the same 30-year period as the District designation.

Under this

It is the Town of Brunswick's intent to administer the Development Program, Programs for the Executive Airport District and the Brunswick Landing District together. The Town will capture one hundred percent (100%) of the new real property value located in the District both TIF Districts. The Town will retain, in aggregate, fifty percent (50%) of the tax revenues TIF Revenues generated by the captured assessed value (the “TIF Revenues”) to fund infrastructure improvements, public safety equipment, its existing Downtown TIF District, school construction and/or renovations, and other administrative costs, all as further described in Table 1 herein within the two TIF Districts. The Town will set aside the remaining fifty percent (50%) of the aggregate TIF Revenues from the two TIF Districts in order to make those TIF Revenues available to MRRA and future developers (when this word is used in this document it includes both developers and companies) by application to the Town through the use of CEAs and/or other reimbursement agreements. Payments to MRRA and future developers would most likely, but not necessarily, be made through future credit enhancement agreements, all as further described in this Development Program in Section IV – Financial Plan.

By adopting this Development Program, the Town embarks upon the final step in creating a TIF district that will significantly contribute to MRRA’s and the Town’s efforts to maximize the benefits achieved through the redevelopment of the NAS Brunswick. It will also underscore Brunswick’s growing reputation as a commercial hub and desirable place in which to locate a business; promote additional economic development in Brunswick by extending the possibility of credit enhancement arrangements between the Town and future developers.

In designating the District and adopting this Development Program, the Town can accomplish the following goals:

- Maintain existing tax revenues;

- Enjoy enhanced future tax revenues generated by new development within the District spearheaded by MRRA in conformance with the Reuse Master Plan;
- Create long-term, stable employment opportunities for areas residents;
- Assist MRRA in attracting businesses and promoting the economic viability and sustainability of the general economy of the Town, the Midcoast Maine region and the State of Maine.

Thus, the Town's designation of the TIF District and pursuit of this Development Program constitute a good and valid public purpose pursuant to Chapter 206 of Title 30-A because it represents a substantial contribution to the economic wellbeing of both the Town and the Midcoast Maine Region, by providing jobs, contributing to property taxes and diversifying the region's economic base.

In addition, by creating the District, the Town will "shelter" the increase in municipal valuation that development in the District will bring about. This is particularly significant, because the original assessed value of the District was zero dollars (\$0) as of March 31, 2012 (April 1, 2011). Since MRRA is also a tax exempt entity, there will not be any new taxable value in the District until new taxable value is created in the District as a result of MRRA's and the Town's successful redevelopment efforts. This tax shift benefit will mitigate the adverse effect that the District's increased assessed property value would have on the Town's share of state aid to education, municipal revenue sharing and its county tax assessment. An estimate of the tax shift benefit is shown as [Exhibit D-2](#) attached hereto.

B. The Projects

1. Municipal Projects

Development within the District will provide a revenue source for the Town's economic development projects. The Town plans to use its portion of the TIF Revenues for several projects that will enhance the exposure and viability of the Town as a vibrant place to locate a business, to visit and to work. The Town plans to invest in its infrastructure by improving roads leading to and from the District, purchasing new public safety equipment needed to provide public safety services to the District and the former NAS Brunswick, and by contributing TIF Revenues to fund projects set forth in the Town's existing Downtown TIF District, along with additional administrative expenses outlined on Table 1. Additionally, because of the unique economic impacts the Town is encountering and will continue to encounter as a result of the closure and redevelopment of the former base, the Town will use a portion of its TIF Revenues for debt-service payments on school construction and/or renovation bonds.

Regarding the Town's proposed road improvements, the Maine Department of Transportation completed a comprehensive traffic study in 2010 that specifically related to enhancing the redevelopment of the former NASB. Throughout the study and the public meetings leading up to the final report, a constant theme that was raised was the need for safe and efficient travel routes to the former Base. The Base is located in the geographic center of the

Town of Brunswick and does not have direct rail access. All employees, deliveries and exports will likely take place over the various streets and roads that lead into the Town of Brunswick and to Brunswick Landing. The streets and roads that the Town has identified on Table 1 are a combination of local connectors to Brunswick Landing or connectors from the region into the Town of Brunswick that subsequently route traffic to the former NASB.

Regarding the Town's plan to use TIF Revenues to purchase public safety vehicles, the redevelopment of NASB instantly adds over 3,300 acres and 200 non-residential buildings to the jurisdiction of the Town—not counting the new commercial buildings that will be built in the future as a result of redevelopment efforts. In order to provide adequate public safety services to this new area of the Town, the Town will need to stretch its existing fleet of public safety (police, rescue and fire) vehicles further each year. Additionally, MRRA is planning to submit proposed legislation that would cede jurisdiction for traffic enforcement on the Base to the Town, which would result in the Town's police officers enforcing speeding and other traffic laws on the former Base, in addition to providing general public safety services. The Town currently has a fleet of 22 police vehicles, most of which are already on the road 24 hours per day, seven days per week, all 52 weeks of the year. The Town also has a fleet of 13 fire department vehicles, 3 of which are ambulances. The ambulances are replaced approximately every 3 years. As a direct result of the redevelopment of the former NASB, the Town's fleet of public safety vehicles will incur significantly increased mileage, wear and tear, which will require the Town to replace them with greater frequency than prior to any redevelopment activity at the former NASB. Since the Town's need to replace its public safety vehicles (police, fire and rescue vehicles) with much greater frequency is directly related to and made necessary by the redevelopment of the former NASB and the District, the Town will use TIF funds to cover the cost of up to four (4) public safety vehicles each year.

As a direct result of the closure of the Base, the Town of Brunswick's pupil count has dropped radically and precipitously, which has resulted in a massive reduction of school funding aid from the State of Maine to the Town. Additionally, with the prospect of significant future redevelopment at the Base, the Town stands to lose substantial amounts of future aid for education, which is expected to compound an already untenable funding situation for Brunswick's School Department. Because of the unique situation created by the Base closure and the regional effort to redevelop the Base, the Town stands to bear the brunt of a massive and unsustainable drop in school funding aid from the State. In light of this unique situation, the Town will use TIF funds to pay debt-service on school construction and/or renovation bonds to improve the schools used by residents of the Town of Brunswick in order to make the former Base more attractive for commercial redevelopment. While the Town is fully committed to fostering redevelopment of the Base with TIF Revenues, in order to be in a position to provide TIF funding to MRRA and future developers in the District without suffering further adverse impacts, the Town needs to retain a portion of the TIF funds for school construction and/or renovation. Thus, Brunswick's school funding crisis is directly related to the closure of the former Base and is exacerbated by the redevelopment of the Base with TIF Revenues.

The Town plans to use TIF Revenues as part of its overall plan to use its location and resources to attract and retain businesses that want to take advantage of Brunswick's business-friendly location at the gateway to the Midcoast while offering their employees a rich, dynamic

and high quality of life. Please see Table 1 herein for a complete list of authorized projects and their respective cost estimates.

TABLE 1
Town of Brunswick’s Project Development Costs

Notes:

* ~~The first five projects listed in the Town’s project list is the global master project list that the Town created for the Mölnlycke Manufacturing Municipal Development and Tax Increment Financing District and Development Program and for any future districts and development programs that the Town may create in the future at the location of and to foster the redevelopment of the former NASB. DECD approved the Mölnlycke global master project list by letter of the Commissioner dated January 18, 2013. Attached hereto as Schedule 2 is a copy of the DECD approval letter approving the Mölnlycke Manufacturing Municipal TIF District and Development Program. This list includes one additional project, item #6, which was not included on the approved global master project list.~~

* The TIF Revenues from this District* Items #7, 8 and 9 are new projects added in 2016 as part of the First Amendment to the Executive Airport and Brunswick Landing TIF Districts.

* The TIF Revenues from these Districts are not intended to fully fund each of the projects listed below—indeed, the total project costs for the projects listed below far exceed the Town’s estimated share of the TIF Revenues from ~~this District~~the Districts. The project cost estimates are reflective of the estimated total cost for each project, each of which is common to the Brunswick Landing TIF District (the cost estimates do NOT reflect only half of the total project cost).

	Project	Cost Estimate	Statutory Cite
1.	<p><u>Road Improvements:</u> The Town will use TIF funds to improve and maintain Town-owned roads and streets (<u>improvements and maintenance includes but is not limited to paving, reconstruction and storm water work</u>) that form the transportation routes most directly impacted by the creation of the District and the redevelopment of the former NASB. Improvements to the designated portions of the roads and streets identified below are directly related to and made necessary by the redevelopment of the NASB and the creation of the District, which will significantly increase the amount of commercial traffic going to/from the District from the Town’s Downtown and other locations throughout the Town. Local road/street reconstruction is estimated to cost \$175,000/mile (approximately 36.55 miles), and individual projects are expected to have a 10-year lifespan.</p> <ol style="list-style-type: none"> 1. River Road (5.01 miles) 2. Bath Road (4.75 miles) 3. Federal Street (.59 miles) 4. McKeen Street (1.59 miles) 5. Maine Street (2.22 miles) 6. Pleasant Hill Road (4.12 miles) 7. Jordan Avenue (1.55 miles) 8. Mere Point Road (5.46 miles) 9. Middle Bay Road (1.16 miles) 10. Durham Road (3.44 miles) 11. Casco Road (1.92 miles) 12. Union Street (.77 miles) 13. Church Road (1.93 miles) 14. Bunganuc Road (2.04 miles) 	<p>\$640,000/year</p> <p>\$19,200,000 (total 30 years)</p>	<p>30-A M.R.S.A. § 5225(1)(B)(1) & (B)(2)</p>

	Project	Cost Estimate	Statutory Cite
2.	<p>Public Safety Improvements: As a direct result of the redevelopment of the NASB and the creation of the District, the Town will now be required to replace public safety equipment in the form of fire trucks, police cars and ambulances at an increased frequency in order to provide public safety services to the businesses locating in the former NASB and the District. Prior to the closure of the NASB, these areas were under the jurisdiction of the federal government, and did not receive (or require) Town-provided police, fire and rescue services. Since the Town's need to replace its public safety vehicles (police, fire and rescue vehicles) with much greater frequency is directly related to and made necessary by the redevelopment of the former NASB and the District, the Town will use TIF funds to cover the cost of up to four (4) public safety vehicles each year.</p>	<p>\$130,000/year \$3,900,000 (total 30 years)</p>	<p>30-A M.R.S.A. § 5225(1)(B)(2)</p>
3.	<p>Downtown TIF Projects: The Town will use TIF funds to mitigate the impacts of the District on the Town's downtown area by funding projects described in the 2010 Brunswick Downtown Municipal Development and Tax Increment Financing District Development Program, as it may be amended from time to time; provided that the provisions of 30-A M.R.S.A. Sec. 5225(1)(B)(3) (Supp. 2011) must continue to be met, as is the case currently. Specifically, any public facilities and improvements funded through the Downtown TIF must be located within the Downtown TIF District, and the entire tax increment from the Downtown TIF must be committed to the development program for the Downtown TIF.</p>	<p>\$100,000/year \$3,000,000 (total 30 years)</p>	<p>30-A M.R.S.A. § 5225(1)(B)(3)</p>
4.	<p>Brunswick Downtown Association: The Town will be authorized to provide annual funding to the Brunswick Downtown Association to help fund economic development programs or events designed to foster economic development within the Town's Downtown, or to help fund the marketing of the Town as a business location.</p>	<p>\$100,000/year \$3,000,000 (total 30 years)</p>	<p>30-A M.R.S.A. § 5225(1)(C)(1)</p>
5.	<p>Professional & Administrative Costs: The Town will fund professional services costs and administrative costs (i.e., pro rata portions of the Town Assessor, Town Manager and Business Development Manager salaries) related to the negotiation and completion of this development program and any credit enhancement agreements related to this development program, and the ongoing administration of the Town's TIF programs.</p>	<p>\$20,000/year \$600,000 (total 30 years)</p>	<p>30-A M.R.S.A. § 5225(1)(A)(4) and (5)</p>

	Project	Cost Estimate	Statutory Cite
6.	<p><u>School Construction/Renovation</u>: As a direct result of the closure of the Base, the Town of Brunswick’s pupil count has dropped radically and precipitously, which has resulted in a massive reduction of school funding aid from the State of Maine to the Town. Additionally, with the prospect of significant future redevelopment at the Base, the Town stands to lose substantial amounts of future aid for education, which is expected to compound an already untenable funding situation for Brunswick’s School Department. Because of the unique situation created by the Base closure and the regional effort to redevelop the Base, the Town stands to bear the brunt of a massive and unsustainable drop in school funding aid from the State. In light of this unique situation, the Town will use TIF funds to pay debt-service on school construction and/or renovation bonds to improve the schools used by residents of the Town of Brunswick in order to make the former Base more attractive for commercial redevelopment. While the Town is fully committed to fostering redevelopment of the Base with TIF Revenues, in order to be in a position to provide TIF funding to MRRA and future developers in the District without suffering further adverse impacts, the Town needs to retain a portion of the TIF funds for school construction and/or renovation. Thus, Brunswick’s school funding crisis is directly related to the closure of the former Base and is exacerbated by the redevelopment of the Base with TIF Revenues.</p>	<p>\$2,000,000/year</p> <p style="text-align: center;">\$40,000,000 (total 20 years)</p>	<p>30-A M.R.S.A. § 5225(1)(B)</p>

	Project	Cost Estimate	Statutory Cite
7.	<p><u>General Economic Development: The Town will use TIF funds on a broad array of projects and programs to promote economic development throughout the Town and to fund the marketing of the municipality as a business or arts location, including:</u></p> <ul style="list-style-type: none"> <u>a) Support economic development staffing and professional services at the municipal level (including salaries of economic development staff and prorated salaries of other municipal staff who may be called in to provide economic development services as well as prorated professional services costs and fees);</u> <u>b) Participate in regional marketing campaigns to promote Brunswick as a business destination and a tourist destination;</u> <u>c) Establish/support permanent economic development revolving loan funds, investment funds and grants, likely through the local economic development corporation (currently, the Brunswick Development Corporation) with business start-up and expansion costs;</u> <u>d) Create a discretionary reserve fund to be used as the local match for state and federal economic development grants for projects that would otherwise be permissible to be funded under this development program as well as the following:</u> <ul style="list-style-type: none"> <u>o Local match for grants to fund transit service capital costs associated with a new or expanded transit service (in the case of funding a contract provider of transit services, a prorated portion of such contract relating to capital costs of the services as opposed to operating costs.)</u> <u>o Local match for grants to fund costs of improvements make within the tax increment financing district;</u> <u>e) Provide funds to support the Town’s business expansion and recruitment efforts through the enhancement of the Town’s technology systems such as updating and improving the Town’s geographic information system (“GIS”), and upgrading computers and assessing software;</u> <u>f) Promote the identity and branding of the Town as a place to do business and as a tourist destination through investments such as signage and streetscapes; and,</u> <u>g) Support economic studies and environmental studies and improvements of properties within the Town of Brunswick to determine and help realize their most effective commercial or arts district use.</u> 	<p><u>\$500,000/year (for 30 years)</u></p> <p><u>\$15,000,000 (total for 30 years)</u></p>	<p><u>30-A M.R.S.A. §§ 5225(1)(A)(4), (C)(1), (C)(2) & (C)(3)</u></p> <p><u>With respect to 7(d): 30-A M.R.S.A. §§ 5230, 5221(1)(A) & (C)(7)(a)</u></p>

	Project	Cost Estimate	Statutory Cite
8.	<u>Recreational Trails with Significant Potential to Promote Economic Development: The Town will use TIF funds for costs related to planning, design, construction, maintenance, grooming and improvements to new or existing recreational trails designed to enhance the draw to the Town, including bridges that are part of the trail corridor, used all or in part for hiking, bicycling, cross-country skiing or other uses.</u>	<u>\$50,000/year (for 30 years)</u> <u>\$1,500,000 (total for 30 years)</u>	<u>30-A M.R.S.A. § 5225(1)(C)(6)</u>
9.	<u>Road Improvements within and adjacent to Brunswick Landing and the Executive Airport District: (a) Currently, the roads within Brunswick Landing are owned and maintained by MRRA. MRRA has requested that the Town take over the roads within Brunswick Landing as public roads. In the event that the Town agrees to take any of the Brunswick Landing roads as public roads, the Town will use TIF funds to improve and maintain those roads. (b) The Cooks Corner area (in the vicinity of the intersection of Gurnet Road and Bath Road), adjacent to the Executive Airport District, may have various improvements made necessary by the MRRA redevelopment activities, including but not limited to road construction, improvements and maintenance including storm water or sanitary sewer lines, water lines, electrical lines and amenities on streets. Such projects are authorized only if they are made necessary by or are directly related to the District development.</u>	<u>\$600,000/year (for 30 years)</u> <u>\$18,000,000 (total for 30 years)</u>	<u>30-A M.R.S.A. § 5225(1)(A), (B)(1) or (B)(2)</u>
	Total Municipal Project Costs:		
	First 20 years	\$2,990 <u>\$4,140,000/</u> year <u>\$5982,800,000 (total for first 20 years)</u>	
	Last 10 years	\$990 <u>(\$2,140,000/</u> year <u>\$9,90021,400,000 (total for last 10 years)</u>	
	Grand Total	\$69,700 <u>\$104,200,000 (total for 30 years)</u>	

2. Base Redevelopment Projects

a. MRRA Projects

MRRA has included ~~\$12 million~~ the use of TIF Revenues in its business plan since the beginning of the Base redevelopment planning process. MRRA plans to be used use TIF Revenues for essential new physical infrastructure investment, to repair and/or ~~replacement~~ of replace existing infrastructure, and ~~related to~~ facilitate physical improvements necessary to maintain the property and attract businesses. The costs associated with these MRRA projects would be authorized project costs pursuant to 30-A M.R.S.A. § 5225(1)(A) for Tier I projects located within the District. ~~It~~ As stated above, it is the Town of Brunswick's intent to administer the Brunswick Landing and ~~Brunswick Executive Airport Omnibus~~ Development Programs together to facilitate MRRA's ability to fund these projects in whole or in part with TIF Revenues.

b. \$15 Million Cap on TIF Funding Available to MRRA

While the Town is willing to support MRRA's redevelopment efforts with TIF Revenues, the Town is placing a maximum limit on the TIF Revenues it will make available to MRRA. The Town will make up to a cap of ~~\$12~~ \$15 million available to MRRA ~~in combined new TIF Revenues~~ from the aggregate fifty percent (50%) of TIF Revenues allocated for Base Redevelopment from the Brunswick Landing and ~~Brunswick Executive Airport TIF districts, the Town expressly is not guaranteeing \$12 million in TIF Revenues to MRRA. Executive Airport Districts. The Town expressly is not guaranteeing \$15 million in TIF Revenues to MRRA. The Town intends to count against this \$15 million cap the \$200,000 in TIF Revenues that the Town paid to MRRA in October 2015. Further, in the event that subsequent legislative action or judicial interpretation result in the Town changing its interpretation and application of the property tax exemption set forth in 36 M.R.S. § 651(1)(F) causing the values of Hangars 4, 5, and 6 to become tax exempt, the \$15 million cap shall be reduced to correspond to the dollar amount of the property tax exemption over the remaining life of the Executive Airport District, with such amount to be determined by the Town.~~

c. Other Future Developers

In addition to any TIF appropriations the Town may make to MRRA, the Town also intends to consider other types of TIF agreements with businesses and other entities to facilitate further development and job growth at within the Brunswick Landing and the ~~Brunswick Executive Airport Districts~~. Any future TIF agreements of this type will be funded from the fifty percent (50%) of new TIF Revenues allocated for Base Redevelopment, and will be considered independently and as a separate use from any approved dollar appropriation for the infrastructure needs of MRRA.

d. Application Process for TIF Funding

Thus, in order to help foster the economic redevelopment of the Base, the Town intends to make up to fifty percent (50%) of the combined TIF Revenues from both TIF Districts available by application to MRRA and to future developers who may wish to locate within either of the ~~District~~TIF Districts. In order to obtain TIF funding for its redevelopment projects, MRRA and any future developers that may wish to seek TIF funding for their development projects, will need to apply to the Town for funding for specific projects, which using the application process prescribed by the Town at the time of the request. The Town Council will consider all requests for TIF funding on a case-by-case basis.

C. Strategic Growth and Development

By creating the TIF ~~District~~Executive Airport and Brunswick Landing Districts, the Town is able to capitalize on the momentum of MRRA's efforts and maximize the economic redevelopment potential of the ~~District~~TIF Districts by streamlining the process for future businesses seeking to locate within either of the ~~District~~TIF Districts. Rather than navigating the lengthy process and significant expense to designate a new TIF district each time a new developer investigates locating its business on the former NAS Brunswick, with the ~~District~~TIF Districts already in place, the Town can immediately focus on negotiating and finalizing credit enhancement agreements ("CEAs") that will meet the needs of MRRA, individual developers and the Town, ~~which CEAs.~~ These future credit enhancement agreements may provide for reimbursement of up to fifty percent (50%) of taxes paid on captured assessed value created by such developer/developers within the ~~District~~TIF Districts and within sole Town Council discretion. Having the ~~District~~TIF Districts in place will greatly enhance the marketability and development potential for commercial and industrial use of properties within the ~~District~~TIF Districts.

D. Improvements to the Public Infrastructure

As further set forth in Table 1, the Town will use certain TIF Revenues for road improvements that are directly related to and made necessary by the redevelopment of the former NASB.

E. Operational Components

1. Public Facilities

The Town plans to use a portion of the TIF Revenues to fund certain projects approved within the existing Downtown TIF District and to fund school construction and/or renovations.

2. Commercial Improvements Financed Through Development Program

At this time, no commercial improvements will be financed through the Development Program. The Town may, in the future, share a percentage of the TIF Revenues with future developers pursuant to the terms of such CEAs that may be negotiated with such developers.

3. Relocation of Displaced Persons.

Not applicable.

4. Transportation Improvements

The Town will fund road improvements made necessary by the increased traffic to the District from other parts of the Town.

5. Environmental Controls

The improvements made under this Development Program will meet or exceed all federal, state and local environmental laws, regulations and ordinances and will comply with all applicable land use requirements for the Town.

6. Plan of Operation

During the term of the District, the Town Manager or his designee will be responsible for all administrative matters within the purview of the Town concerning the implementation and operation of the District.

III. Physical Description

Note that the details in this Article III address the conditions for approval contained in 30-A M.R.S.A. § 5223(3). The ~~proposed~~ 146-acre District is shown on [Exhibit A](#). The statutory threshold limits addressing the conditions for approval mandated by 30-A M.R.S.A. § 5223(3) are set forth in [Exhibit B](#).

IV. Financial Plan

~~The collective original assessed value of~~

The Town shall allocate all TIF Revenues collected by the ~~property in~~ Town since April 1, 2013 consistent with the provisions set forth in this First Amendment to the Brunswick

Executive Airport II Omnibus Municipal Development and Tax Increment Financing District was zero dollars (\$0) as of March 31, 2012 (April 1, 2011).Development Program. The Town will capture one hundred percent (100%) of the increased assessed value of the real estateproperty located within the District for the duration of the 30-year term of the District. Personal property tax value will not be captured within the District. The TIF Revenues so collected will fund and/or contribute to the funding of the approved projects, including each of the projects described on Table 1 hereof, which collectively increase the Town's ability to stand out in a competitive marketplace as a dynamic municipality in which to grow a business. All assessed real property value captured in the District will be added to the general tax rolls at the end of the TIF term. Personal property tax value will not be captured within the District.

Upon each payment of real property taxes for property located inside the District, the Town will deposit into a development program fund (the "Development Program Fund") the entirety of the property tax payments constituting TIF Revenues. The Development Program Fund is pledged to and charged with the payment of the project costs in the manner and in the order provided in 30-A M.R.S.A. § 5227(3). The Development Program Fund will consist of a development sinking fund account (the "Sinking Fund Account"), and a project cost account (the "Project Cost Account") that will have subaccounts for the Town and for Base Redevelopment. From the Development Program Fund, the Town will deposit: (a) fifty percent (50%) of the TIF Revenues into the Town's Sinking Fund Account and/or the Town's subaccount of the Project Cost Account to be used to fund the projects listed in Table 1; and (b) fifty percent (50%)an amount of the TIF Revenues to the Base Redevelopment subaccount as set forth immediately below in Table 2:

TABLE 2
Allocation of TIF Revenues from both TIF Districts

	<u>Town Allocation of TIF Revenues</u>	<u>Base Redevelopment Allocation of TIF Revenues</u>
<u>Executive Airport District:</u>		
<u>TIF Revenues generated by “aeronautical business” tenants within Hangars 4, 5 and 6 (parcels 040-250, 040-005 and 040-006 respectively, as further shown on Exhibit H)</u> <u>Note: “Aeronautical business” is defined in Exhibit I.</u>	<u>0%</u>	<u>100%</u>
<u>TIF Revenues generated by all other (i.e., not “aeronautical business”) tenants within Hangars 4, 5 and 6 (parcels 040-250, 040-005 and 040-006 respectively), and all other properties with the Executive Airport District.</u>	<u>50%</u>	<u>50%</u>
<u>Brunswick Landing District:</u>	<u>75%</u>	<u>25%</u>
<u>Either TIF District:</u>	<u>Variable amount on an annual basis to be determined and only if needed, to make Town’s aggregate allocation of TIF Revenues equal 50% of total TIF Revenues from both TIF Districts.</u>	

The TIF Revenues deposited into the Base Redevelopment subaccount of the Project Cost Account ~~to~~ will be used to fund payments available to MRRA and/or individual future developers within the District pursuant to by application to the Town, using the process set forth above in Section II.B.2.d. Payments to any CEAs then in effect, future developers would most likely, but not necessarily, be made through future credit enhancement agreements.

Periodically, and pursuant to the terms of any applicable credit enhancement agreement, any TIF Revenues that remain deposited in the Base Redevelopment subaccount of the Project Cost Account that are not allocated to either MRRA or a developer will revert back to the Town’s subaccount of the Project Cost Account. All assessed real property value captured in the District will be added to the general tax rolls at the end of the TIF term.

Estimates of the increased assessed property values of the District, the anticipated TIF Revenues generated by the District, and the estimated tax shifts are shown in Exhibits D-13 and D-2, respectively.

A. Costs and Sources of Revenues

[Private improvements will result in the captured assessed value that will generate Tax Increment Revenues.](#) The current and future developers owning or leasing properties located within the District will pay for and/or finance all private improvements located in the District through private sources.

B. Indebtedness

None of the project costs will be met through public indebtedness, except for future school construction and/or renovations, as set forth in Table 1.

V. Financial Data

The statutory requirements and thresholds for approval required by Section 5223(3) of the TIF Statute are set forth in [Exhibit B](#).

VI. Tax Shifts

In accordance with the TIF Statute, the table set forth in [Exhibit D-2 4](#) identifies the tax shifts that the Town estimates will result during the term of the District.

VII. Municipal Approvals

A. Notice of Public Hearing

Attached as [Exhibit E-1](#) hereto is a copy of the Notice of Public Hearing regarding adoption of [the First Amendment to](#) the Development Program for the District, published in the *Times Record*, a newspaper of general circulation in the Town, on ~~July 18, 2013~~, a date at least ten (10) days prior to the public hearing. The public hearing on the [First Amendment to the](#) Development Program was held on ~~July 29, 2013~~[June 20, 2016](#), in accordance with the requirements of 30-A M.R.S.A. § 5226(1).

B. Minutes of Public Hearing Held by Town Council

Attached as [Exhibit F-1](#) hereto is a certified copy of the minutes of the public hearing held on ~~July 29, 2013~~[June 20, 2016](#), at which time this [First Amendment to the](#) Development Program was discussed by the public.

C. Authorizing Votes

Attached as [Exhibit G-1](#) hereto is a copy of the Brunswick Town Council Resolution approving this [First Amendment to the](#) Development Program, which Resolution was adopted by the Council at a meeting of the Council duly called and held on ~~July 29, 2013~~ [June 20, 2016](#).

SCHEDULES AND EXHIBITS

{To Be Inserted}

Schedules:

- 1 ~~March 29, 2013 DECD Approval Letter Conditionally Approving the Town's Designation of the Brunswick Executive Airport II Municipal TIF District.~~
- 2 ~~January, 18, 2013 DECD Approval Letter Approving the Mólnlycke Manufacturing Municipal TIF District and Development Program.~~

Exhibits:

- A ~~TIF District Maps~~
- B ~~Statutory Requirements & Thresholds~~
- C ~~Assessor's Certificate of Original Assessed Value~~
- D-1 ~~TIF Revenue Projections~~
- D-2 ~~Tax Shift Projections~~
- E ~~Public Hearing Notice~~
- F ~~Public Hearing Minutes~~
- G ~~Town Council Resolution~~

EXHIBIT E-1

NOTICE OF PUBLIC HEARING

TOWN OF BRUNSWICK

Regarding

**AThe First Amendment to
the Municipal Tax Increment Financing Development Program for the District Known As
The “Brunswick ~~Executive Airport~~ Landing Omnibus Municipal Development
and Tax Increment Financing District”**

And

**The First Amendment to
the Municipal Tax Increment Financing Development Program for the District Known as
the “Brunswick Executive Airport Omnibus Municipal Development
and Tax Increment Financing District”**

Notice is hereby given that the Brunswick Town Council will hold a public hearing on

**July 29, 2013,
June 20, 2016
at the**

**Brunswick ~~Municipal Meeting Room~~ Town Office at ~~16 Station Avenue~~ 85 Union Street,
Brunswick, Maine,**

The Public Hearing will be at ~~7:00~~ [insert time] p.m.

The purpose of the public hearing is to receive public comments on the approval of the ~~Development Program~~ First Amendment to the development programs for the municipal tax increment financing ~~district~~ districts identified above, designated on March 29, 2013 and also known as the ~~Brunswick~~ “Landing Municipal Development TIF” and ~~Tax Increment Financing District (the “District”)~~ the “Airport TIF,” pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended.

The ~~designated municipal development~~ [Landing TIF](#) district consists of 542 acres of property located at the former Naval Air Station Brunswick and ~~tax increment financing~~ the [Airport TIF](#) district consists of 146 acres of property located at the former Naval Air Station Brunswick.

All interested persons are invited to attend the public hearing and will be given an opportunity to be heard at that time. [The Development Programs and First Amendments are available for review by all interested parties](#)_____.

EXHIBIT F-1

Minutes of Public Hearing and Town Council Meeting

EXHIBIT G-1

Town Council Resolution

EXHIBIT H

Exhibit A to MOA Showing Hangars 4, 5 & 6

EXHIBIT I
DEFINITION OF “AERONAUTICAL BUSINESS”

For the purpose of this Development Program, "aeronautical business" means the act, practice of, or instruction in the art and science of transportation by aircraft, and operation, construction, repair or maintenance of aircraft, airports and air navigation facilities. Such uses shall include:

Air carrier. "Air carrier" means a person who undertakes, whether directly or indirectly or by lease or other arrangement, to engage in air commerce and is certificated under Federal Air Regulations.

Air commerce. "Air commerce" means the carriage by aircraft of persons or property for compensation or hire, when that carriage is a major enterprise for profit and not merely incidental to a person's other business.

Air navigation facility. "Air navigation facility" means any facility used in, available for use in, or designed for use in, aid of air navigation, including airports, lights, any apparatus or equipment for disseminating weather information, for signaling, for radio-directional finding, or for radio or other electrical communication, and any other structure or mechanism having a similar purpose for guiding or controlling flight in the air or the landing and takeoff of aircraft.

Air taxi. "Air taxi" means a person who undertakes, whether directly or indirectly or by lease or other arrangement, to engage in air commerce and who possesses an Air Taxi Commercial Operators Certificate issued by the Federal Aviation Administration under 14 Code of Federal Regulations, Part 135.

Aircraft Construction. “Aircraft construction” means the design, construction, manufacturing or assembly of aircraft that would require the presence of an airfield as an integral part of its business operation for the design, testing, sale or distribution of aircraft.

Aircraft dealer. "Aircraft dealer" means any person engaged in the sale or purchase or manufacture of new or used aircraft.

Aviation Fueling Facilities. “Aviation Fueling Facilities” means entities that provide aircraft fueling services.

Basing aircraft. "Basing aircraft" means storing, parking, tying down or mooring aircraft in Maine for more than 30 consecutive calendar days.

Maintenance, Overhaul or Repair (MRO). “MRO” means any business or entity involved in the maintenance, overhaul or repair of aircraft, aircraft components and aircraft completions.

Town of Brunswick, Maine

OFFICE OF THE TOWN MANAGER

MEMORANDUM

TO: Town Council

FROM: John Eldridge
Town Manager

DATE: June 1, 2016

SUBJECT: Credit Enhancement Agreement with MRRA

On October 5, 2015, the Town Council approved an order authorizing the Town Manager to execute a Memorandum of Agreement (“MOA”) with the Midcoast Regional Redevelopment Authority (“MRRA”) to settle litigation over the tax status of certain properties at Brunswick Executive Airport.

With the MOA, the Town Council agreed to draft amendments to the development programs of the Brunswick Landing and Brunswick Executive Airport TIF Districts, and to enter into a Credit Enhancement Agreement (“CEA”) with MRRA which defines the allocation of TIF revenues and the process for distribution.

In accordance with the MOA, Town staff has been working with Bernstein Shur, and has drafted the attached CEA. This agreement establishes guidelines for the process by which MRRA will apply for TIF revenues and the procedures governing the Town’s approval and payment of TIF revenues to MRRA.

While Town Council approval of the CEA does not require a public hearing, this item is being presented in conjunction with the amendments to the Brunswick Landing and Brunswick Executive Airport Development Programs because it is linked to the adoption of those amendments. The requested action is for the Council to authorize the Town Manager to execute the CEA when and if the Development Program Amendments are adopted by the Town Council. Attached is an “Order authorizing the Town Manager to Execute a Credit Enhancement Agreement with Midcoast Regional Redevelopment Authority”.

CREDIT ENHANCEMENT AGREEMENT

between

THE TOWN OF BRUNSWICK, MAINE

and

MIDCOAST REGIONAL REDEVELOPMENT AUTHORITY

DATED: _____, 2016

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EXHIBITS

Exhibit 1 Copy of Exhibit A from Development Program – District Map

THIS CREDIT ENHANCEMENT AGREEMENT dated as of _____, 2016, between the Town of Brunswick, a municipal corporation located in Brunswick, County of Cumberland and State of Maine, with offices at 85 Union Street, Brunswick, Maine 04011 (hereinafter "the Town"), and Midcoast Regional Redevelopment Authority ("MRRRA"), a public municipal corporation, with principal place of business of 15 Terminal Road, Suite 200, Brunswick, ME 04011.

WITNESSETH THAT

WHEREAS, on March 18, 2013, and pursuant to the Act, the Town Council of the Town at a meeting duly called and held, adopted an order that designated two tax increment financing ("TIF") districts: the Brunswick Executive Airport II Municipal Development District (146 acres) and the Brunswick Landing II Development District (542 acres) (collectively the "TIF Districts"); and

WHEREAS, on July 29, 2013, the Town of Brunswick adopted two development programs: the Brunswick Executive Airport II Municipal Development and Tax Increment Financing District Omnibus Development Program and the Brunswick Landing II Municipal Development and Tax Increment Financing District Omnibus Development Program (collectively the "Development Programs"); and

WHEREAS, the Commissioner of DECD reviewed and approved the Districts and the Development Programs pursuant to approval letters dated October 24, 2013; and

WHEREAS, the Town of Brunswick amended the original Development Programs by the First Amendment to the Brunswick Executive Airport II Municipal Development and Tax Increment Financing District Omnibus Development Program and the First Amendment to the Brunswick Landing II Municipal Development and Tax Increment Financing District Omnibus Development Program (together, the "First Amendments") which will be considered by the Town contemporaneous with this Credit Enhancement Agreement; and

WHEREAS, within the Development Programs, and as contemplated thereby, the Town proposed to execute a credit enhancement agreement with MRRRA and potentially other credit enhancement agreements with other developers in the future; and

WHEREAS, on October 7, 2015, the Town and MRRRA signed a Memorandum of Agreement outlining terms for the execution of a credit enhancement agreement; and

WHEREAS, the Town and MRRRA desire and intend that this Credit Enhancement Agreement be and constitute the MRRRA credit enhancement agreement contemplated by and described in the First Amendments to the Development Programs and the aforementioned Memorandum of Agreement; and

WHEREAS, the First Amendments to the Development Programs will be adopted contemporaneous with this Agreement in order to support MRRRA's investment in new infrastructure, and/or repair or replacement of existing infrastructure and related physical improvements necessary to maintain the property and attract business; and to enable MRRRA to

enter into tax refund arrangements with aeronautical business tenants who are located at the Brunswick Executive Airport; and

NOW, THEREFORE, in consideration of the foregoing and in consideration of the mutual promises and covenants set forth herein, the parties hereby agree as follows:

ARTICLE I DEFINITIONS

Section 1.1. Definitions.

The terms defined in this Article I shall, for all purposes of this Agreement, have the meanings herein specified, unless the context clearly requires otherwise:

“Act” means chapter 206 of Title 30-A of the Maine Revised Statutes and regulations adopted thereunder, as amended from time to time.

"Aeronautical business" means the act, practice of, or instruction in the art and science of transportation by aircraft, and operation, construction, repair or maintenance of aircraft, airports and air navigation facilities. Such uses shall include:

Air carrier. "Air carrier" means a person who undertakes, whether directly or indirectly or by lease or other arrangement, to engage in air commerce and is certificated under Federal Air Regulations.

Air commerce. "Air commerce" means the carriage by aircraft of persons or property for compensation or hire, when that carriage is a major enterprise for profit and not merely incidental to a person's other business.

Aircraft Construction. “Aircraft construction” means the design, construction, manufacturing or assembly of aircraft that would require the presence of an airfield as an integral part of its business operation for the design, testing, sale or distribution of aircraft.

Aircraft dealer. "Aircraft dealer" means any person engaged in the sale or purchase or manufacture of new or used aircraft.

Air navigation facility. "Air navigation facility" means any facility used in, available for use in, or designed for use in, aid of air navigation, including airports, lights, any apparatus or equipment for disseminating weather information, for signaling, for radio-directional finding, or for radio or other electrical communication, and any other structure or mechanism having a similar purpose for guiding or controlling flight in the air or the landing and takeoff of aircraft.

Air taxi. "Air taxi" means a person who undertakes, whether directly or indirectly or by lease or other arrangement, to engage in air commerce and who

possesses an Air Taxi Commercial Operators Certificate issued by the Federal Aviation Administration under 14 Code of Federal Regulations, Part 135.

Aviation Fueling Facilities. “Aviation Fueling Facilities” means entities that provide aircraft fueling services.

Basing aircraft. "Basing aircraft" means storing, parking, tying down or mooring aircraft in Maine for more than 30 consecutive calendar days.

Maintenance, Overhaul or Repair (MRO) “MRO” means any business or entity involved in the maintenance, overhaul or repair of aircraft, aircraft components and aircraft completions.

“Aggregate Cap” means the aggregate cap on potential Tax Increment Revenues to be available, but not guaranteed, to MRRRA over the life of the TIF Districts as a maximum total of fifteen million dollars (\$15,000,000).

“Agreement” shall mean this Credit Enhancement Agreement between the Town and MRRRA dated as of the date set forth above, as such may be amended from time to time.

“Base Redevelopment Development Program Fund” means the development program fund described in Section IV. Financial Plan of the Development Programs into which the Tax Increment Revenues are to be deposited, established and maintained pursuant to the Development Programs and Article II hereof.

“Base Redevelopment Subaccount” means the subaccount of such name in the Base Redevelopment Development Program Fund described in Section IV. Financial Plan of the Development Programs and established and maintained pursuant to the Development Programs and Article II hereof.

“Brunswick Executive Airport TIF District” means the 146-acre Brunswick Executive Airport II Municipal Development and Tax Increment Financing District as more fully defined by the Executive Airport Development Program.

“Brunswick Landing TIF District” means the 542-acre Brunswick Landing II Municipal Development and Tax Increment Financing District as more fully defined by the Brunswick Landing Development Program.

“Captured Assessed Value” means the amount, stated as a percentage, of the Increased Assessed Value of the MRRRA Property that is retained in the Districts in each Tax Year during the term of the Districts, as specified in Section 2.2 hereof.

“Commissioner” means the Commissioner of the Maine Department of Economic and Community Development.

“Current Assessed Value” means the then-current assessed value of the MRRA Property located in the Districts as determined by the Town Tax Assessor as of April 1 of each Tax Year during the term of this Agreement.

“Development Programs” means the development programs and financial plans for the Districts adopted by the Town entitled the “First Amendment to the Brunswick Executive Airport II Municipal Development and Tax Increment Financing District Omnibus Development Program” and the “First Amendment to the Brunswick Landing II Municipal Development and Tax Increment Financing District Omnibus Development Program”.

“Districts” means the Brunswick Executive Airport II Municipal Development District (146 acres) and the Brunswick Landing II Development District (542 acres), designated by the Town on March 18, 2013, a map of which is attached as Exhibit A to the Development Programs.

“Effective Date of the Development Programs” means the date of final approval of the First Amendments to the Development Programs by the Commissioner pursuant to the Act.

“Financial Plan” means the financial plan described in the “Financial Plan” Section of the Development Programs.

“Fiscal Year” means July 1 to June 30 each year or such other fiscal year as the Town may from time to time establish.

“Increased Assessed Value” means, for each Fiscal Year during the term of this Agreement, the amount by which the Current Assessed Value for such year exceeds the Original Assessed Value. If the Current Assessed Value is less than or equal to the Original Assessed Value in any given Tax Year, there is no Increased Assessed Value in that year.

“MRRA Property” means real property owned by MRRA within the Districts.

“Original Assessed Value” means zero dollars (\$0), the assessed value of the Districts as of March 31, 2012 (April 1, 2011).

“Project Cost Account” means the project cost account described in the Financial Plan Section of the Development Programs and established and maintained pursuant to Title 30-A M.R.S.A. § 5227(3)(A)(1) and Article II hereof.

“Property Taxes” means any and all *ad valorem* property taxes levied, charged or assessed against real property located in the Districts by the Town, or on its behalf.

“Sinking Fund Account” means the development sinking fund account described in the Financial Plan Section of the Development Program and established and maintained pursuant to Title 30-A M.R.S.A. § 5227(3)(A)(2) and Article II hereof.

“State” means the State of Maine.

“Tax Increment Revenues” means that portion of all real property taxes assessed and paid to the Town in any Tax Year, in excess of any state, or special district tax, upon the Captured Assessed Value.

“Tax Payment Date” means the later of the date(s) on which property taxes levied by the Town are due and payable from owners of property located within the Town, or are actually paid to the Town with respect to taxable property located within the District.

“Tax Year” shall have the meaning given such term in 30-A M.R.S.A. § 5222(18), as amended, to wit: April 1 to March 31.

“Town” shall have the meaning given such term in the first paragraph hereto.

“Town Subaccount” means that portion of the Project Cost Account of the Base Redevelopment Development Program Fund for the District set aside for the Town as defined in the Financial Plan Section of the Development Program and established and maintained according to Article II hereof.

Section 1.2. Interpretation and Construction.

In this Agreement, unless the context otherwise requires:

(a) The terms “hereby,” “hereof,” “hereto,” “herein,” “hereunder” and any similar terms, as used in this Agreement, refer to this Agreement, and the term “hereafter” means after, and the term “heretofore” means before, the date of delivery of this Agreement.

(b) Words importing a particular gender mean and include correlative words of every other gender and words importing the singular number mean and include the plural number and vice versa.

(c) Words importing persons mean and include firms, associations, partnerships (including limited partnerships), trusts, corporations and other legal entities, including public or governmental bodies, as well as any natural persons.

(d) Any headings preceding the texts of the several Articles and Sections of this Agreement, and any table of contents or marginal notes appended to copies hereof, shall be solely for convenience of reference and shall not constitute a part of this Agreement, nor shall they affect its meaning, construction or effect.

(e) All approvals, consents and acceptances required to be given or made by any signatory hereto shall not be withheld unreasonably.

(f) All notices to be given hereunder shall be given in writing and, unless a certain number of days is specified, within a reasonable time.

(g) If any clause, provision or Section of this Agreement shall be ruled invalid by any court of competent jurisdiction, the invalidity of such clause, provision or Section shall not affect any of the remaining provisions hereof.

ARTICLE II

DEVELOPMENT PROGRAM FUND AND FUNDING REQUIREMENTS

Section 2.1. Creation of Development Program Fund.

The Town hereby confirms the creation and establishment of a segregated fund in the name of the Town designated as the “Base Redevelopment Development Program Fund” pursuant to, and in accordance with the terms and conditions of, the Development Programs and 30-A M.R.S.A. § 5227(3) (hereinafter the “Development Program Fund”). The Development Program Fund shall consist of a Project Cost Account that is pledged to and charged with the payment of project costs as outlined in the Financial Plan of the Development Programs and as provided in 30-A M.R.S.A. § 5227(3)(A)(1), and, if necessary, may also consist of a Sinking Fund Account that is pledged to and charged with the payment of Town indebtedness, if any, as outlined in the Financial Plan of the Development Programs and as provided in 30-A M.R.S.A. § 5227(3)(A)(2). The Project Cost Account shall also contain two subaccounts designated as the “Base Redevelopment Project Cost Subaccount,” which is to be used to fund payments to MRRA and/or individual developers within the Districts, and the “Town Subaccount,” for use by the Town to fund the cost of Town projects as described in the Development Programs. The Development Program Fund is pledged to and charged with the payment of costs in the manner and priority provided in 30-A M.R.S.A. § 5227(3)(B) and as set forth in Section 3.1(b) below.

Section 2.2. Captured Assessed Value; Deposits into Development Program Fund.

(a) Each year during the term of this Agreement and for each of the years between July 1, 2013 and the Effective Date of the Development Programs (hereinafter “CEA Years”), the Town shall retain in the District one hundred percent (100%) of the Increased Assessed Value as Captured Assessed Value.

(b) For each of the CEA Years, the Town shall deposit into the Development Program Fund contemporaneously with each payment of Property Taxes during the term of this Agreement an amount equal to one hundred percent (100%) of that portion of the property tax payment constituting Tax Increment Revenues. From the Development Program Fund, the Town will deposit amounts into the subaccounts of the Project Cost Account, using the allocation set forth in Table 1 below (subject to the Aggregate Cap identified in Section 3.1(a) hereof):

**Table 1.
Allocation of Tax Increment Revenues from both TIF Districts**

	Town Subaccount	Base Redevelopment Subaccount
Executive Airport District:		
TIF Revenues generated by “ <u>aeronautical business</u> ” tenants within Hangars 4, 5 and 6 (parcels 040-250, 040-005 and 040-006 respectively, as further shown on Exhibit H) Note: “Aeronautical business” is defined in Exhibit I.	0%	100%
TIF Revenues generated by all other (i.e. not “aeronautical businesses”) tenants within Hangars 4, 5 and 6 (parcels 040-250, 040-005 and 040-006 respectively), and all other properties with the Executive Airport District.	50%	50%
Brunswick Landing District:	75%	25%
Either TIF District:	Variable amount on an annual basis to be determined and only if needed, to make Town’s aggregate allocation of TIF Revenues equal 50% of total TIF Revenues from both TIF Districts.	Variable amount on an annual basis to be determined and only if needed, to make Town’s aggregate allocation of TIF Revenues equal 50% of total TIF Revenues from both TIF Districts.

(c) Except as provided in Section 3.1(b) hereof, for each of the CEA Years, the Town shall deposit the remaining Tax Increment Revenues not deposited to the Base Redevelopment Project Cost Subaccount of the Project Cost Account into the Sinking Fund Account to the extent and in such amounts necessary to finance the costs for any municipal projects undertaken by the Town and financed with bonded indebtedness, if any, and otherwise to the Town Subaccount of the Project Cost Account for use by the Town to fund the cost of Town projects as described in the Development Program.

Section 2.3. Use of Monies in Development Program Fund.

All monies in the Development Program Fund that are allocable to and/or deposited in the Base Redevelopment Subaccount shall in all cases be used and applied to fund fully the Town's payment obligations to MRRA, and possibly other developers, as described in Articles II

and III hereof, but in no event shall payments to MRRA exceed the Aggregate Cap of fifteen million dollars (\$15,000,000).

Section 2.4. Monies Held in Segregated Account.

All monies required to be deposited with or paid into Base Redevelopment Subaccount under the provisions hereof and the provisions of the Development Programs shall be held by the Town for the uses specified in the development programs. Interest earnings thereon shall be retained by the Town for the Town's own use.

**ARTICLE III
PAYMENT OBLIGATIONS**

Section 3.1. Company Payments.

(a) The Town agrees to pay MRRA up to all amounts then on deposit in the Base Redevelopment Subaccount, following an annual Town application process and Town Council approval, on or before either thirty (30) days following the date of such Town Council approval or thirty (30) days following the Tax Payment Date(s), whichever date occurs later. In no instance will the total payments to MRRA exceed the Aggregate Cap of fifteen million dollars (\$15,000,000). The Town is not obligated to make any payments from the Base Redevelopment Subaccount unless and until such payments have been approved pursuant to the Town application process and Town Council approval described in this Section 3.1, Section 7.2 and otherwise in this Agreement. The Town Council may approve a series of payments to MRRA over a period of up to ten (10) years with respect to particular capital improvement projects for which MRRA requires financing and for which a financing lending organization requires a pledge or assignment of such payments as security pursuant to Section 7.1 herein.

(b) Annually, within 7 days of the date of the Town's annual tax commitment, the Town Assessor shall provide a list of the properties within the Brunswick Executive Airport and Brunswick Landing TIF Districts, identifying the TIF revenues to be produced, and the amount representing the 50% aggregate allocation of the TIF revenues which is anticipated to be deposited in the Base Redevelopment Subaccount. Annually, MRRA will submit its request for TIF funds to the Town in the form of a letter to the Town Manager, outlining the intended uses and anticipated costs. Within ninety (90) days from receiving the request from MRRA, the TIF Committee will meet to review MRRA's request and make a recommendation to the Town Council. Within ninety (90) days from receiving the TIF Committee's recommendation, the Town Council will take action on MRRA's request for payment of TIF revenues.

(c) The calculation of the amount available in the Base Redevelopment Subaccount is based on tax payments received and deposited. The Town may withhold from the otherwise approved payment to MRRA any amounts relating to tax abatements, refunds, or items deemed uncollected that reduce the balance in the Base Redevelopment Subaccount. In addition, if a payment has already been made to MRRA including any amounts relating to tax abatements, refunds or items deemed uncollected that reduce the balance in the Base Redevelopment Subaccount, MRRA must repay such amount to the Town within thirty (30) days of the Town's written notice of such repayment obligation. If MRRA does not make such repayment before the

Town's next payment to MRRA pursuant to this Agreement, the Town may reduce such next payment by the amount of the obligated MRRA repayment.

(d) Notwithstanding anything to the contrary contained herein, if, with respect to any Tax Payment Date, any portion of the property taxes assessed against real or personal property located in the District remain unpaid, because of a valuation dispute or otherwise, the Town shall be under no obligation to pay MRRA's share of the Tax Increment Revenues to MRRA. In such a circumstance, the property taxes actually paid with respect to such Tax Payment Date shall, first, be applied to taxes due on account of Original Assessed Value; and second, shall constitute payment of Property Taxes with respect to Increased Assessed Value, to be applied first to payment in full of the applicable Town percent share of the Tax Increment Revenues for the year concerned and deposited into the Town Subaccount in accordance with Article II hereof.

Section 3.2. Failure to Make Payment.

(a) In the event the Town should fail to, or be unable to, make any of the payments at the time and in the amount required under the foregoing provisions of this Article III including in the event that the amount deposited into Base Redevelopment Subaccount is insufficient to reimburse MRRA for the full amount due to MRRA under this Agreement, the amount or installment so unpaid shall continue as a limited obligation of the Town, under the terms and conditions hereinafter set forth, until the amount unpaid shall have been fully paid.

Section 3.3. Manner of Payments.

The payments provided for in this Article III shall be paid directly to MRRA.

Section 3.4. Limited Obligation.

The Town's obligations of payment hereunder shall be limited obligations of the Town payable solely from Tax Increment Revenues pledged therefor under this Agreement. The Town's obligations hereunder shall not constitute a general debt or a general obligation or charge against or pledge of the faith and credit or taxing power of the Town, the State of Maine, or of any municipality or political subdivision thereof, but shall be payable solely from that portion of Tax Increment Revenues payable to MRRA hereunder, whether or not actually deposited into Base Redevelopment Subaccount in the Development Program Fund. This Agreement shall not directly, indirectly or contingently obligate the Town, the State of Maine, or any other Town or political subdivision to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment, excepting the pledge of the Tax Increment Revenues established under this Agreement.

ARTICLE IV FURTHER INSTRUMENTS AND BOOKS AND RECORDS

Section 4.1. Further Instruments.

The Town shall, upon the reasonable request of MRRA, from time to time execute and deliver such further instruments and take such further action as may be reasonable and as may be required to carry out the provisions of this Agreement; provided, however, that no such instruments or actions shall pledge the credit of the Town; and provided further that the cost of executing and delivering such further instruments (including the reasonable and related costs of counsel to the Town with respect thereto) shall be borne exclusively by MRRA.

Section 4.2. Access to Books and Records.

(a) All non-confidential books, records and documents in the possession of the Town relating to the District, the Development Program, this Agreement and the monies, revenues and receipts on deposit or required to be deposited into Base Redevelopment Subaccount shall at all reasonable times and upon reasonable notice be open to inspection by MRRA, its agents and employees.

(b) All non-confidential books, records, lease agreements and documents in the possession of MRRA relating to the District, the Development Program, this Agreement and the monies, revenues and receipts used from the Base Redevelopment Subaccount shall at all reasonable times and upon reasonable notice be open to inspection by Town, its agents and employees.

ARTICLE V DEFAULTS AND REMEDIES

Section 5.1. Events of Default.

Each of the following events shall constitute and be referred to in this Agreement as an “Event of Default”:

(a) Any failure by the Town to pay any amounts due to MRRA when the same shall become due and payable;

(b) Any failure by the Town to make deposits into Base Redevelopment Subaccount as and when due;

(c) Any failure by the Town or MRRA to observe and perform in all material respects any covenant, condition, agreement or provision contained herein on the part of the Town or MRRA to be observed or performed, which failure is not cured within thirty (30) days following written notice thereof; and

(d) If a decree or order of a court or agency or supervisory authority having jurisdiction in the premises of the appointment of a conservator or receiver or liquidator of, any insolvency, readjustment of debt, marshaling of assets and liabilities or similar proceedings, or for the winding up or liquidation of the Town's affairs shall have been entered against the Town or the Town shall have consented to the appointment of a conservator or receiver or liquidator in any such proceedings of or relating to the Town or of or relating to all or substantially all of its property, including without limitation the filing of a voluntary petition in bankruptcy by the Town or the failure by the Town to have an involuntary petition in bankruptcy dismissed within a period of ninety (90) consecutive days following its filing or in the event an order for release has been entered under the Bankruptcy Code with respect to the Town.

Section 5.2. Remedies on Default.

Subject to the provisions contained in Section 8.13, whenever any Event of Default described in Section 5.1 hereof shall have occurred and be continuing, the nondefaulting party, following the expiration of any applicable cure period, shall have all rights and remedies available to it at law or in equity, including the rights and remedies available to a secured party under the laws of the State of Maine, and may take whatever action as may be necessary or desirable to collect the amount then due and thereafter to become due, to specifically enforce the performance or observance of any obligations, agreements or covenants of the nondefaulting party under this Agreement and any documents, instruments and agreements contemplated hereby or to enforce any rights or remedies available hereunder.

Section 5.3. Remedies Cumulative.

Subject to the provisions of Section 8.13 below concerning dispute resolution, no remedy herein conferred upon or reserved to any party is intended to be exclusive of any other available remedy or remedies but each and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Agreement or now or hereafter existing at law, in equity or by statute. Delay or omission to exercise any right or power accruing upon any Events of Default to insist upon the strict performance of any of the covenants and agreements herein set forth or to exercise any rights or remedies upon the occurrence of an Event of Default shall not impair any such right or power or be considered or taken as a waiver or relinquishment for the future of the right to insist upon and to enforce, from time to time and as often as may be deemed expedient, by injunction or other appropriate legal or equitable remedy, strict compliance by the parties hereto with all of the covenants and conditions hereof, or of the rights to exercise any such rights or remedies, if such Events of Default be continued or repeated.

**ARTICLE VI
EFFECTIVE DATE, TERM AND TERMINATION**

Section 6.1. Effective Date and Term.

Notwithstanding any other provision of this Agreement, this Agreement is conditioned upon receipt of the Commissioner's approval of the First Amendments to both Development Programs. Following execution and delivery of this Agreement, the Agreement shall not be or become binding and enforceable until receipt of such approval. Upon receipt of such approval, this Agreement shall remain in full force from the Effective Date of the Development Programs and shall expire upon the earlier of: (1) the payment of all amounts due to MRRRA hereunder and the performance of all obligations on the part of the Town hereunder; (2) the combined aggregate payment of \$15 million of Tax Increment Revenues from the Town to MRRRA regardless of whether such payment is pursuant to this or any credit enhancement agreement; or (3) December 31, 2043; unless sooner terminated pursuant to Section 3.4 or any other applicable provision of this Agreement.

Section 6.2. Cancellation and Expiration of Term.

At the acceleration, termination or other expiration of this Agreement in accordance with the provisions of this Agreement, the Town and MRRRA shall each execute and deliver such documents and take or cause to be taken such actions as may be necessary to evidence the termination of this Agreement.

ARTICLE VII ASSIGNMENT AND PLEDGE OF MRRRA'S INTEREST

Section 7.1. Pledge and/or Assignment.

MRRRA shall not transfer or assign any portion of its rights in, to and under this Agreement without the prior written consent of the Town, including any assignment or pledge associated with financing. MRRRA shall be responsible for the Town's necessary and reasonable costs of counsel with respect to any such pledge or assignment.

Section 7.2. Tax Obligation of MRRRA, Lessees, Assigns and Successors

(a) MRRRA agrees that MRRRA and its lessees, assigns and successors shall not challenge or appeal the Town's interpretation and application of the aeronautical property tax exemption specified in Title 26 MRSA § 651 and further agrees that all future leases of property in the Executive Airport District shall include language substantially to the effect that:

MRRRA and not Lessee is the taxpayer; MRRRA has sole decision-making authority regarding real estate taxes for the property, including deciding whether to apply for any possible tax exemptions or tax abatements; and that Lessee agrees that Lessee will not claim third-party status as the taxpayer, will not challenge the tax treatment of the property in any way, including applying for a tax exemption or tax abatement; and Lessee agrees that any violation of these tax-related provisions will be deemed a default under the Lease.

(b) Before the Town Council will approve any request by MRRRA for payments for a business purporting to qualify as an “aeronautical business,” as that term is defined herein, the Town must be given the opportunity to review the draft lease between MRRRA and the business prior to execution of the lease in order to ensure that the Town is satisfied with the language prohibiting the business from challenging the tax treatment of the property. (c) Should legislative action or judicial interpretation result in the Town changing its interpretation and application of the aeronautical property tax exemption causing the values of Hangars 4, 5, and 6 to become tax exempt, MRRRA agrees that the aggregate cap shall be reduced to correspond to the dollar amount of the property tax exemption.

ARTICLE VIII MISCELLANEOUS

Section 8.1. Successors.

In the event of the dissolution, merger or consolidation of the Town or MRRRA, the covenants, stipulations, promises and agreements set forth herein, by or on behalf of or for the benefit of such party shall bind or inure to the benefit of the successors and assigns thereof from time to time and any entity, officer, board, commission, agency or instrumentality to whom or to which any power or duty of such party shall be transferred. Notwithstanding this Subsection 8.1, unless the Town affirmatively approves of such action, the Town shall have the unilateral right to terminate this Agreement upon the dissolution, merger or consolidation of MRRRA, and if it exercises such right shall not be obligated to comply with this Agreement thereafter.

Section 8.2. Parties-in-Interest.

Except as herein otherwise specifically provided, nothing in this Agreement expressed or implied is intended or shall be construed to confer upon any person, firm or corporation other than the Town and MRRRA any right, remedy or claim under or by reason of this Agreement, it being intended that this Agreement shall be for the sole and exclusive benefit of the Town and MRRRA.

Section 8.3. Severability.

In case any one or more of the provisions of this Agreement shall, for any reason, be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Agreement and this Agreement shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

Section 8.4. No Personal Liability of Officials of the Town.

(a) No covenant, stipulation, obligation or agreement of the Town contained herein shall be deemed to be a covenant, stipulation or obligation of any present or future elected or appointed official, officer, agent, servant or employee of the Town in his or her individual capacity, and neither the Town Council nor any official, officer, employee or agent of the Town

shall be liable personally with respect to this Agreement or be subject to any personal liability or accountability by reason hereof.

(b) No covenant, stipulation, obligation or agreement of MRRA contained herein shall be deemed to be a covenant, stipulation or obligation of any present or future officer, agent, servant or employee of MRRA in his or her individual capacity, and no official, officer, employee or agent of MRRA shall be liable personally with respect to this Agreement or be subject to any personal liability or accountability by reason hereof.

Section 8.5. Counterparts.

This Agreement may be executed in any number of counterparts, each of which, when so executed and delivered, shall be an original, but such counterparts shall together constitute but one and the same Agreement.

Section 8.6. Governing Law.

The laws of the State of Maine shall govern the construction and enforcement of this Agreement.

Section 8.7. Amendments.

This Agreement may be amended only with the concurring written consent of both of the parties hereto.

Section 8.8. Integration.

This Agreement completely and fully supersedes all other prior or contemporaneous understandings or agreements, both written and oral, between the Town and MRRA relating to the specific subject matter of this Agreement and the transactions contemplated hereby.

Section 8.9. Dispute Resolution.

In the event of a dispute regarding this Agreement or the transactions contemplated by it, the parties hereto will use all reasonable efforts to resolve the dispute on an amicable basis. If the dispute is not resolved on that basis within sixty (60) days after one party first brings the dispute to the attention of the other party, then either party may refer the dispute for resolution by one arbitrator mutually agreed to by the parties, and judgment on the award rendered by the arbitrator may be entered in any Maine state court having jurisdiction. Any such arbitration will take place in Brunswick, Maine or such other location as mutually agreed by the parties. The parties acknowledge that arbitration shall be the sole mechanism for dispute resolution under this Agreement. Provided however, that in the event the parties are unable to agree, within a reasonable period, on the selection of an arbitrator, either party may file suit to resolve the dispute in any court having jurisdiction within the State of Maine. This arbitration clause shall not bar the Town's assessment or collection of property taxes in accordance with law, including by judicial proceedings, including tax lien thereof.

Section 8.10. Dismissal of Lawsuit

Within ten (10) business days of receipt of unconditional approval from DECD on the First Amendments to the Development Programs, MRRA shall file a motion to dismiss with prejudice and without costs, pending litigation between the Town and MRRA in Cumberland County Superior Court, Docket No. CV-2014-201.

Section 8.11. Notices.

All notices, certificates, requests, requisitions or other communications by the Town or MRRA pursuant to this Agreement shall be in writing and shall be sufficiently given and shall be deemed given when mailed by first class mail, postage prepaid, addressed as follows:

If to the Town:

Town Manager
Town of Brunswick
85 Union Street
Brunswick, Maine 04011

With a copy to:

Joan Fortin, Esq.
Bernstein Shur
100 Middle Street
P.O. Box 9729
Portland, Maine 04104-5029

If to MRRA:

Executive Director
MRRA
15 Terminal Road
Suite 200
Brunswick, ME 04011

With a copy to:

John S. Kaminski
Drummond Woodsum
84 Marginal Way, Suite 600
Portland, ME 04101

Either of the parties may, by notice given to the other, designate any further or different addresses to which subsequent notices, certificates, requests or other communications shall be sent hereunder.

IN WITNESS WHEREOF, the Town and MRRRA have caused this Agreement to be executed in their respective corporate names and their respective corporate seals to be hereunto affixed and attested by the duly authorized officers, all as of the date first above written.

WITNESS:

TOWN OF BRUNSWICK

By: _____

Name: John S. Eldridge, III
Its Town Manager

WITNESS:

MIDCOAST REGIONAL REDEVELOPMENT
AUTHORITY

By: _____

Name: Steven Levesque
Its Executive Director

Exhibit 1: Map of Districts

**TOWN OF BRUNSWICK, MAINE
TOWN COUNCIL**

**An Order Authorizing the Town Manager to Execute a Credit Enhancement Agreement with the
Midcoast Regional Redevelopment Authority**

WHEREAS, the Midcoast Regional Redevelopment Authority (“MRRA”) is a public municipal corporation created by the Maine legislature for the purpose of assisting with the successful redevelopment of the properties located within the boundaries of the former Brunswick Naval Air Station (“BNAS”); and

WHEREAS, The Town of Brunswick designated two tax increment financing (“TIF”) districts to assist with the redevelopment of BNAS: (1) the 146-acre Brunswick Executive Airport II Municipal Development and Tax Increment Financing District (the “Executive Airport District”); and (2) the 542-acre Brunswick Landing II Municipal Development and Tax Increment Financing District (the “Brunswick Landing District”) (and collectively the “TIF Districts”), in March 2013, and the State of Maine Department of Economic and Community Development (“DECD”) issued conditional approval of the TIF Districts on March 29, 2013; and

WHEREAS, the Town adopted a Development Program for both TIF Districts in July 2013, and DECD granted full approval of the two TIF Districts and the Development Programs for both TIF Districts on October 24, 2013; and

WHEREAS, MRRA has appealed the Town of Brunswick Assessor’s determination that certain MRRA properties are not exempt from property taxation; and

WHEREAS, MRRA has filed a civil action against the Town now pending in the Cumberland County Superior Court, Docket NO. CV-2014-201 (“pending action”); and

WHEREAS, as a resolution to the pending action, the MRRA and the Town negotiated a Memorandum of Agreement (“MOA”); and

WHEREAS, under the terms of the MOA the Town agreed to amend the Development Programs for both TIF Districts and enter into a Credit Enhancement Agreement (“CEA”) with MRRA; and

WHEREAS, on June 20, 2016, the Town Council adopted the First Amendment for the Brunswick Landing II Omnibus Municipal Development and Tax Increment Financing District and the First Amendment for the Brunswick Executive Airport II Omnibus Municipal Development and Tax Increment Financing District;

NOW THEREFORE, BE IT ORDERED, the Town Manager is authorized to execute the CEA on behalf of the Town of Brunswick.

Proposed to Town Council: June 6, 2016
Adopted by Town Council:

ITEM 71

BACK UP MATERIALS

MEMORANDUM

TO: Town Council
FROM: Appointments Committee
SUBJECT: Report for June 6th Appointments
DATE: 05/30/2016

The Appointments Committee, with Councilor Watson substituting for Councilor Dan Harris, interviewed several people and are making the following unanimous nominations:

Conservation Commission

Thomas Rumpf – reappointment with a term to expire on 05/01/2019

Davis Fund Committee

John Donovan - reappointment with a term to expire on 06/30/2019

Don Kniseley– reappointment with a term to expire on 06/30/2019

Personnel Board

Marybeth Latti – moved up from alternate to full member with a remainder of her term of 01/12/2018.

Virginia Van Slyck – as alternate for a balance of a term to expire on 01/12/2017

Recreation Commission

Michael Lyne – reappointment with a term to expire on 07/01/2019

Eric Foushee – reappointment with a term to expire on 07/01/2019

Zoning Board of Appeals

Arthur Boulay – new associate member with a balance of a term to expire on 07/01/2018

Town of Brunswick
Application for
Appointment to Board/ Commission/ Committee

For Office Use Only	
4/25/16	Date App. Received
4/25/16	Date App. Entered
_____	Appointed

Full Name: arthur l boulay Date 4 20 16

Street Address: 32 federal street Home Phone # 721 0772

Cell/mobile Phone #: 798 1733 E-mail Address: aboulay@strategictalentl I live in Council Dist. #: 6

I wish to be considered for appointment to the:
zoning board of appeals

(NAME OF BOARD/COMMISSION/COMMITTEE)

Check one or both:

FULL MEMBERSHIP STATUS:

TERM BEGINS: _____

and/or

ASSOC/ALT MEMBERSHIP STATUS:

TERM EXPIRES: _____

Do you or any relative currently serve on any Town Board/Commission/Committee? yes If so, please state name of Board/Commission/Committee, the number of years of service, and the relationship to this applicant:

personnel board # of Years 3? Date term exp. 2017? Relationship self

Your occupation:

Employer: business consultant, strategic talent ma Work Telephone #: 373 9301

List any civic organizations to which you belong:

bda, big brothers/big sisters

Note any prior experience knowledge, or abilities that you have which would contribute to the activities of the board/committee/commission:

famililar with development issues from a citizen's point of view

Have you previously served on a Town board/commission/committee? yes If so, please list the board/commission/committee and years of service:

personnel board as above

A L Boulay

Digitally signed by A L Boulay
DN: cn=A L Boulay, o=STM, ou,
email=aboulay@strategictalentmgmt.com, c=US
Date: 2016.04.20 20:20:53 -0400

SIGNATURE

PLEASE COMPLETE THE QUESTIONS ON THE BACK OF THIS APPLICATION.

Applicants may submit a cover letter and resume with the application form.
Applications should be returned to the TOWN CLERK'S OFFICE, 85 Union Street, Brunswick, Me 04011.

You will be contacted to set up an interview with the Appointment Committee.

It is the intent of the Town to televise proceedings of Boards/Commissions/Committees

PLEASE NOTE: This completion of this application allows a person to be considered for a Town

Board/Commission/Committee, but does not guarantee placement on a Board/Commission/Committee.

APPLICANT – PLEASE COMPLETE THE QUESTIONS BELOW

Board/Commission/Committee Applying For: zoning board of appeals

Term Length: varies

1. Do you have any questions about what the Board/Commission/Committee does or on its charge?

I believe I am clear on this

2. Do you have any practical experience or formal education that would be relevant to the Board/Commission/Committee?
not familiar with zoning regulations, but am familiar with the process having developed

3 properties in downtown since 2000---and having owned property in downtown since
1992

3. Why would you like to be on the Board/Commission/Committee?

my schedule is unpredictable and does not make regular meetings practical, happy to
serve--and boards like personnel and zba are attractive as they have an "as needed"
schedule

4. Are you aware of the time involved and would you be able to attend most of the meetings?

I believe so, yes

5. Do you have any conflict of interest that might involve either a direct financial gain or other gain?

none

6. Do you have anything you would like to add?

no thank you

PLEASE REVIEW THE TOWN OF BRUNSWICK BOARDS, COMMISSIONS, AND COMMITTEES APPOINTMENT
POLICY PRIOR TO SUBMITTING THIS APPLICATION. YOU MAY VIEW THE POLICY AT
<http://www.brunswickme.org/departments/town-clerk/boards-committees/> OR OBTAIN A COPY FROM THE TOWN
CLERK'S OFFICE.

Town of Brunswick
Application for
Appointment to Board/ Commission/ Committee

For Office Use Only
5/11/16 Date App.
Received
_____ Date App.
Entered
_____ Appointed

Full Name: Eric Foushee Date 5/11/16
Street Address: 46 Longfellow Home Phone # 721 0778
Cell/mobile Phone #: 376 6386 E-mail Address: efoushee@bates.edu I live in Council Dist. #: _____

I wish to be considered for appointment to the:
Rec Board Commissioner
(NAME OF BOARD/COMMISSION/COMMITTEE)

Check one or both:
FULL MEMBERSHIP STATUS: TERM BEGINS: _____
and/or
ASSOC/ALT MEMBERSHIP STATUS: _____ TERM EXPIRES: _____

Do you or any relative currently serve on any Town Board/Commission/Committee? If so, please state name of Board/Commission/Committee, the number of years of service, and the relationship to this applicant:
Rec Commission # of Years 1 Date term exp. _____ Relationship Self

Your occupation: SERVING VACANT TERM
Employer: _____ Work Telephone #: _____

List any civic organizations to which you belong:

Note any prior experience knowledge, or abilities that you have which would contribute to the activities of the board/committee/commission:
Currently serve on commission. Have been a coach in Brunswick (soccer, b-ball, lacrosse) for 17 years. For Children in School System.

Have you previously served on a Town board/commission/committee? If so, please list the board/commission/committee and years of service:
Rec. Commission


SIGNATURE

PLEASE COMPLETE THE QUESTIONS ON THE BACK OF THIS APPLICATION.

Applicants may submit a cover letter and resume with the application form.
Applications should be returned to the TOWN CLERK'S OFFICE, 85 Union Street, Brunswick, Me 04011.

You will be contacted to set up an interview with the Appointment Committee.

It is the intent of the Town to televise proceedings of Boards/Commissions/Committees

PLEASE NOTE: This completion of this application allows a person to be considered for a Town

Board/Commission/Committee, but does not guarantee placement on a Board/Commission/Committee.

APPLICANT – PLEASE COMPLETE THE QUESTIONS BELOW

Board/Commission/Committee Applying For: REC COMMISSIONER

Term Length: 7/1/19

1. Do you have any questions about what the Board/Commission/Committee does or on its charge?

NO. CURRENTLY SIT ON COMMISSION

2. Do you have any practical experience or formal education that would be relevant to the Board/Commission/Committee?

3. Why would you like to be on the Board/Commission/Committee?

4. Are you aware of the time involved and would you be able to attend most of the meetings?

YES. HAVE BEEN SCHEDULED ALL YEAR.

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?

PLEASE REVIEW THE TOWN OF BRUNSWICK BOARDS, COMMISSIONS, AND COMMITTEES APPOINTMENT POLICY PRIOR TO SUBMITTING THIS APPLICATION. YOU MAY VIEW THE POLICY AT <http://www.brunswickme.org/departments/town-clerk/boards-committees/> OR OBTAIN A COPY FROM THE TOWN CLERK'S OFFICE.

Town of Brunswick
Application for
Appointment to Board/ Commission/ Committee

For Office Use Only
MAR 11 2016 App. Received
_____ Date App. Entered
_____ Appointed

Full Name: JOHN L. DONOVAN Date 3/11/16

Street Address: 11 MCKEEN ST Home Phone # 207-725-5211

Cell/mobile Phone #: 207-841-6642 E-mail Address: jledon@jmail.com I live in Council Dist. #: 7

I wish to be considered for appointment to the:

DAVIS FUND

(NAME OF BOARD/COMMISSION/COMMITTEE)

Check one or both:

FULL MEMBERSHIP STATUS:

TERM BEGINS: 6/30/16

and/or

ASSOC/ALT MEMBERSHIP STATUS:

TERM EXPIRES: 6/30/19

Do you or any relative currently serve on any Town Board/Commission/Committee? YES If so, please state name of Board/Commission/Committee, the number of years of service, and the relationship to this applicant:

SEE ATTACHED # of Years _____ Date term exp. _____ Relationship _____

Your occupation:

RETIRED

Employer: RETIRED Work Telephone #: 207-725-5211 (HOME)

List any civic organizations to which you belong:

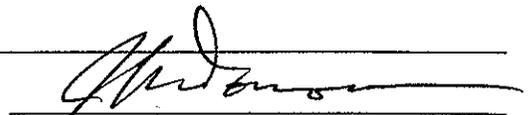
NONE

Note any prior experience knowledge, or abilities that you have which would contribute to the activities of the board/committee/commission:

SEE ATTACHED

Have you previously served on a Town board/commission/committee? YES If so, please list the board/commission/committee and years of service:

SEE ATTACHED



SIGNATURE

PLEASE COMPLETE THE QUESTIONS ON THE BACK OF THIS APPLICATION.

Applicants may submit a cover letter and resume with the application form.
Applications should be returned to the TOWN CLERK'S OFFICE, 85 Union Street, Brunswick, Me 04011.

You will be contacted to set up an interview with the Appointment Committee.

It is the intent of the Town to televise proceedings of Boards/Commissions/Committees

PLEASE NOTE: This completion of this application allows a person to be considered for a Town Board/Commission/Committee, but does not guarantee placement on a Board/Commission/Committee.

APPLICANT - PLEASE COMPLETE THE QUESTIONS BELOW

Board/Commission/Committee Applying For: DAVIS FUND MEMBER

Term Length: 3 YEARS FROM 6/30/16

1. Do you have any questions about what the Board/Commission/Committee does or on its charge?

NO, CURRENTLY A MEMBER.

2. Do you have any practical experience or formal education that would be relevant to the Board/Commission/Committee?

CURRENTLY A MEMBER SINCE 2010. RETIRED BANKER,
INTERESTED TOWN CITIZEN

3. Why would you like to be on the Board/Commission/Committee?

CONTINUE TO SERVE THE TOWN OF BRUNSWICK

4. Are you aware of the time involved and would you be able to attend most of the meetings?

YES, CURRENTLY A FUND MEMBER

5. Do you have any conflict of interest that might involve either a direct financial gain or other gain?

NONE KNOWN.

6. Do you have anything you would like to add?

SEE ATTACHED

PLEASE REVIEW THE TOWN OF BRUNSWICK BOARDS, COMMISSIONS, AND COMMITTEES APPOINTMENT POLICY PRIOR TO SUBMITTING THIS APPLICATION. YOU MAY VIEW THE POLICY AT <http://www.brunswickme.org/departments/town-clerk/boards-committees/> OR OBTAIN A COPY FROM THE TOWN CLERK'S OFFICE.

John L. Donovan
11 McKeen Street
Brunswick, Maine 04011-3021
207-725-5211
Email: jleodon@gmail.com

received
MAR 11 2016

March 11, 2016

**Appointment Committee
Brunswick Town Council
c/o Town Clerk's Office
85 Union Street
Brunswick, ME 04011**

Ladies and Gentlemen:

I am pleased to submit my application with supporting documentation and information for re-appointment as a member to a three year term on the Davis Fund for the term that begins June 30, 2016.

I understand that the Appointment Committee will request an in person interview. I will make myself available at your convenience.

Very truly yours,



John L. Donovan

CIVIC, PROFESSIONAL AND BUSINESS AFFILIATIONS

- Committee Member, Brunswick's Police Station Building Committee, appointed November, 2010.
- Committee Member, Town of Brunswick's Trust Investment Committee, appointed April, 2010
- Committee Member, Brunswick's Davis Fund, appointed April, 2010
- Commissioner and Chairman (October, 2015), Brunswick Housing Authority, appointed April, 2010
- Member and Chairman, Brunswick, ME Zoning Board of Appeals, 1978 to 1991. Chairman, Committee to Redraft Comprehensive Town Plan and Zoning Ordinances, 1984 to 1986.
- Maine Bankers Association, President, 1982; Chairman of the Legislative Committee, 1975 to 1984
- Maine Savings and Loan League, President, 1990-91; Chairman of Legislative Committee, 1990 to 1993
- American Bankers Association Government Relations Council 1976 to 1984. Frequent service as a committee member on *ad hoc* special interest ABA committees.

PUBLICATIONS

- Co-editor and co-author, *The Regulatory Reporting Handbook*, the PricewaterhouseCoopers, LLP Regulatory Handbook Series, 1996-2004
- Contributor to *The Regulatory Risk Management Handbook*, the PricewaterhouseCoopers, LLP Regulatory Handbook Series, 1996-2004
- Contributor to *The Securities Regulatory Handbook*, the PricewaterhouseCoopers, LLP Regulatory Handbook Series, 1996-2004
- Contributor to *The Consumer Banking Regulatory Handbook*, the PricewaterhouseCoopers, LLP Regulatory Handbook Series, 1996-2004
- Contributor to *The Commercial Banking Regulatory Handbook*, the PricewaterhouseCoopers, LLP Regulatory Handbook Series, 1996-2004

**John L. Donovan
11 McKeen Street
Brunswick, Maine 04011-3021
207-725-5211**

March 11, 2016

Current Occupation

Retired from PricewaterhouseCoopers, LLP February 28, 2010

PricewaterhouseCoopers, LLP
Director

Regulatory Advisory Services

Background

Forty-nine years of banking, financial, supervisory and management consulting experience. Senior executive in both thrift and commercial banking institutions including tenure as Chief Executive Officer charged with responsibility of restoring two troubled community thrifts to financial stability and operational integrity. Senior supervisory and examination positions with the U.S. Comptroller of the Currency. Financial and managerial consulting to banks, the medical service industry, a biotech company and non-profit charitable agencies. Experienced in both commercial and consumer lending and troubled asset restructuring. Knowledgeable in treasury and bank operations including deposit taking and check clearings. Principal negotiator in mergers and acquisitions of several financial institutions. Expert witness in judicial hearings, regulatory bodies and legislative bodies including committees of the U.S. Congress. Chairman, elected officer and member of various municipal commissions, regulatory bodies, non-profit organizations and industry trade associations. Joined the Office of the Comptroller of the Currency in 1960; commissioned a National Bank Examiner in 1963. Promoted to Assistant Chief National Bank Examiner in 1966. Promoted to Assistant Regional Administrator in 1968. Promoted to Regional Administrator of National Banks in 1969. Joined Casco Northern Corporation and Casco Northern National Bank as Chief Financial Officer, Executive Vice President and Treasurer in 1973. Management and financial consultant from 1984 to 1987 including tenure as Chief Executive Officer, president and treasurer of Biotherm International, Inc., a biotech company. Joined Brunswick Federal Savings, F.A. in 1987 as Chief Executive Officer, director and president to restore financial stability following an executive officer's embezzlement. Joined HomeBank, FSB in 1991 as Chief Executive Officer, director and president to reorganize operations and address major asset and earnings problems. Retained by Resolution Trust Corporation during conservatorship. Extensive experience as a community bank lender to both consumers and commercial enterprises. Extensive credit review and loan workout experience.

Joined Price Waterhouse, LLP - Washington, D.C. in

1993. Engagements have included advising on regulatory and compliance matters including examination policies, practices and procedures, compliance and remedial enforcement actions. Works with a variety of financial institutions such as large multinational banks, international banks including their U.S. banking subsidiaries, foreign branches, governmental lending agencies, special purpose banks and community banks on regulatory matters to include credit and treasury risk management, due diligence on asset portfolio acquisitions, compliance management and fair lending reviews, regulatory reporting, process problem diagnosis and corrective measures determination. Specific credit review engagements have included working with foreign and domestic governmental lenders, international banks, U.S. domiciled multinational banks, and U.S. domiciled bank subsidiaries and branches of foreign banks and special purpose lenders.

Recent Experience

- A trained credit reviewer with over 49 years as an underwriter, analyst, commercial and retail lender and credit reviewer. Frequently assists audit teams in reviewing client loan portfolios, allowance analysis, reviewing credit policies and procedures and informal training of audit staff.
- Performs valuation and documentation reviews of commercial loans, commercial mortgage loans, consumer loan portfolios and structured finance vehicles for credit worthiness and valuation;
- Active as a credit review specialist on Transaction Services Due Diligence teams.
- A banking regulatory reporting subject matter expert frequently advising clients on reporting matters.
- A trained banking compliance professional.
- Utilizes practical banking experience to advise and assist clients with responding to operational challenges.
- In retirement, utilizes practical business experiences to assist various civic and charitable organizations.

Education

- Stonier Graduate School of Banking, (Commercial Degree), Rutgers University, New Brunswick, NJ 1965
- B.A., Xavier University, Cincinnati, OH 1958

PUBLIC SERVICE

Civic Boards & Committees

- Brunswick (Maine) Housing Authority 2010 to Present
- Davis Fund Committee, Brunswick, Maine 2010 to Present
- Police Station Subcommittee, Brunswick, Maine 2010 to Present
- Trust Fund Advisory Committee, Brunswick, Maine 2010 to Present

ADDITIONAL INFORMATION

PROFESSIONAL AND BUSINESS AFFILIATIONS

- Maine Bankers Association, President, 1982; Chairman of the Legislative Committee, 1975 to 1984
- Maine Savings and Loan League, President, 1990-91; Chairman of Legislative Committee, 1990 to 1993
- American Bankers Association Government Relations Council 1976 to 1984. Frequent service as a committee member on *ad hoc* special interest ABA committees.
- Member and Chairman, Brunswick, ME Zoning Board of Appeals, 1978 to 1991. Chairman, Committee to Redraft Comprehensive Town Plan and Zoning Ordinances, 1984 to 1986.

PUBLICATIONS

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- Contributor to *The Consumer Banking Regulatory Handbook*, the PricewaterhouseCoopers, LLP Regulatory Handbook Series, 1996-2004
- Contributor to *The Commercial Banking Regulatory Handbook*, the PricewaterhouseCoopers, LLP Regulatory Handbook Series, 1996-2004
- Contributor of articles to several banking trade magazines

SPEECHES

- "Indirect Lending: Some Considerations", National Association of Credit Unions annual convention, Orlando, FL, 2001
- "Risk Management Structure for Banking Groups", PwC Caribbean Banking Practice, Montego Bay, Jamaica, 2003
- "Introduction to Bank Regulatory Reporting", HSBC Finance Corporation reporting staff, Northbrook, IL, 2005
- "Banking Regulatory Reporting and Compliance", BB&T Banking Corp. Internal Audit Department and Finance and Accounting Staff, Wilmington, NC 2005

AWARDS

Brunswick Area Chamber of Commerce "Citizen of the Year Award" for "Exceptional public service in the development of crucial comprehensive planning for the Town of Brunswick" 1985 - 1986

May 16

Town of Brunswick
Application for
Appointment to Board/ Commission/ Committee

For Office Use Only	
3/18/16	Date App. Received
3/21/16	Date App. Entered
_____	Appointed

Full Name: Don L. Kniseley Date 3/17/16

Street Address: 20-3 Oak St, Home Phone # 504-3083

Cell/mobile Phone #: _____ E-mail Address: dkniseley@comcast.net I live in Council Dist. #: _____

I wish to be considered for appointment to the: DAVIS FUND

(NAME OF BOARD/COMMISSION/COMMITTEE)

Check one or both:

FULL MEMBERSHIP STATUS: _____

TERM BEGINS: _____

and/or

ASSOC/ALT MEMBERSHIP STATUS: _____

TERM EXPIRES: 6/30/17

Do you or any relative currently serve on any Town Board/Commission/Committee? NO If so, please state name of Board/Commission/Committee, the number of years of service, and the relationship to this applicant:

_____ # of Years _____ Date term exp. _____ Relationship _____

Your occupation: EXEC. DIR - THORNTON OAKS

Employer: " Work Telephone #: 373-4600

List any civic organizations to which you belong:
Rotary, People Plus, Access Health

Note any prior experience knowledge, or abilities that you have which would contribute to the activities of the board/committee/commission:

4 yrs experience on Davis Fund

Have you previously served on a Town board/commission/committee? No If so, please list the board/commission/committee and years of service:

only Davis Fund

[Signature]
SIGNATURE

PLEASE COMPLETE THE QUESTIONS ON THE BACK OF THIS APPLICATION.

Applicants may submit a cover letter and resume with the application form.
Applications should be returned to the TOWN CLERK'S OFFICE, 85 Union Street, Brunswick, Me 04011.

You will be contacted to set up an interview with the Appointment Committee.

It is the intent of the Town to televise proceedings of Boards/Commissions/Committees

PLEASE NOTE: This completion of this application allows a person to be considered for a Town Board/Commission/Committee, but does not guarantee placement on a Board/Commission/Committee.

APPLICANT - PLEASE COMPLETE THE QUESTIONS BELOW

Board/Commission/Committee Applying For: DAVIS FUND COMMITTEE

Term Length: 3 yrs.

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?

Yes - long history of serving on the committee;
long history of work in the non-profit sector;
good knowledge of the town.

3. Why would you like to be on the Board/Commission/Committee?

Good mission; great group of members;
service to the town

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?

PLEASE REVIEW THE TOWN OF BRUNSWICK BOARDS, COMMISSIONS, AND COMMITTEES APPOINTMENT POLICY PRIOR TO SUBMITTING THIS APPLICATION. YOU MAY VIEW THE POLICY AT <http://www.brunswickme.org/departments/town-clerk/boards-committees/> OR OBTAIN A COPY FROM THE TOWN CLERK'S OFFICE.

Town of Brunswick
Application for
Appointment to Board/ Commission/ Committee

For Office Use Only
5-13-16 Date App. Received
5/16/16 Date App. Entered
Appointed

Full Name: Michael Lyne Date 5/13/16
Street Address: 6 Mizmac Ln Home Phone # 522-3055
Cell/mobile Phone #: (same) E-mail Address: mdlyne@gmail.com I live in Council Dist. #: _____

I wish to be considered for appointment to the:
Recreation Commission
(NAME OF BOARD/COMMISSION/COMMITTEE)

Check one or both:
FULL MEMBERSHIP STATUS: TERM BEGINS: _____
and/or
ASSOC/ALT MEMBERSHIP STATUS: _____ TERM EXPIRES: _____

Do you or any relative currently serve on any Town Board/Commission/Committee? NB If so, please state name of Board/Commission/Committee, the number of years of service, and the relationship to this applicant:
of Years _____ Date term exp. _____ Relationship _____

Your occupation: Real Estate Development

Employer: DE Developers Collaborative Work Telephone #: 522-3055

List any civic organizations to which you belong:
Brunswick youth Lacrosse President

Note any prior experience knowledge, or abilities that you have which would contribute to the activities of the board/committee/commission:
Current member of Rec Commission
Brunswick Downtown Assoc. Past Board member

Have you previously served on a Town board/commission/committee? YES If so, please list the board/commission/committee and years of service:
(See Above)

[Signature]
SIGNATURE

PLEASE COMPLETE THE QUESTIONS ON THE BACK OF THIS APPLICATION.

Applicants may submit a cover letter and resume with the application form.
Applications should be returned to the TOWN CLERK'S OFFICE, 85 Union Street, Brunswick, Me 04011.

You will be contacted to set up an interview with the Appointment Committee.

It is the intent of the Town to televise proceedings of Boards/Commissions/Committees

PLEASE NOTE: This completion of this application allows a person to be considered for a Town Board/Commission/Committee, but does not guarantee placement on a Board/Commission/Committee.

APPLICANT - PLEASE COMPLETE THE QUESTIONS BELOW

Board/Commission/Committee Applying For: Recreation Commission

Term Length: 1 yrs.

1. Do you have any questions about what the Board/Commission/Committee does or on its charge?

None

2. Do you have any practical experience or formal education that would be relevant to the Board/Commission/Committee?

Natural Resource background

3. Why would you like to be on the Board/Commission/Committee?

I enjoy it and I think I add value

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

PLEASE REVIEW THE TOWN OF BRUNSWICK BOARDS, COMMISSIONS, AND COMMITTEES APPOINTMENT POLICY PRIOR TO SUBMITTING THIS APPLICATION. YOU MAY VIEW THE POLICY AT <http://www.brunswickme.org/departments/town-clerk/boards-committees/> OR OBTAIN A COPY FROM THE TOWN CLERK'S OFFICE.

Town of Brunswick
Application for
Appointment to Board/ Commission/ Committee

For Office Use Only	
4/22/16	Date App.
	Received
4/22/16	Date App.
	Entered
	Appointed

Full Name: Tom Rumpf Date 4-22-16

Street Address: 34 Belmont St. Home Phone # 725-1249

Cell/mobile Phone #: 415-8540 E-mail Address: trumpf@gmail.com live in Council Dist. #: _____

I wish to be considered for appointment to the:

Conservation Commission (reappointment)
(NAME OF BOARD/COMMISSION/COMMITTEE)

Check one or both:

FULL MEMBERSHIP STATUS:

and/or

ASSOC/ALT MEMBERSHIP STATUS:

TERM BEGINS: May '16

TERM EXPIRES: _____

Do you or any relative currently serve on any Town Board/Commission/Committee? Yes If so, please state name of Board/Commission/Committee, the number of years of service, and the relationship to this applicant:

Conservation Comm # of Years 3-4 Date term exp. May '16 Relationship self

Your occupation:

Assoc State Director, The Nature Conservancy

Employer: The Nature Conservancy Work Telephone #: 607-4806

List any civic organizations to which you belong:

Brunswick Topsham Land Trust, Curtis Library, L17360
Board Member,

Note any prior experience knowledge, or abilities that you have which would contribute to the activities of the board/committee/commission:

Licensed Forester in Maine (#538)

Have you previously served on a Town board/commission/committee? Yes If so, please list the board/commission/committee and years of service:

Conservation Commission, Land for Brunswick's Future
Committee

Thomas Rumpf
SIGNATURE

PLEASE COMPLETE THE QUESTIONS ON THE BACK OF THIS APPLICATION.

Applicants may submit a cover letter and resume with the application form.
Applications should be returned to the TOWN CLERK'S OFFICE, 85 Union Street, Brunswick, Me 04011.

You will be contacted to set up an interview with the Appointment Committee.

It is the intent of the Town to televise proceedings of Boards/Commissions/Committees

PLEASE NOTE: This completion of this application allows a person to be considered for a Town Board/Commission/Committee, but does not guarantee placement on a Board/Commission/Committee.

APPLICANT - PLEASE COMPLETE THE QUESTIONS BELOW

Board/Commission/Committee Applying For: Conservation Comm.

Term Length: 3 yrs (12)

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?

Yes - licensed prester w/ BS + MF

3. Why would you like to be on the Board/Commission/Committee?

continue

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

PLEASE REVIEW THE TOWN OF BRUNSWICK BOARDS, COMMISSIONS, AND COMMITTEES APPOINTMENT POLICY PRIOR TO SUBMITTING THIS APPLICATION. YOU MAY VIEW THE POLICY AT <http://www.brunswickme.org/departments/town-clerk/boards-committees/> OR OBTAIN A COPY FROM THE TOWN CLERK'S OFFICE.

Town of Brunswick
Application for
Appointment to Board/ Commission/ Committee

For Office Use Only
3/31/16 Date App. Received
_____ Date App. Entered
_____ Appointed

Full Name: VIRGINIA VAN SLYCK Date 3/30/16

Street Address: 7 HEMLOCK RD Home Phone # 725-9152

Cell/mobile Phone #: 751-8897 E-mail Address: gigi.vanslyck@gmail.com I live in Council Dist. #: _____

I wish to be considered for appointment to the:
Town Personnel Board

(NAME OF BOARD/COMMISSION/COMMITTEE)

Check one or both:
FULL MEMBERSHIP STATUS: TERM BEGINS: _____
and/or
ASSOC/ALT MEMBERSHIP STATUS: TERM EXPIRES: _____

Do you or any relative currently serve on any Town Board/Commission/Committee? NO If so, please state name of Board/Commission/Committee, the number of years of service, and the relationship to this applicant:
_____ # of Years _____ Date term exp. _____ Relationship _____

Your occupation:
RN - not currently working

Employer: _____ Work Telephone #: _____

List any civic organizations to which you belong:

Note any prior experience knowledge, or abilities that you have which would contribute to the activities of the board/committee/commission:
I have experience hiring employees

Have you previously served on a Town board/commission/committee? NO If so, please list the board/commission/committee and years of service:

Virginia VanSlyck
SIGNATURE

PLEASE COMPLETE THE QUESTIONS ON THE BACK OF THIS APPLICATION.

Applicants may submit a cover letter and resume with the application form.
Applications should be returned to the TOWN CLERK'S OFFICE, 85 Union Street, Brunswick, Me 04011.

You will be contacted to set up an interview with the Appointment Committee.

It is the intent of the Town to televise proceedings of Boards/Commissions/Committees

PLEASE NOTE: This completion of this application allows a person to be considered for a Town Board/Commission/Committee, but does not guarantee placement on a Board/Commission/Committee.

APPLICANT - PLEASE COMPLETE THE QUESTIONS BELOW

Board/Commission/Committee Applying For: Town Personnel Board

Term Length: 3 years

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?

Yes. I was responsible for hiring employees at my husband's medical practice.

3. Why would you like to be on the Board/Commission/Committee?

Bill Locke asked me to join the committee.

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.

PLEASE REVIEW THE TOWN OF BRUNSWICK BOARDS, COMMISSIONS, AND COMMITTEES APPOINTMENT POLICY PRIOR TO SUBMITTING THIS APPLICATION. YOU MAY VIEW THE POLICY AT <http://www.brunswickme.org/departments/town-clerk/boards-committees/> OR OBTAIN A COPY FROM THE TOWN CLERK'S OFFICE.

BRUNSWICK TOWN COUNCIL

Agenda

June 6, 2016

7:00 P.M.

Council Chambers

Town Hall

85 Union Street

Roll Call of Members

Acknowledgement of Meeting Notice

Pledge of Allegiance

Adjustments to Agenda

CONSENT AGENDA

- a) Approval of the Minutes of May 12, 2016
- b) Approval of the Minutes of May 16, 2016
- c) Approval of the Minutes of May 26, 2016
- d) Approval of a tax abatement relative to personal property for B & L Hardwood Floors

Public Comments

Correspondence

COMMITTEE REPORTS

- Bicycle and Pedestrian Advisory Committee
- Brunswick Development Corporation
- Human Rights Task Force
- Recycling & Sustainability Committee
- Rivers and Coastal Waters Commission

MANAGER'S REPORT

- a) Bowdoin College - President Clayton Rose
- b) Project Tracking Report
- c) Election reminder for June 14th Primary and School Budget Validation Referendum
- d) School Project update
- e) Report on Pleasant Street traffic signals

PUBLIC HEARING

- 65. The Town Council will hear public comments on special amusement license applications, and will take any appropriate action. (Manager)

Special Amusement

MCM Corp

Fernando Saldano

D/B/A: Pancho Villa

164 Pleasant Street

Lemongrass

Hung Alan Hoang

D/B/A: Lemongrass

212E Maine Street

HEARING/ACTION

- 66. The Town Council will hear public comments on amendments to the Zoning Ordinance relative to Chapter Four (Development Review), Sections 401 (Applicability) and 402 (Development Review Classifications and Thresholds to Require Review of Filling and Earthmoving Activities within the NRPZ) on an emergency and regular basis, in addition to repealing the Moratorium on New Development in the Natural Resource Protection Zone as part of this public hearing, and will take any appropriate action. (Planning Board)

HEARING/ACTION

TABLED ITEM

- 57. The Town Council will consider “A Resolution Expressing the Town Council’s Support for the Maine Department of Transportation’s Proposal to Replace the Frank J. Wood Bridge”, and will take any appropriate action. (Manager)

ACTION

NEW BUSINESS

- 67. The Town Council will consider adopting “An Ordinance Authorizing the Removal and Replacement of Exterior Trim Elements of the Brunswick Town Hall, with Total Project Costs Not to Exceed \$200,000 (plus any other costs authorized hereunder), and Further Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$200,000 (plus cost of issuance), plus any Additional Appropriation Authorized Hereunder,” and will take any appropriate action. (Manager)

ACTION

- 68. The Town Council will consider setting a public hearing for June 20, 2016, on an amendment to the “First Amendment for the Brunswick Landing II Omnibus Municipal Development and Tax Increment Financing District,” and will take any appropriate action. (Manager)

ACTION

69. The Town Council will consider setting a public hearing for June 20, 2016, on an amendment to the “First Amendment for the Brunswick Executive Airport II Omnibus Municipal Development and Tax Increment Financing District,” and will take any appropriate action. (Manager)

ACTION

70. The Town Council will hear information regarding the MRRA Credit Enhancement Agreement (CEA), and may take action at the June 20, 2016 meeting. (Manager)

DISCUSSION

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

ACTION

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

Brunswick Town Council
Agenda
June 6, 2016
Council Notes and Suggested Motions

CONSENT AGENDA

- a) Approval of the Minutes of May 12, 2016: A copy of the minutes is included in your packet.
- b) Approval of the Minutes of May 16, 2016: A copy of the minutes is included in your packet.
- c) Approval of the Minutes of May 26, 2016: A copy of the minutes is included in your packet.
- d) Approval of a tax abatement relative to personal property for B & L Hardwood Floors: This item is for the Council to approve a tax abatement for personal property assessed in error. A copy of a memo from the Assessor is included in your packet.

The Council has the option to remove any item from the Consent Agenda to be considered separately.

Suggested motion:

Motion to approve the Consent Agenda

Public Comments

COMMITTEE REPORTS

- Bicycle and Pedestrian Advisory Committee
- Brunswick Development Corporation
- Human Rights Task Force
- Recycling & Sustainability Committee
- Rivers and Coastal Waters Commission

Councilors representing the Council on the above committees that have recently met will provide brief updates. If there are any Committee updates beyond those listed, Councilors may also share them with the Council and public.

MANAGER'S REPORT

A copy of a memo from Manager Eldridge providing an overview of the Manager's Report is included in your packet.

- a) Bowdoin College - President Clayton Rose: President Rose will address the Council to discuss his first year at Bowdoin College and update the Council on what has been happening.

- b) Project Tracking Report: The Council will receive this monthly report on projects being tracked. There has also been a desire to hold a workshop on the projects. We are suggesting June 23rd, to be preceded by the year-end special meeting. A copy of the project list is included in your packet.
- c) Election reminder for June 14th Primary and School Budget Validation Referendum: Absentee ballots are available in the Town Clerk's office until Thursday, June 9th. On Thursday, the office will be open until 7:00 p.m. (Normal hours are 8:30 a.m. to 4:30 p.m.) On June 14th the polls are open 7:00 a.m. to 8:00 p.m. at the Junior High School, 65 Columbia Avenue. There are two local questions on the ballot - one to vote on the school budget and the other to ask voters if they wish to continue or discontinue the referendum for at least the next three years.
- d) School Project update: This item is to update the Council and public on the status of the proposed new school. The School Board voted on May 24th to seek additional information from the architect. With the time needed to receive information, there will not be adequate time to have all information prepared for a vote on the new school this November. Additional timeframes will be forthcoming this summer.
- e) Report on Pleasant Street traffic signals: This item is in response to a request from Councilor Perreault for additional information on the timing at the Pleasant Street traffic signals. A copy of a memo with the summary information is included in your packet.

PUBLIC HEARING

65. This item is the required public hearing on special amusement license applications for Pancho Villa and Lemongrass. Pancho Villa is requesting live bands and DJs. Lemongrass would like to have live soft music for special occasions such as private birthday parties. Personal property taxes for both applicants are paid in full. Copies of the public hearing notice and the applications are included in your packet.

Suggested motion:

Motion to approve special amusement license applications for Pancho Villa, located at 164 Pleasant Street and Lemongrass, located at 212E Maine Street.

66. This item, sponsored by the Planning Board, is the required public hearing on proposed amendments to address State shoreland zoning requirements not included in the Zoning Ordinance. The Council adopted an emergency moratorium preventing any development in the NRPZ so that the Planning Board and staff could develop amendments to bring the Zoning Ordinance into compliance with the State requirements. After two workshops, the Planning Board approved the amendments being proposed. With pending projects stalled by the moratorium, the Council in the public hearing notice advertised that the amendment be enacted on both an emergency and regular basis, so action can be taken on the 6th to repeal the moratorium and enact the amendments. There is one additional step that needs to take place with the Zoning amendments after they are adopted, which is to

get approval from the DEP. The repealing of the moratorium would be effective once that approval occurs. Should DEP not approve the amendments, the moratorium may need to be extended. Copies of an updated memo from the Planning Department, the emergency moratorium, the draft amendments, and a presentation are included in your packet.

Suggested Motion:

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

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

Suggested motion:

Motion to adopt amendments to the Zoning Ordinance relative to Chapter Four (Development Review), Sections 401 (Applicability) and 402 (Development Review Classifications and Thresholds to Require Review of Filling and Earthmoving Activities within the NRPZ), on an emergency and regular basis, and to repeal the Moratorium on New Development in the Natural Resource Protection Zone. Both sections of this motion will be effective immediately upon the approval of the Zoning ordinance changes by the Department of Environmental Protection as required by state law.

TABLED ITEM

57. This item, tabled at your last meeting, comes back for the Council to consider adopting a resolution regarding the Frank J. Wood Bridge. After public outreach on the proposed bridge replacement, it was thought that the two towns may wish to go on record in support of MDOT's recommendation. It was also suggested that there be a joint design advisory committee to work with MDOT to incorporate enhancements and minor modifications to the design. The resolution will be to support the MDOT's selected option, with modifications as worked out by the design advisory committee and MDOT. There have been changes to the original draft resolution. In particular, the draft in your packet adds an expression of the Town's desire to be named as a "consulting party" in the process referred to as the Section 106 historic preservation review, required for projects that receive federal funding. Copies of a memo from Manager Eldridge, the draft resolution and information on Section 106 are included in your packet.

Suggested motion:

Motion to adopt the revised "Resolution Expressing the Town Council's Support for the Maine Department of Transportation's Proposal to Replace the Frank J. Wood Bridge."

NEW BUSINESS

67. This item comes back to the Council after the required public hearing held at the last meeting. It is to consider adopting on "An Ordinance Authorizing the Removal and Replacement of Exterior Trim Elements of the Brunswick Town Hall, with Total Project Costs Not to Exceed \$200,000 (plus any other costs authorized hereunder), and Further

Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$200,000 (plus cost of issuance), plus any Additional Appropriation Authorized Hereunder.” At the time the Town acquired the McLellan Building from Bowdoin College, it was clear that the Town would need to address the building’s trim, as most of it was, and remains, in poor condition. In 2014, to better assess the potential cost of replacing the trim and repairing the damage, the trim on two first floor windows was replaced. The wood was replaced with a composite material. During installation, water damage and rot were discovered behind the trim, necessitating additional repairs to the sheathing and vapor barrier. Warren Construction Group, LLC (Warren Construction), replaced the window trim and developed a specification for repairing the other windows. At this time staff is recommending this repair work be done this year, and be done through a bond ordinance. Copies of a memo from Manager Eldridge, a cost estimate draft ordinance, and photos are included in your packet.

Suggested motion:

Motion to adopt “An Ordinance Authorizing the Removal and Replacement of Exterior Trim Elements of the Brunswick Town Hall, with Total Project Costs Not to Exceed \$200,000 (plus any other costs authorized hereunder), and Further Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$200,000 (plus cost of issuance), plus any Additional Appropriation Authorized Hereunder.”

68. This item is for the Council to consider setting a public hearing for June 20, 2016, on amendments to the “First Amendment for the Brunswick Landing II Omnibus Municipal Development and Tax Increment Financing District.” There is an extensive packet of information on this item. The packet pages are numbered. The relevant documents and corresponding page numbers can be found in the memo that starts on the first page of the TIF packet. Copies of information for items 68, 69 and 70 are combined in your packet.

Suggested motion:

Motion to set a public hearing for June 20, 2016, on amendments to the “First Amendment for the Brunswick Landing II Omnibus Municipal Development and Tax Increment Financing District.”

69. This item is for the Council to consider setting a public hearing for June 20, 2016, on amendments to the “First Amendment for the Brunswick Executive Airport II Omnibus Municipal Development and Tax Increment Financing District.” There is an extensive packet of information on this item. The packet pages are numbered. The relevant documents and corresponding page numbers can be found in the memo that starts on the first page of the TIF packet. Copies of information for items 68, 69 and 70 are combined in your packet.

Suggested motion:

Motion to set a public hearing for June 20, 2016, on amendments to the “First Amendment for the Brunswick Executive Airport II Omnibus Municipal Development and Tax Increment Financing District,”

70. This item is for the Council to hear information regarding changes to the MRRA Credit Enhancement Agreement (CEA). There will be no action this evening, but it will come back at the June 20th meeting for adoption. There is an extensive packet of information on this item. The packet pages are numbered. The relevant documents and corresponding page numbers can be found in the memo that starts on the first page of the TIF packet. Copies of information for items 68, 69 and 70 are combined in your packet.

Suggested motion:

There is no motion required for this item at this meeting.

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

Suggested Motion:

Nominations will be made, with no seconds required, and the Council will then vote on the nominations.

Suggested Motion:

Motion to adjourn the meeting.