

**Approved**  
**BRUNSWICK TOWN COUNCIL**  
**Minutes**  
**June 20, 2016**  
**Executive Session – 6:15 P.M.**  
**Regular Meeting - 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

**Town Staff Present:** John S. Eldridge, III, Town Manager; Fran Smith, Town Clerk; Linda Smith, Business Development Manager; Julia Henze, Finance Director; Richard Rizzo, Police Chief; Marc Hagan, Police Commander; William Moir, Police Detective; Terry Goan, Police Officer, and TV video crew

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

**Executive Session: Personnel matter [1 M.R.S.A. §405(6)(A)] and Union Negotiations [1 M.R.S.A. §405(6)(D)]**

**Chair Brayman moved, Councilor Millett seconded, to go into executive session to discuss both a personnel matter per 1 M.R.S.A. §405(6)(A) and union negotiations per 1 M.R.S.A. §405(6)(D). The motion carried with nine (9) yeas.**

Chair Brayman resumed the meeting and led the pledge of allegiance.

**Adjustments to Agenda:** None

**CONSENT AGENDA** *(This item was discussed at 7:01 p.m.)*

**(a) Approval of Utility Location Permits for Maine Natural Gas for connections on Park Row and College Avenue**

**Councilor Walker moved, Councilor S. Wilson seconded, to approve the Consent Agenda. The motion carried with nine (9) yeas.**

*(A copy of the permits will be attached to the official minutes.)*

**Public Comments** *(This item was discussed at 7:02 p.m.)*

**Steve Kercel**, 2 Brian Drive, spoke regarding the ham radio group's annual field day coming up this weekend.

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**Chick Ciccio**tti, American Legion, provided information on the Legion and its history. He spoke of awards received at the regional convention, including Outstanding Post and Outstanding Leader (Joe Donahue).

**Joe Donahue**, American Legion, presented the Times Record newspaper with the State of Maine Small Newspaper Award for outstanding support for veterans' issues. He also reminded the audience of an upcoming public dinner.

### **Correspondence:**

Chair Brayman read an announcement for the 2<sup>nd</sup> Annual Alex Labbe Miniature Golf Classic.

Councilor Watson reminded the public of the upcoming BNAS reunion.

Councilor K. Wilson said she had received several calls regarding the green bridge and all were in favor of a new bridge. She spoke regarding an article about 4<sup>th</sup> graders visiting the Growstown School and also an upcoming dog show at the Cumberland Fairgrounds.

Councilor Millett acknowledged that all councilors received letters from a group of residents in the Mere Point neighborhood.

Councilor A. Harris spoke regarding the First Parish Church Strawberry Festival and Brunswick Downtown Association's Community Barbeque this weekend.

Councilor Walker said a citizen suggested the Town get a chip reader to assist with finding lost dogs.

### **COMMITTEE REPORTS** *(This item was discussed at 7:21 p.m.)*

- **Bicycle and Pedestrian Advisory Committee**
- **Finance Committee**
- **Teen Center Advisory Committee**

Reports were given on the above committees.

### **MANAGER'S REPORT**

- a) **Recognition of Bill Moir for Maine State Police annual award** *(This item was discussed at 7:25 p.m.)*

Manager Eldridge spoke about this item and recognized Officer Moir.

- b) **Financial update** *(This item was discussed at 7:28 p.m.)*

Manager Eldridge spoke regarding this item.

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c) **Revaluation Update** (*This item was discussed at 7:29 p.m.*)

Manager Eldridge spoke regarding this item.

d) **Update on Zoning Ordinance Rewrite** (*This item was discussed at 7:30 p.m.*)

Manager Eldridge spoke regarding this item.

e) **Update on Miller Point** (*This item was discussed at 7:31 p.m.*)

Manager Eldridge spoke regarding this item and responded to questions from Councilor Perreault and Councilor Walker.

f) **Information regarding appointing a Brunswick representative to the MMA Legislative Policy Committee** (*This item was discussed at 7:33 p.m.*)

Manager Eldridge spoke regarding this item.

**PUBLIC HEARING**

72. **The Town Council will hear public comments on special amusement license applications, and will take any appropriate action.** (Manager) *This item was discussed at 7:35 p.m.*

**Raven's Roost**

**D/B/A: Raven's Roost  
103 Pleasant Street**

**Raven Wing/Ronald Wing Sr. & III**

**Maine & Noble LLC**

**D/B/A: Brunswick Hotel and Tavern  
4 Noble Street**

**J. Hilary Rockett**

Chair Brayman opened the public hearing.

Fran Smith, Town Clerk, spoke regarding this item and responded to questions from Councilor Perreault and Councilor Millett.

Chair Brayman closed the public hearing.

**Councilor Perreault moved, Councilor Walker seconded, to approve special amusement license applications for Raven's Roost, located at 103 Pleasant Street, and Brunswick Hotel and Tavern, located at 4 Noble Street. The motion carried with nine (9) yeas.**

73. **The Town Council will hear public comments 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)** *This item was discussed at 7:39 p.m.)*

*(Please note: Items 73, 74, and 75 are detailed due to requirements of state law regarding the TIF process.)*

Chair Brayman opened the public hearing.

**Shana Cook Mueller**, Attorney for Bernstein Shur, and representing the Town in tax increment financing issues, explained the two Tax Increment Financing Districts (TIF) currently existing at Brunswick Landing, which are each being amended. Both districts have been the subject of negotiations with MRRA in the last year, and now amendments to the development programs are being brought forward to the Council that work out the property tax reimbursements to Midcoast Regional Redevelopment Authority (MRRA). There is essentially a maximum reimbursement of property taxes for both districts over the TIF’s term to \$15 million and there is an anticipated reimbursement of no more than 50% of increased assessed value on property taxes. The amendments include all of that language and also address some clean up items on the project list. These TIF amendments undergo the same legal process that is required for instituting and establishing TIF districts, including a public hearing, which is occurring separately tonight for each district, and sending the applications to the Department of Economic and Community Development at the State of Maine. Their review is for statutory compliance only. One unique aspect of this process, under town staff’s advisement, was employing an option at DECD called a preflight program to have these amendments reviewed in a more thorough fashion before coming before the Council. The program gives greater confidence that there will not be any red flags or issues prior to the formal review process, because the two TIF districts will be administered together, which is unique in the State of Maine.

Manager Eldridge explained the beginning of the TIF process and the dispute between the Town and MRRA about taxation of particular properties. The tax dispute has now been settled, and to fulfill part of the settlement agreement, there was an agreement to amend the TIF districts. The essential changes in both of these districts increased the cap available to MRRA from \$12 to \$15 million and capped the total reimbursement at 50% of the property taxes generated. There were other modifications made to the projects called for in the development programs to give those a little more clarity.

Chair Brayman asked if these amendments cleaned up items on the project list and if she could have some examples.

Ms. Cook Mueller responded that they clarified what was originally meant by some of the language, as they now see how TIF revenues are likely to be used by the town. They did add some opportunities for the town to use TIF revenues instead of general fund dollars on economic development projects and expenditures, which will save the town and the taxpayers money. Municipal recreational trails are a new item that can be funded by TIF revenues because of their link to economic development. They also added some road and infrastructure items previously

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addressed, but more specifically allowed TIF revenue to be spent on the Cooks Corner area due to its proximity to the TIF district.

Manager Eldridge confirmed the information about the Cooks Corner infrastructure and clarified that it does not mean the Town has to use the funds for that purpose, but gives the Town the option to do so with the TIF revenues. There will be some flexibility of use of funds for Brunswick Landing roads. He added that the road improvement definition has expanded and now includes more than paving. They also added a Credit Enhancement Agreement (CEA) to give MRRA access to TIF revenues.

Councilor Watson said these amendments, in his opinion, strengthen the agreement for the citizens of the town and asked Ms. Cook Mueller if she agreed. She responded she didn't drive much of the amendment changes; the Manager and the Council did. She did add that the development programs in place, and the local partnerships, are good examples of TIF program use.

**John Peters**, Harpswell resident and Chair of the MRRA Board, expressed the Board's and staffs' appreciation to the Council and the Town Manager. This was the culmination of a three year process, and he believes it will work in the best interest of both the Town and MRRA. He also mentioned that the Wayfair will be opening tomorrow and hiring up to 500 employees, on top of the current 850 jobs from the private sector operating at Brunswick Landing.

Chair Brayman closed the public hearing.

Chair Brayman said she would like to suspend the rules and vote on this item tonight.

Councilor Perreault said he normally objects to voting the same night as the public hearing, but he will not object tonight.

Without objection, the Council suspended the Council Rules to allow them to vote on this item tonight.

**Chair Brayman moved, Councilor K. Wilson seconded, to adopt the "Town Council Resolution Adopting the First Amendment of the Brunswick Landing II Municipal Development and Tax Increment Financing District Omnibus Development Program."**  
**The motion carried with nine (9) yeas.**

Councilor Millett thanked all the parties for resolving this item without litigation.

*(A copy of the Town Council Resolution Adopting the First Amendment of the Brunswick Landing II Municipal Development and Tax Increment Financing District Omnibus Development Program will be attached to the official minutes.)*

**74. The Town Council will hear public comment 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) *This item was discussed at 7:54 p.m.***

Chair Brayman opened the public hearing.

Manager Eldridge explained that there are two TIF districts in Brunswick Landing set up for geographical purposes to fit the statute. Other than this being the second of two districts, he would say the same as he did for the first TIF district.

Councilor Watson asked how this TIF district benefitted the community.

Manager Eldridge responded that this particular district was set up to be around the airport, and the way it is structured it allows for some development and reuse of that facility. It provides some benefits to MRRA that they can pass along to tenants at the Landing. It is a huge asset to the hangars and the fields, and in the redevelopment of the entire complex.

Ms. Cook Mueller added there is public benefit by avoiding the lawsuit in the dispute between the Town and MRRA. As a result of the resolution, they are able to turn this dispute into a partnership to try to drive development in those sites and create not only jobs, but property tax value that will be divided between the two entities.

**Steve Levesque**, Executive Director of MRRA, said Brunswick Landing and the airport have become tremendous assets for the area and community, and if they needed to build an airport today, the cost would be around \$4 billion dollars. The airport is adding jobs, and they have a number of aviation companies on the property. MRRA had been at a competitive disadvantage due to the way they were taxed, but through this agreement they have leveled the playing field and can market the aviation properties on a competitive basis, and he appreciates the willingness of the town to amend the TIF.

Mr. Levesque noted that \$2 million in tax revenue is important to the community, but the spending power of having new companies and employees at the Landing is invaluable, and there will be close to 1,800 employees there by the end of the year. That equates to about another 2000-4000 jobs in the region, which will help replace the impact of the base closing.

Councilor Millett added that another advantage of the TIF is that it reduces the town's valuation, so the town receives more funding from the state for schools and municipal government.

Councilor K. Wilson said she had noticed more planes in the last few months, as the airport is getting busier.

Mr. Levesque added there has been a 10% increase in air traffic each year since the airport opened five years ago.

Chair Brayman closed the public hearing.

Without objection, the Council suspended the Council Rules to allow them to vote on this item tonight.

**Chair Brayman moved, Councilor Watson seconded, to adopt the “Town Council Resolution Adopting the First Amendment of the Brunswick Executive Airport II Municipal Development and Tax Increment Financing District Omnibus Development Program.” The motion carried with nine (9) yeas.**

*(A copy of the Town Council Resolution adopting the First Amendment for the Brunswick Executive Airport II Omnibus Municipal Development and Tax Increment Financing District will be attached to the official minutes.)*

### **NEW BUSINESS**

- 75. The Town Council will consider approving the MRRA Credit Enhancement Agreement (CEA), and will take any appropriate action. (Manager) (This item was discussed at 8:03 p.m.)**

Manager Eldridge said as part of the settlement agreement with MRRA, and as part of the development programs for each of the districts, the Town is providing a credit enhancement agreement, which will allow the Town to provide property taxes directly to MRRA. The CEA specifies how those monies are to be used, and has to dovetail in with the municipal development program. This agreement has been reviewed extensively, and he is pleased to recommend its approval to the Council.

**Mr. Levesque**, MRRA Executive Director, added that this agreement memorializes all the discussions and how the funds will work. All revenues received from the TIF will go right into infrastructure improvements at Brunswick Landing, such as water and sewer lines or road work, rather than marketing or salaries.

Councilor Watson mentioned that the improvements that Mr. Levesque described are a benefit to the community as well as to Brunswick Landing, with one example being reducing storm water runoff.

Mr. Levesque replied that MRRA inherited 60 year old water and sewer lines, and upgrading those will also reduce inflow and infiltration into those sewer lines, which will allow the sewer plant to function more effectively. MRRA has also put \$500,000 into upgrading their electric system. Infrastructure is an ongoing issue, due to deferred maintenance by the Navy, and they have been lucky to get grants from the FAA to help with the airport improvements and wildlife maintenance, but they have had to match that money or put in a percentage, and the TIF money will assist with getting more of these grants.

Manager Eldridge said that in addition to what Mr. Levesque just described, the CEA was the vehicle by which MRRA would be able to provide tax incentives to some of the businesses that are there. This was part of the resolution of the lawsuit which essentially says that the buildings that are used for aeronautical purposes are eligible for 100% reimbursement. The non-

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aeronautical facilities are a 50%-50% situation between MRRA and the town. This formula was put in the resolution to settle the lawsuit.

Councilor Perreault asked how the 50%-50% split was achieved when the aeronautical facilities are eligible for a 100% reimbursement, and Mr. Eldridge replied that the split was realized with both districts together, and in total it would not be more than a 50%-50% split.

Mr. Levesque added that most of the growth currently is away from the airport, and those would only generate 25% for MRRA, in order to make the 50%-50% split.

There were no public comments.

**Councilor Perreault moved, Councilor Watson seconded, to adopt “An Order Authorizing the Town Manager to Execute a Credit Enhancement Agreement with the Midcoast Regional Redevelopment Authority.” The motion carried with nine (9) yeas.**

*(A copy of the Town Council Order Authorizing the Town Manager to Execute a Credit Enhancement Agreement with the Midcoast Regional Redevelopment Authority will be attached to the official minutes.)*

**76. The Town Council will consider approving outdoor seating for Lemongrass and Union Street Bakery, and will take any appropriate action. (Manager) (This item was discussed at 8:17 p.m.)**

Fran Smith spoke regarding this item and responded to questions from Councilor Perreault.

Councilor K. Wilson and Manager Eldridge spoke regarding this item.

**Richard Fisco**, 2 Lincoln Street, spoke regarding this item.

**Chair Brayman moved, Councilor K. Wilson seconded, to approve requests for Sellers of Prepared Food on Public Ways licenses for outdoor seating for Union Street Bakery, located at 40 Union Street, and Lemongrass, located at 212E Maine Street. The motion carried with nine (9) yeas.**

**77. The Town Council will consider recommendations from the Finance Committee regarding 946 Mere Point Road, a tax acquired property, and will take any appropriate action. (Manager) (This item was discussed at 8:25 p.m.)**

Manager Eldridge spoke to this item.

Councilor Walker spoke regarding this item.

Councilor A. Harris, Councilor Millett, Councilor K. Wilson, Councilor S. Wilson, and Councilor D. Harris spoke regarding this item.

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Councilor K. Wilson asked a question, to which Manager Eldridge responded.

Councilor Watson spoke regarding this item.

**Councilor Walker moved, Councilor K. Wilson seconded, to retain 946 Mere Point Road temporarily for 60 days to allow for town committee and departmental review, and the previous owner may not redeem the property in that time period by paying the back taxes.**

Public Comments were made by the following citizens:

**Arabella and Carl Strovink**, 4 Wild Aster Lane

**Joan Sutcliffe**, 942 Mere Point Road

**John McGoldrick**, 942 Mere Point Road

**Prentiss Weiss**, 895 Mere Point Road

**Leslie Weiss**, 895 Mere Point Road

**Peter Didisheim**, 39 Hemlock Road,

**Richard Knox**, 81 Simpsons Point Road

**Heather Osterfeld**, 11 Wild Aster Lane

**Dave Osterfeld**, 11 Wild Aster Lane

**John Bauman**, 85 Minot Shore Road

**Jane Arbuckle**, 22 Meadowbrook Road, read a letter from Sylvia Stocker, 2 Braemar Road

**Judy Bauman**, 85 Minot Shore Road

**Steve Kercel**, 2 Brian Drive

**Jackie Sartoris**, 14 Bowdoin Street

Councilor Walker and Councilor Millett spoke regarding the public comments.

Councilor Walker, Councilor S. Wilson, and Councilor Perreault spoke regarding the motion.

**VOTE ON MOTION:**

**Councilor Walker moved, Councilor K. Wilson seconded, to retain 946 Mere Point Road temporarily for 60 days to allow for town committee and departmental review, and the previous owner may not redeem the property in that time period by paying the back taxes. The motion carried with nine (9) yeas.**

*(Committees included are the Rivers and Coastal Waters Commission, Marine Resources Committee, Conservation Commission, Recreation Commission, and Planning Board.)*

- 78. The Town Council Chair will appoint Council members to the Finance Committee, and will take any appropriate action. (Chair Brayman) This item was discussed at 9:237 p.m.)**

Chair Brayman appointed Councilor Walker, Councilor A. Harris, and Councilor D. Harris.

**Councilor Watson moved, Councilor D. Harris seconded, to adjourn the meeting. The motion carried with nine (9) yeas.**

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The meeting adjourned at 9:24 p.m.

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

*Items 73, 74, and 75 are detailed due to requirements of state law regarding the TIF process.*

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

July 18, 2016  
*Date of Approval*

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*Council Chair*