

BRUNSWICK TOWN COUNCIL
Agenda
September 19, 2016
6:00 P.M. – Executive Session
7:00 P.M. – Regular Meeting
Council Chambers
Town Hall
85 Union Street

Roll Call of Members

Acknowledgement of Meeting Notice

Executive Session: [1 M.R.S.A. §405(6)(C)] Disposition of Property and [1 M.R.S.A. §405(6)(E)] Consultation with legal counsel on rights and duties

Pledge of Allegiance

Adjustments to Agenda

CONSENT AGENDA

- a) Approval of the Minutes of September 6, 2016
- b) Selection of MMA Voting Delegation for Annual Meeting
- c) Safety Committee / MMA Fall Safety Grant

Public Comments

Correspondence

COMMITTEE REPORTS

- Bicycle and Pedestrian Advisory Committee
- Brunswick Development Corporation
- Cable TV Committee
- Finance Committee
- TIF Committee
- Teen Center Advisory Committee

MANAGER'S REPORT

- a) Recognition of Emily Swan for her service on Village Review Board
- b) Growstown Historic Community Celebration (Councilor S. Wilson)
- c) Financial update
- d) Revaluation update
- e) Report on the Portland Metro
- f) Reminder of Council workshop regarding plastic bag ordinance
- g) Reminder of upcoming polystyrene ban

PUBLIC HEARING

103. The Town Council will hear public comments on a renewal special amusement application, and will take any appropriate action. (Manager)

Special Amusement

Frontier Group
D/B/A: Frontier
14 Maine Street

Michael Gilroy

HEARING/ACTION

TABLED ITEM

98. The Town Council will hear recommendations from various town committee/boards regarding 946 Mere Point Road being retained by the town, and will take any appropriate action. (Manager)

ACTION

NEW BUSINESS

104. The Town Council will consider adopting “A Resolution Authorizing an Appropriation and Grant of Available Tax Increment Financing Proceeds to the Midcoast Regional Redevelopment Authority”, and will take any appropriate action. (TIF Committee)

ACTION

105. The Town Council will consider adopting “A Resolution Authorizing an Appropriation of \$50,000 from Available TIF Revenues for the Purpose of Funding Costs of the Study, Planning and Design of a New Road in the Cooks Corner area connecting Gurnet Road and Admiral Fitch Avenue” and will take any appropriate action. (TIF 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
September 19, 2016
Council Notes and Suggested Motions**

Executive Session: [1 M.R.S.A. §405(6)(C)] Disposition of Property and [1 M.R.S.A. §405(6)(E)] Consultation with legal counsel on rights and duties

Suggested Motion:

Motion to go into executive session for disposition of property per 1 M.R.S.A. §405(6)(C) and consultation with legal counsel on rights and duties [1 M.R.S.A. §405(6)(E)].

CONSENT AGENDA

- a) Approval of the Minutes of September 6, 2016: A copy of the minutes is included in your packet.
- b) Selection of MMA Voting Delegation for Annual Meeting: This item allows the Council to designate a delegate and an alternate to represent Brunswick at the MMA Annual Business Meeting, being held on Wednesday, October 5, 2016, at 1:30 p.m. at the Augusta Civic Center. The MMA Bylaws entitle each member community to one voting representative. The Council will need to nominate a voting delegate and an alternate. Copies of information on this item are included in your packet.
- c) Safety Committee /MMA Fall Safety Grant: The Town's Safety Committee would like to apply for the Maine Municipal Association's Fall Safety Grant to purchase and install 2 (two) ADA automatic door openers for the People Plus building. Estimates for these doors (including electrical installation) range from \$4,800 - \$5,000, and the maximum grant amount is \$2,000, so if the grant is received, the Town's portion would decrease to a range of \$2,800 - \$3,000. A memo from Jessica Factor with information about the grant 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.

CORRESPONDENCE

This is the opportunity for Councilors to share any correspondence they may have.

COMMITTEE REPORTS

- Bicycle and Pedestrian Advisory Committee
- Brunswick Development Corporation
- Cable TV Committee
- Finance Committee

- TIF Committee
- Teen Center Advisory Committee

Councilors on the above committees will provide brief updates of recent meetings. Councilors may also report on any other committee updates.

MANAGER'S REPORT

- a) Recognition of Emily Swan for her service on Village Review Board: This item is to recognize Ms. Swan's years of service to the Village Review Board.
- b) Growstown Historic Community Celebration: Councilor Suzan Wilson will introduce members of the Growstown Historic Community, who will report on the planned celebration scheduled for October. The Town owns and maintains the historic Growstown School, a one room schoolhouse located on Woodside Road.
- c) Financial update: Manager Eldridge will update the Council on the Town's financial status for the current fiscal year. Copies of financial reports are included in your packet.
- d) Revaluation update: This item updates citizens and Councilors on the revaluation process. A memo from Assessor Cathy Jamison is included in your packet.
- e) Report on the Portland Metro: Manager Eldridge will update the Council on discussions of a possible pilot program by the Metro to extend bus service to Brunswick. A memo from Manager Eldridge and information on the service is included in your packet.
- f) Reminder of Council workshop regarding plastic bag ordinance: Council will discuss possible dates for a workshop with the Recycling and Sustainability Committee.
- g) Reminder of upcoming polystyrene ban: This item is to remind businesses and the public of the ordinance to ban polystyrene food and beverage containers, which will take effect on October 1, 2016. A memo from Manager Eldridge, the ordinance and the schedule of business outreach is included in your packet.

PUBLIC HEARING

103. This item is for the required public hearing for a renewal special amusement license for Frontier, located at 14 Maine Street. They are seeking to have live music and films in their theatre space. Their personal property taxes are current. A copy of the application is included in your packet.

Suggested Motion:

Motion to approve a special amusement license for Frontier, located at 14 Maine Street.

TABLED ITEM

98. The Town Council will hear recommendations from various town committee/boards regarding 946 Mere Point Road being retained by the town, and will take any appropriate action. (Manager) This item was tabled at your last meeting. The packet of information provided at the last meeting is included in your packet.

ACTION

Suggested Motion:

There is no suggested motion for this item. Any action will be determined at the meeting.

NEW BUSINESS

104. The TIF Committee has reviewed a request from MRRA for available TIF revenues from 2013-2016, and based upon that review and contingent upon the final approval of the Development Program Amendments by DECD, which was just received, is recommending payment of the requested revenues. A copy of a memo from Manager Eldridge and a copy of the proposed resolution is included in your packet.

ACTION

Suggested Motion:

Motion to approve "A Resolution Authorizing an Appropriation and Grant of Available Tax Increment Financing Proceeds to the Midcoast Regional Redevelopment Authority".

105. At the Tax Increment Financing (TIF) Committee Meeting on September 12, 2016, the Committee discussed a proposal being explored to develop a connector road from Brunswick Landing/Admiral Fitch Avenue to Gurnet Road in Cook's Corner. The Development Programs for Brunswick Landing and Brunswick Executive Airport TIF Districts (as amended) allow TIF revenues to be used for road and infrastructure improvements within and adjacent to Brunswick Landing. Since the Brunswick Landing and Executive Airport TIFs allow expenditures for road improvements, the Town Manager asked the TIF Committee to consider a proposal that would allow the use of TIF funds to move forward with a preliminary engineering study for the Admiral Fitch to Gurnet Road connection. A memo from Manager Eldridge and a copy of the proposed resolution is included in your packet.

ACTION

Suggested Motion:

Motion to approve "A Resolution Authorizing an Appropriation of \$50,000 from Available TIF Revenues for the Purpose of Funding Costs of the Study, Planning and Design of a New Road in the Cooks Corner area connecting Gurnet Road and Admiral Fitch Avenue".

Suggested Motion:

Motion to adjourn the meeting.

CONSENT AGENDA - A BACK UP MATERIALS

Draft
BRUNSWICK TOWN COUNCIL
Minutes
September 6, 2016
6:00 P.M. – Executive Session
7:00 P.M. – Regular Meeting
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. Millet, Sarah E. Brayman, Kathy Wilson and Alison Harris

Councilors Absent: None

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; Anna Breinich, Director of Planning and Development; Linda Smith, Business Development Manager; Jared Woolston, Town Planner; Dan Devereaux, Marine Warden; and TV video crew

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

Executive Session: [1 M.R.S.A. §405(6)(A)] Personnel Matter (review of Town Attorney) and [1 M.R.S.A. §405(6)(E)] Consultation with legal counsel on rights and duties

Chair Brayman moved, Councilor Millett seconded, to go into executive session for a personnel matter regarding a review of the Town Attorney per 1 M.R.S.A. §405(6)(A) and consultation with legal counsel on rights and duties [1 M.R.S.A. §405(6)(E)]. The motion carried with eight (8) yeas. Councilor S. Wilson arrived after the vote.

Meeting Resumes:

Chair Brayman led the Pledge of Allegiance.

Adjustments to Agenda

Item #98 to be taken up after item #101

CONSENT AGENDA *(This item was discussed at 7:08 p.m.)*

- a) Approval of the minutes of August 15, 2016
- b) Approval of a Quitclaim Deed for the mobile home on land depicted as Map 022 Lot 054 Sub 000 Typ 090
- c) Abatement for personal property taxes assessed in error for Global Wellness LLC for 2013 and 2014

Councilor Perreault moved, Councilor K. Wilson seconded, to approve the Consent Agenda. The motion carried with eight (8) yeas. Councilor Millett abstained as she was not at the meeting of August 15th.

(A copy of supporting materials for CA-b and CA-c will be attached to the official minutes.)

Public Comments *(This item was discussed at 7:10 p.m.)*

Joe Donahue, American Legion, invited the Town staff and Council to a fundraising dinner for Travis Mills on September 10th from 5:00 p.m. to 7:00 p.m. He also reminded the public of the September 11th ceremony on the Mall.

Correspondence *(This item was discussed at 7:12 p.m.)*

- **Letter from the Recycling & Sustainability Committee regarding plastic bag ordinance**

Councilor Millett said she received citizen concerns regarding dying trees as a result of the drought, and cigarette butts on the sidewalk. She thanked Laura Lienert and Louise Rosen for their work on the summer Movies in the Park events.

Councilor D. Harris said he received a citizen's complaint of noise issues in new two building off Harpswell Road that are being used as dorms. He hopes to have a meeting with all involved.

Councilor Perreault discussed an upcoming web show "The Misadventures of Brooke and Carly" and how a local girl (his daughter) is starring in it.

Councilor K. Wilson said at the next Council meeting there will be a presentation by the Growstown School Historical Committee, and she mentioned upcoming events.

Councilor Walker said many trees that were hit by browntail moths are getting hit again. He also said that the Kate Furbish dam removal process wrapped up last week.

Councilor Watson said that three Brunswick High School cheerleaders are raising funds to go to a program at Disney World.

Chair Brayman asked about educational outreach on browntail moths this fall and putting information on the web. There is also a letter from the Recycling and Sustainability Committee requesting a workshop on a plastic bag ordinance.

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

COMMITTEE REPORTS *(This item was discussed at 7:22 p.m.)*

- **Bicycle & Pedestrian Advisory Committee**
- **Finance Committee**
- **Master Plan Implementation Committee**

- **Recycling & Sustainability Committee**
- **Rivers & Coastal Waters Commission**

Reports were given on the above committees.

MANAGER'S REPORT

a) Project Tracking Report *(This item was discussed at 7:25 p.m.)*

Manager Eldridge spoke regarding this item.

b) Report on status of CDBG Grants for Washburn & Doughty and ArtForms *(This item was discussed at 7:28 p.m.)*

Manager Eldridge spoke regarding this item.

(A copy of the letters from DECD will be attached to the official minutes.)

c) Reminder of nomination papers upcoming deadline *(This item was discussed at 7:31 p.m.)*

Fran Smith, Town Clerk, spoke regarding this item.

d) Notice of property tax bills being mailed *(This item was discussed at 7:32 p.m.)*

Manager Eldridge spoke regarding this item.

e) River Road culvert replacement and road closure *(This item was discussed at 7:33 p.m.)*

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

Councilor Perreault commented on this item.

f) (ADDED) Frank Wood Bridge

Manager Eldridge spoke regarding this item.

NEW BUSINESS

98. The Town Council will hear recommendations from various town committee/boards regarding 946 Mere Point Road being retained by the town, and will take any appropriate action. (Manager) *(This item was discussed at 8:21 p.m.)*

This item was done after Item 101.

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Manager Eldridge introduced this item. He went through the sequence of the tax lien process on this item and responded to questions from Councilor Walker, Councilor S. Wilson, and Councilor D. Harris.

Andre Duchette, on behalf of Mr. Nudd, spoke regarding this item and responded to questions from Councilor Walker, Chair Brayman, Councilor K. Wilson, Councilor Perreault, Councilor Millett, and Councilor D. Harris.

(There was a 10 minute break.)

Various Committees made presentations and responded to Council questions:

Charles Frizzle, Chair of the Planning Board

Kurt Stinson, Vice Chair of the Conservation Commission

Mark Latti, Chair of the Marine Resource Committee

Mark Worthing, Chair of the Rivers and Coastal Waters Commission

Dan Ankeles, Chair of the Parks and Recreation Commission

Manager Eldridge provided a brief summary of the cost and benefits of the options being developed and responded to questions from Councilors.

Public comments were made by the following:

Charlotte Agell, Columbia Ave

Phyllis Little, 1044 Mere Point Road

Mary Beth Latti, 33 Hemlock Road

Peter Didisheim, 39 Hemlock Road

Natasha Goldman Homann, Douglas Street

Richard Knox, Simpsons Point Road

Richard Fisco, 2 Lincoln Street

Gene Smith, 978 Mere Point Road

Louise Minot, 1082 Mere Point Road

Rebecca Klotzle, attorney for Curtis Thatcher, representing several residents

Arabella Strovink, 4 Wild Aster Lane

Prentiss Weiss, 895 Mere Point Road

John McGoldrick, 942 Mere Point Road

Eric Koehler 155 McKeen Street

Bob Healing, 41 W. Marginal Road

Ben Ray, 19 Eider Cove Road

Colleen McKenna, 85 Old Penneville Road

Vladimir Douhovnickoff, 22 Longfellow Avenue

Robin Stidworthy, 861 Simpson Point Road

Claudia Adams, 15 Shearwater Way

Susan Fuller, 1020 Mere Point Rd

Will Linscott, Mere Point Road

Heather Osterfeld, 11 Wild Aster Lane

Chair Brayman moved, Councilor D. Harris seconded, to table this item until the next meeting and have Council deliberation only, taking no more public comment. The motion carried with nine (9) yeas.

(A copy of materials for this item will be attached to the official minutes.)

- 99. The Town Council will consider approving alterations to the surface of conserved land in the town conservation easement known as the Bunganuc Landing easement, and will take any appropriate action. (Manager) (This item was discussed at 7:38 p.m.)**

Items 99 to 101 were done prior to Item 98.

Manager Eldridge spoke regarding this item.

Councilor S. Wilson spoke regarding this item.

Councilor Millett asked questions, to which Councilor S. Wilson and Anna Breinich responded.

Councilor Walker asked questions, to which Jared Woolston responded.

Councilor Perreault asked questions, to which Manager Eldridge responded.

Tilly Laskey, 223 Bunganuc Road, spoke regarding this item.

Councilor S. Wilson moved, Councilor Watson seconded, to allow alterations to the surface of conserved land in the town conservation easement known as the Bunganuc Landing easement subject to the Planning Board review process. The motion carried with nine (9) yeas.

(A copy of materials for this item will be attached to the official minutes.)

- 100. The Town Council will consider accepting an offer on tax acquired property for a parcel known as 038-004-00B, and will take any appropriate action. (Manager) (This item was discussed at 7:47 p.m.)**

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

Will Linscott, 1024 Mere Point Road, asked a question to which Manager Eldridge and Julie Henze, Finance Director, responded.

Councilor Millett asked questions, to which Manager Eldridge responded.

Chair Brayman moved, Councilor K. Wilson seconded, to accept an offer in the amount of \$500 for tax acquired property known as parcel 038-004-00B. The motion carried with nine (9) yeas.

(A copy of information regarding the bid will be attached to the official minutes.)

101. The Town Council will discuss regulation of firing ranges, and will take any appropriate action. (Councilor Perreault) *(This item was discussed at 7:54 p.m.)*

Councilor Perreault introduced this item.

Manager Eldridge spoke regarding this item.

Councilor Perreault, Councilor Millett, Councilor K. Wilson, and Councilor S. Wilson asked questions, to which Kristen Collins, Town Attorney, responded.

Councilor Watson spoke regarding this item.

Public comments were made by the following:

Al Ghoreyeb, 35 Woodlawn Drive

Tilly Laskey, 223 Bunganuc Road

Councilor Walker asked a question to which Manager Eldridge responded.

(A copy of a letter from the Town Attorney will be attached to the official minutes.)

102. The Town Council will consider appointments to the Town's Boards and Committees, and will take any appropriate action. (Appointments Committee) *(This item was discussed at 11:36 p.m.)*

Councilor K. Wilson nominated Gary Ballerini to serve on the Zoning Board of Appeals as an associate member with a term to expire on 7/1/2019. The Council voted unanimously to support this nomination.

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

The meeting adjourned at 11:31 p.m.

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

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Frances M. Smith
Town Clerk
September 10, 2016

September 19, 2016
Date of Approval

Council Chair

CONSENT AGENDA - B BACK UP MATERIALS



Maine Municipal Association

60 COMMUNITY DRIVE
AUGUSTA, MAINE 04330-9486
(207) 623-8428
www.memun.org

MEMORANDUM

TO: Key Municipal Officials of MMA Member Cities, Towns and Plantations

FROM: Stephen W. Gove, Executive Director

DATE: September 1, 2016

SUBJECT: Voting Credentials for MMA Annual Business Meeting

The Maine Municipal Association Annual Business Meeting is being held in conjunction with the MMA Annual Convention and will take place on **Wednesday, October 5, 2016, at 1:30 p.m. in Ballroom 5 at the Cross Insurance Center in Bangor, Maine.** The MMA Bylaws entitle each member community to one (1) voting representative.

Enclosed please find the *MMA Voting Delegates Credential Form* on which the municipal officers may designate their municipality's voting representative and alternate. We have also attached the Proposed Agenda for the MMA Annual Business Meeting for your reference. The current MMA Bylaws as adopted in 2013 will be available at the MMA Annual Business Meeting or may be viewed on the MMA website at

<http://www.memun.org/public/MMA/Gov/bylaws.pdf>.

Please note that the MMA Executive Committee is not putting forth any proposed amendments to the MMA bylaws for this year. If you plan to be at the MMA Annual Convention and would like to have a Voting Delegate represent your municipality, please complete the MMA Voting Delegate Credential Form and return to our office by **Tuesday, October 4, 2016** or bring it with you to the MMA Annual Business Meeting. We have provided a self-addressed, self-stamped envelope for your convenience.

We look forward to seeing you at this year's MMA Annual Convention in the City of Bangor. If you have any questions on this information, please contact Theresa Chavarie at 1-800-452-8786 ext. 2211 or in the Augusta area at 623-8428.

**Maine Municipal Association
Annual Business Meeting
Wednesday, October 5, 2016
1:30 – 2:15 p.m.
Cross Insurance Center, Bangor, Maine
Ballroom 5**

PROPOSED AGENDA

1. **Introductions and Welcoming Remarks** – MMA President Stephan Bunker
(Selectperson, Town of Farmington)
2. **Approval of 2015 MMA Annual Business Meeting Minutes** – Stephan Bunker
3. **MMA President's Report** – Stephan Bunker
4. **Update on Development of MMA's Legislative Agenda** – Laurie Smith, MMA
Vice President and Chair of Legislative Policy Committee
5. **Announcement of Election Results for MMA Executive Committee and
Introduction of New Executive Committee Members** – Stephan Bunker
6. **Executive Director's Report** - Stephen Gove, MMA Executive Director
7. **Other Business** (*comments from the floor*)
8. **Adjournment**

MAINE MUNICIPAL ASSOCIATION
VOTING DELEGATE CREDENTIALS

_____ is hereby designated as the official Voting Delegate and
(name)
_____ as the alternate voting delegate for _____
(name) (municipality)
to the Maine Municipal Association Annual Business Meeting which is scheduled to be held,
Wednesday, October 5, 2016, 1:30 p.m., at the Cross Insurance Center, Bangor Maine.

The Voting Delegate Credentials may be cast by a majority of the municipal officers, or a municipal official designated by a majority of the municipal officers of each Municipal member.

Date: _____ Municipality: _____

Signed by a Municipal Official designated by a majority of Municipal Officers:

Name: _____ Position: _____

Or Signed by a Majority of Municipal Officers:

_____	_____
_____	_____
_____	_____
_____	_____

Please return this form no later than **Tuesday, October 4, 2016** or bring it with you to the MMA Annual Business Meeting. If mailing, send to:

*MMA Annual Business Meeting
Maine Municipal Association
60 Community Drive
Augusta, Maine 04330
FAX: 207-626-3358*

CONSENT AGENDA - C BACK UP MATERIALS



Town of Brunswick, Maine
Incorporated 1739

HUMAN RESOURCES DEPARTMENT

JESSICA B. FACTOR, HUMAN RESOURCES MANAGER

85 UNION STREET
BRUNSWICK, ME 04011
TELEPHONE 207-725-6653
FAX # 207-725-6663

MEMORANDUM

To: Town Council

From: Jessica Factor, Human Resources Manager 

Date: September 14, 2016

RE: **Maine Municipal Association Fall Safety Grant**

“The Maine Municipal Association Safety Enhancement Grant Program provides financial incentives to members of the MMA Workers Compensation Fund to purchase safety equipment or services that assist in reducing the frequency and severity of workplace injuries. The program will match an investment on a 2:1 ratio basis. Interested municipal members must submit an application form with the description and intended purpose of the safety equipment or service. The deadlines for the Safety Enhancement Grants are April 30 and September 30 of each year.”

The information above is derived from the Maine Municipal Association's website and provides an overview of MMA's bi-annual safety grant process. By this memo, the Town's Safety Committee kindly requests your permission to submit (and accept, if awarded) a fall safety grant. With approval, the Safety Committee would submit applicable grant materials by the deadline of September 30th.

The MMA fall grant application is towards the purchase and installation of two ADA automatic door openers. These would be designated for the outer entry doors of the People Plus building. The Town's Facilities Foreman, Buddy Rogers, has gathered total cost estimates ranging from \$4,800 to \$5,000. (These estimates also include electrical installation). Per MMA's application, the Town will submit our application towards the maximum grant amount of \$2,000. Should the grant be awarded, the Town's total cost would range from \$2,800 to \$3,000, of which designated funds have been budgeted.

On behalf of the Safety Committee, we sincerely appreciate your consideration of this request. Thank you.

MANAGER'S REPORT - A NO BACK UP MATERIALS

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

MANAGER'S REPORT - C BACK UP MATERIALS

FOR 2017 02

	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
<hr/>							
00 Fill							
19000 General Fund Transfers Out	1,453,828	1,453,828	.00	.00	.00	1,453,828.00	.0%
TOTAL Fill	1,453,828	1,453,828	.00	.00	.00	1,453,828.00	.0%
<hr/>							
10 General Government							
11000 Administration	606,061	606,061	66,787.85	42,583.82	.00	539,273.15	11.0%
11100 Finance Department	733,405	733,405	101,272.21	57,708.68	775.13	631,357.66	13.9%
11150 Technology Services Dept	371,032	371,032	82,978.06	13,360.13	6,832.19	281,221.75	24.2%
11200 Municipal Officers	90,665	90,665	3,079.68	1,943.53	.00	87,585.32	3.4%
11210 Munic Bldg - 85 Union	212,281	212,281	25,091.19	16,773.27	8,897.27	178,292.54	16.0%
11220 Munic Bldg - 28 Federal	0	0	96.66	96.66	.00	-96.66	100.0%
11230 Risk Management	529,827	529,827	141,719.66	-1,287.19	.00	388,107.34	26.7%
11240 Employee benefits	0	0	-31,724.74	-15,123.88	.00	31,724.74	100.0%
11250 Cable TV	67,269	67,269	8,538.30	4,085.62	1,458.85	57,271.85	14.9%
11300 Assessing	315,863	315,863	42,808.32	23,241.56	3,263.00	269,791.68	14.6%
11600 Town Clerk & Elections	347,453	347,453	35,984.93	21,198.14	.00	311,468.07	10.4%
11900 Planning Department	498,664	498,664	61,986.65	37,038.78	.00	436,677.35	12.4%
11950 Economic Development Dept	120,071	120,071	13,373.36	8,172.84	.00	106,697.64	11.1%
TOTAL General Government	3,892,591	3,892,591	551,992.13	209,791.96	21,226.44	3,319,372.43	14.7%
<hr/>							
20 Public Safety							
12100 Fire Department	3,238,027	3,238,027	446,186.68	260,776.59	48,071.68	2,743,768.64	15.3%
12150 Central Fire Station	41,258	41,258	5,663.04	4,682.49	333.55	35,261.41	14.5%
12160 Emerson Fire Station	51,200	51,200	5,206.07	3,222.30	1,460.50	44,533.43	13.0%
12200 Police Department	3,745,376	3,745,376	490,517.13	287,251.87	84,014.43	3,170,844.44	15.3%
12210 Police Special Detail	0	0	2,344.92	1,480.58	.00	-2,344.92	100.0%
12220 Emergency Services Dispatch	817,420	817,420	100,122.21	59,848.51	.00	717,297.79	12.2%
12250 Police Station Building	104,892	104,892	13,817.81	9,114.40	2,718.36	88,355.83	15.8%
12280 Marine Resources	189,911	189,911	23,400.00	14,423.92	.00	166,511.00	12.3%
12310 Streetlights	215,000	215,000	31,866.41	16,421.49	.00	183,133.59	14.8%
12320 Traffic Signals	31,600	31,600	1,047.71	530.05	.00	30,552.29	3.3%
12330 Hydrants	465,000	465,000	5,508.64	.00	.00	459,491.36	1.2%
12340 Civil Emergency Preparedness	2,000	2,000	.00	.00	.00	2,000.00	.0%

FOR 2017 02

	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
TOTAL Public Safety	8,901,684	8,901,684	1,125,680.62	657,752.20	136,598.52	7,639,404.86	14.2%
<hr/>							
30 Public Works							
13100 Public Works Administration	492,640	492,640	56,214.30	34,514.68	2,304.75	434,120.95	11.9%
13110 PW General Maintenance	1,720,179	1,720,179	161,999.88	93,502.80	27,000.16	1,531,178.96	11.0%
13130 Refuse Collection	629,847	629,847	58,144.73	51,719.93	327,109.48	244,592.79	61.2%
13140 Recycling	331,644	331,644	26,498.36	26,884.36	296,000.11	9,145.53	97.2%
13150 PW Central Garage	724,456	724,456	66,082.60	44,256.45	33,531.95	624,841.45	13.8%
TOTAL Public Works	3,898,766	3,898,766	368,939.87	250,878.22	685,946.45	2,843,879.68	27.1%
<hr/>							
40 Human Services							
14100 General Assistance	173,351	173,351	16,794.04	9,579.28	2,057.85	154,499.11	10.9%
14120 Health & Social Services	2,766	2,766	704.63	704.63	.00	2,061.37	25.5%
TOTAL Human Services	176,117	176,117	17,498.67	10,283.91	2,057.85	156,560.48	11.1%
<hr/>							
45 Education							
14500 School Department	37,695,535	37,695,535	2,153,370.86	1,401,666.61	.00	35,542,164.14	5.7%
TOTAL Education	37,695,535	37,695,535	2,153,370.86	1,401,666.61	.00	35,542,164.14	5.7%
<hr/>							
50 Recreation and Culture							
15000 Recreation Administration	431,115	431,115	63,712.87	39,494.84	732.93	366,669.20	14.9%
15050 Rec Buildings and Grounds	723,726	723,726	94,843.14	54,168.73	-6,351.03	635,233.89	12.2%
15250 Rec Building 211	175,585	175,585	5,237.86	1,420.49	-1,375.96	171,723.10	2.2%
15300 Teen Center	16,000	16,000	16,000.00	.00	.00	.00	100.0%
15310 People Plus	123,200	123,200	117,200.00	.00	97.69	5,902.31	95.2%
15400 Curtis Memorial Library	1,373,500	1,373,500	226,416.70	113,208.33	.00	1,147,083.30	16.5%
TOTAL Recreation and Culture	2,843,126	2,843,126	523,410.57	208,292.39	-6,896.37	2,326,611.80	18.2%
<hr/>							
60 Intergovernmental							

FOR 2017 02

60	Intergovernmental	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
16000	County tax	1,410,855	1,410,855	.00	.00	.00	1,410,855.00	.0%
	TOTAL Intergovernmental	1,410,855	1,410,855	.00	.00	.00	1,410,855.00	.0%
70	Unclassified							
17000	Promotion and Development	171,699	171,699	125,377.61	15.00	.00	46,321.39	73.0%
17010	Additional School Assistance	10,000	10,000	.00	.00	.00	10,000.00	.0%
17020	Cemetery Care	7,000	7,000	2,000.00	1,000.00	.00	5,000.00	28.6%
17030	Wage Adjustment Account	158,000	158,000	.00	.00	.00	158,000.00	.0%
	TOTAL Unclassified	346,699	346,699	127,377.61	1,015.00	.00	219,321.39	36.7%
80	Debt Service							
18020	2006 CIP G/O Bonds	236,000	236,000	.00	.00	.00	236,000.00	.0%
18030	2011 GO CIP Bonds	226,135	226,135	.00	.00	.00	226,135.00	.0%
18040	Police Station Bond	394,625	394,625	.00	.00	.00	394,625.00	.0%
	TOTAL Debt Service	856,760	856,760	.00	.00	.00	856,760.00	.0%
	GRAND TOTAL	61,475,961	61,475,961	4,868,270.33	2,739,680.29	838,932.89	55,768,757.78	9.3%

** END OF REPORT - Generated by Julie Henze **

FOR 2017 02

			ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
10 Taxes								
111190	41101	Property Taxes	40,255,220	40,255,220	14,300.67	14,300.67	40,240,919.33	.0%
111190	41103	Deferred Property Tax	-200,000	-200,000	.00	.00	-200,000.00	.0%
111190	41104	Tax Abatements	-75,000	-75,000	.00	.00	-75,000.00	.0%
111190	41105	Interest on Taxes	65,000	65,000	19,169.74	10,214.90	45,830.26	29.5%
111190	41106	Tax Lien Costs Revenu	15,000	15,000	14,771.32	14,241.00	228.68	98.5%
111190	41107	Tax Lien Interest Rev	15,000	15,000	17,444.67	17,444.67	-2,444.67	116.3%
111190	41109	Payment in Lieu of Ta	225,000	225,000	.00	.00	225,000.00	.0%
111190	41198	Homestead exemption r	0	0	511,262.00	511,262.00	-511,262.00	100.0%
111190	41199	Miscellaneous tax adj	4,279	4,279	.00	.00	4,279.00	.0%
111191	41110	Excise Tax - Auto	2,965,000	2,965,000	632,494.03	330,272.15	2,332,505.97	21.3%
111191	41111	Excise Tax Boat/ATV/S	25,000	25,000	2,516.20	652.90	22,483.80	10.1%
111191	41112	Excise Tax - Airplane	3,000	3,000	.00	.00	3,000.00	.0%
TOTAL Taxes			43,297,499	43,297,499	1,211,958.63	898,388.29	42,085,540.37	2.8%
TOTAL REVENUES			43,297,499	43,297,499	1,211,958.63	898,388.29	42,085,540.37	
20 Licenses & Fees								
121111	42207	Passport Fees	11,000	11,000	2,500.00	1,675.00	8,500.00	22.7%
121111	42209	Passport Picture Reve	4,000	4,000	900.00	645.00	3,100.00	22.5%
121411	42100	Building Permits	145,000	145,000	31,252.25	11,327.55	113,747.75	21.6%
121411	42101	Electrical Permits	34,000	34,000	8,354.61	3,158.34	25,645.39	24.6%
121411	42102	Plumbing Permits	23,000	23,000	4,775.00	1,527.50	18,225.00	20.8%
121611	42200	Hunting & Fishing Lic	1,200	1,200	113.00	47.00	1,087.00	9.4%
121611	42201	Dog License Fee	2,550	2,550	99.00	44.00	2,451.00	3.9%
121611	42202	Vital Statistics	48,000	48,000	9,851.40	5,461.40	38,148.60	20.5%
121611	42203	General Licenses	20,770	20,770	400.00	30.00	20,370.00	1.9%
121611	42204	Victulars/Innkeepers	19,425	19,425	2,500.00	1,625.00	16,925.00	12.9%
121611	42205	Shellfish Licenses	17,950	17,950	425.00	150.00	17,525.00	2.4%
121611	42206	Neutered/Spayed Dog L	4,670	4,670	130.00	66.00	4,540.00	2.8%
121611	42210	Mooring fees	21,700	21,700	150.00	50.00	21,550.00	.7%
121911	42300	Planning Board Appl F	25,000	25,000	3,196.68	1,359.00	21,803.32	12.8%
122121	42400	Fire Permits	2,000	2,000	255.00	255.00	1,745.00	12.8%
122221	42500	Conc Weapons Permits	400	400	100.00	60.00	300.00	25.0%
122221	42501	Parking Permit fee	425	425	75.00	75.00	350.00	17.6%
123131	42600	Public Works Opening	6,000	6,000	1,175.00	675.00	4,825.00	19.6%
TOTAL Licenses & Fees			387,090	387,090	66,251.94	28,230.79	320,838.06	17.1%
TOTAL REVENUES			387,090	387,090	66,251.94	28,230.79	320,838.06	

FOR 2017 02

			ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
<u>30 Intergovernmental</u>								
131122	43505	FD EMPG grant	15,000	15,000	.00	.00	15,000.00	.0%
131132	43103	Highway Grant Fund	199,000	199,000	.00	.00	199,000.00	.0%
131142	43104	State General Assista	35,000	35,000	.00	.00	35,000.00	.0%
131190	43102	State Tax Exemption R	42,000	42,000	.00	.00	42,000.00	.0%
131192	43101	State Revenue Sharing	1,109,837	1,109,837	178,709.49	76,026.93	931,127.51	16.1%
131192	43106	Snowmobile Receipts	1,400	1,400	.00	.00	1,400.00	.0%
134546	43120	State Education Subsi	10,976,063	10,976,063	1,607,899.63	1,607,899.63	9,368,163.37	14.6%
TOTAL Intergovernmental			12,378,300	12,378,300	1,786,609.12	1,683,926.56	10,591,690.88	14.4%
TOTAL REVENUES			12,378,300	12,378,300	1,786,609.12	1,683,926.56	10,591,690.88	
<u>40 Charges for services</u>								
141111	44110	Agent Fee Auto Reg	50,000	50,000	10,011.00	5,087.00	39,989.00	20.0%
141111	44111	Agent Fee Boat/ATV/Sn	1,500	1,500	271.00	97.00	1,229.00	18.1%
141211	44121	Rental of Property	1,200	1,200	200.00	100.00	1,000.00	16.7%
141611	44131	Advertising Fees	0	0	253.27	130.72	-253.27	100.0%
142121	44155	Ambulance Service Fee	850,000	850,000	141,271.45	85,596.82	708,728.55	16.6%
142121	44166	Special Detail - Fire	1,000	1,000	.00	.00	1,000.00	.0%
142221	44161	Witness Fees	1,000	1,000	300.00	.00	700.00	30.0%
142221	44162	Police Reports	4,500	4,500	665.00	665.00	3,835.00	14.8%
142221	44163	School Resource Offic	86,000	86,000	.00	.00	86,000.00	.0%
142221	44165	Special Detail - Poli	3,000	3,000	2,880.00	1,856.00	120.00	96.0%
142221	44167	Dispatch Services fee	143,760	143,760	32,729.71	11,816.42	111,030.29	22.8%
143431	44175	Recycling Revenue	20,000	20,000	1,293.10	.00	18,706.90	6.5%
144545	44100	School Tuition, etc	83,339	83,339	.00	.00	83,339.00	.0%
145051	44121	Rental of Property	1,000	1,000	1,450.00	1,450.00	-450.00	145.0%
TOTAL Charges for services			1,246,299	1,246,299	191,324.53	106,798.96	1,054,974.47	15.4%
TOTAL REVENUES			1,246,299	1,246,299	191,324.53	106,798.96	1,054,974.47	
<u>50 Fines & Penalties</u>								
151611	45108	Gen License Late Pena	175	175	125.00	100.00	50.00	71.4%
151611	45109	Mooring Fee Late Pena	1,250	1,250	150.00	50.00	1,100.00	12.0%
151611	45110	Victualers Lic Late P	225	225	650.00	450.00	-425.00	288.9%

FOR 2017 02

	ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
151611 45111 Shellfish License Lat	600	600	.00	.00	600.00	.0%
151621 45103 Unlicensed Dog Fines	6,000	6,000	275.00	150.00	5,725.00	4.6%
152121 45104 False Alarm Fire	1,000	1,000	.00	.00	1,000.00	.0%
152221 45100 Ordinance Fines	600	600	46.00	21.00	554.00	7.7%
152221 45101 Parking Tickets	30,000	30,000	4,155.00	2,185.00	25,845.00	13.9%
152221 45102 Leash Law Fines	200	200	150.00	150.00	50.00	75.0%
152221 45105 False Alarm Police	10	10	10.00	10.00	.00	100.0%
TOTAL Fines & Penalties	40,060	40,060	5,561.00	3,116.00	34,499.00	13.9%
TOTAL REVENUES	40,060	40,060	5,561.00	3,116.00	34,499.00	
60 Interest earned						
161193 46100 Interest Earned	60,000	60,000	5,728.04	5,728.04	54,271.96	9.5%
TOTAL Interest earned	60,000	60,000	5,728.04	5,728.04	54,271.96	9.5%
TOTAL REVENUES	60,000	60,000	5,728.04	5,728.04	54,271.96	
70 Donations						
171952 47000 BDC Contrib to Econ D	30,000	30,000	.00	.00	30,000.00	.0%
TOTAL Donations	30,000	30,000	.00	.00	30,000.00	.0%
TOTAL REVENUES	30,000	30,000	.00	.00	30,000.00	
80 Use of fund balance						
181100 48000 Unapprop General Fund	600,000	600,000	.00	.00	600,000.00	.0%
184500 48004 School Balance Forwar	2,599,363	2,599,363	.00	.00	2,599,363.00	.0%
TOTAL Use of fund balance	3,199,363	3,199,363	.00	.00	3,199,363.00	.0%
TOTAL REVENUES	3,199,363	3,199,363	.00	.00	3,199,363.00	
90 Other						
191111 49000 Finance Miscellaneous	4,000	4,000	-338.53	-458.53	4,338.53	-8.5%

FOR 2017 02

			ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
191111	49101	Workers Comp Dividend	0	0	14,751.00	14,751.00	-14,751.00	100.0%
191111	49104	Property & Casualty D	0	0	9,926.00	9,926.00	-9,926.00	100.0%
191192	49100	Cable Television	245,000	245,000	.00	.00	245,000.00	.0%
191194	49150	Gen Govt Asset Sales	0	0	36,526.85	36,526.85	-36,526.85	100.0%
191611	49000	Town Clerk Miscellane	1,350	1,350	294.50	130.50	1,055.50	21.8%
191911	49000	Planning Miscellaneou	1,000	1,000	26.50	10.00	973.50	2.7%
192121	49000	Fire Miscellaneous	1,000	1,000	11.76	.00	988.24	1.2%
192221	49000	Police Miscellaneous	6,000	6,000	125.00	.00	5,875.00	2.1%
192294	49153	Police Vehicle Sales	0	0	500.00	500.00	-500.00	100.0%
193131	49000	Public Works Miscella	2,000	2,000	49.00	.00	1,951.00	2.5%
194545	49000	School Miscellaneous	63,000	63,000	362.63	362.63	62,637.37	.6%
195051	49000	Recreation Miscellane	0	0	1,700.00	.00	-1,700.00	100.0%
199980	48100	General Fund Transfer	514,000	514,000	.00	.00	514,000.00	.0%
TOTAL Other			837,350	837,350	63,934.71	61,748.45	773,415.29	7.6%
TOTAL REVENUES			837,350	837,350	63,934.71	61,748.45	773,415.29	
GRAND TOTAL			61,475,961	61,475,961	3,331,367.97	2,787,937.09	58,144,593.03	5.4%

** END OF REPORT - Generated by Julie Henze **

MANAGER'S REPORT - 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
From: Cathleen Jamison, Assessor *CJ*
Re: Revaluation 2017 Update
Date: September 15, 2016

KRT personnel have completed the first attempt to find people home in the rural area of town. KRT will be visiting the in-town properties in the coming months. They are currently working in the Harpswell Road and Jordan Avenue areas. Updates as to the location of KRT personnel can be found on the Assessing page on the town's website.

Tax maps with waterfront properties on them received a letter as a second attempt to view the interior of their homes. Homeowners were asked to call to scheduled appointments. The scheduled appointment process was completed this week.

The next area of town scheduled for callback letters has not been determined at this time.

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: September 15, 2016

SUBJECT: Metro Bus Service

In 2014 the Town had discussions with Greg Jordan, Executive Director of the METRO, to discuss the potential of extending service to Brunswick, as METRO had announced a three-year pilot project that would expand service to Freeport. In 2014, due to the lack of additional grant funding, the cost of extending the service from Freeport to Brunswick was considered cost prohibitive. However, Greg Jordan indicated that he would continue to look for grant funding to lower that cost.

In a recent meeting with Mr. Jordan, it appears that there may be sufficient grant funding to extend service to Brunswick. This would be a two-year pilot and piggy-back on the BREEZ service the Metro started providing this summer between Freeport and Portland. The first and second year cost to Brunswick is estimated at \$50,000 and \$60,000 respectively, and dependent on the Maine Department of Transportation's (MDOT) approval of a Congestion Mitigation and Air Quality (CMAQ) grant funding request. After the completion of the pilot, the cost would rise, as the grant funding is not expected to be as favorable once the pilot is complete.

Attached is information relating to the BREEZ and the possible expansion to Brunswick. Should the Council wish to proceed with the pilot, the Town would need to appropriate the \$50,000 funding match required for year one and MDOT would need to approve Metro's CMAQ funding request.

Attachments

Expanding Metro BREEZ to the Town of Brunswick

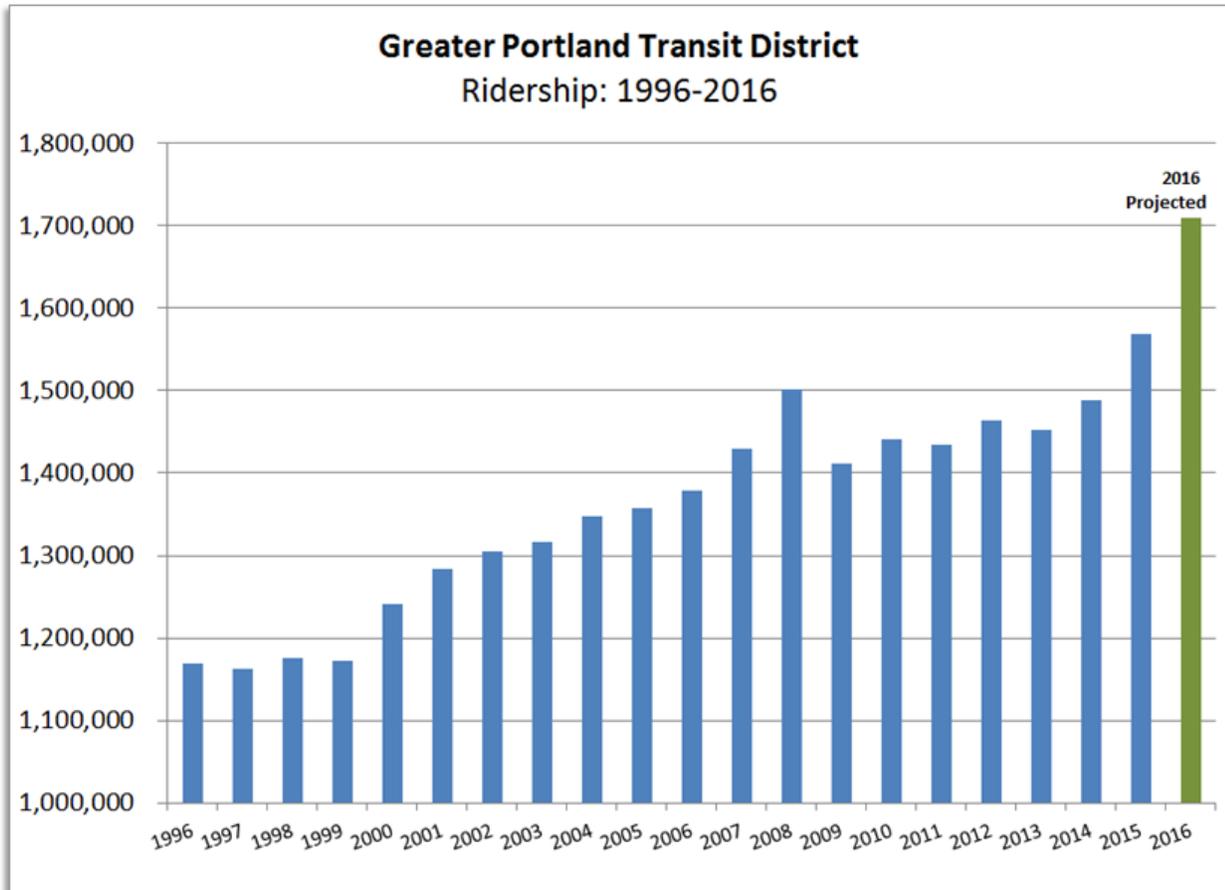
INTRODUCTION

The Metro BREEZ project launched on June 16, 2016 and now provides ten (10) express bus roundtrips connecting the communities of Freeport, Yarmouth, Falmouth and Portland. Based on ridership trends during the first 2 months of service, the base project is expected to achieve its year 1 ridership projection of 30,000 boardings. With an expansion to Brunswick and connections to the Brunswick Explorer, the Metro BREEZ service can approach the success of similar service provided from Biddeford-Saco to Portland which achieves boardings in excess of 60,000 per year.



As a result of the Metro Breez project along with other new programs, reliability improvements and service improvements, Metro projected 2016 ridership is on track to be the highest since the early 1980s.

Figure 1: Metro System Level Ridership



Metro (including Metro Breez) is a partner in the **Southern Maine Transit Tracker (SMTT)** which is a transit information system provides real-time and predicted arrival information to riders. There are a variety of tools, as described below, available for both desktop and mobile devices:

- Watch buses and ferries travel in Real-time (RT) and map your routes and stops on a Google base map.
- Find the ETA for your favorite stops using any web-enabled device. Or, text to SMTT (stop ID) 41411 for ETA and alerts sent by Short Message Service (SMS) on any text-enabled phone.
- 3rd party developers, such as TransitApp, Moovit and Nokia have created mobile apps for the region.



- The SMTT open data is shared with Google Transit to provide trip planning assistance, schedules and links to agency information.

METRO BREEZ – BRUNSWICK EXPANSION PROJECT OVERVIEW

The Metro Breez project functions as a hybrid service in that it offers the features of long-distance express as well as bi-directional inter-city service. Table 1 below provides an overview of the base project along with the Brunswick expansion.

Table 1: Project Overview

Area	Base Project	With Brunswick Extension
Service Model	All Day Express	All Day Express
Days	Mon-Sat	Mon-Sat
Hours	6 a.m. to 7 p.m.	6 a.m. to 7 p.m.
Frequency	30-120 minutes	30-75 minutes
# Trips	Weekday: 10 SB / 10 NB Saturday: 5 SB / 5 NB	Weekday: 11 SB / 11 NB Saturday: 7 SB / 7 NB
Fares	Flat Fare System: \$3.00 (twice the local fare of \$1.50).	Zone Fare System: \$3.00/\$4.00-\$5.00
Buses	3 low floor mid-size buses Seating capacity – 18 plus 2 wheelchair positions Amenities: Bike racks, Wi-Fi, USB Ports, overhead storage, high back seats, real-time arrival info.	4 low floor mid-size buses Seating capacity – 18 plus 2 wheelchair positions. Amenities: Bike racks, Wi-Fi, USB Ports, overhead storage, high back seats, real-time arrival info.
Route	I-295 and Route 1	I-295 and Route 1
Destinations	Downtown Freeport Downtown Yarmouth Downtown Falmouth Downtown Portland	Downtown Brunswick Downtown Freeport Downtown Yarmouth Downtown Falmouth Downtown Portland
Park and Ride Locations	Freeport – 2 locations Yarmouth – 2 locations Falmouth – 1 location Portland – 1 location	Brunswick – 1 location Freeport – 2 locations Yarmouth – 2 locations Falmouth – 1 location Portland – 1 location
Inter-modal Connections	<ul style="list-style-type: none"> • Amtrak Downeaster (Freeport Station, Portland Station) • Concord Coach (Portland) • Metro Transit Center (Portland) 	<ul style="list-style-type: none"> • Amtrak Downeaster (Brunswick, Freeport Station and Portland Stations) • Concord Coach (Portland) • Metro Transit Center (Portland)
Ridership Estimate	<ul style="list-style-type: none"> • 2016-17: 30,000 boardings • 2017-18: 35,000 boardings • 2018-19: 40,000 boardings 	<ul style="list-style-type: none"> • 2016-17: 30,000 boardings • 2017-18: 45,000 boardings • 2018-19: 50,000 boardings

METRO BREEZ PROJECT BUDGET - PROPOSED BRUNSWICK EXPANSION

	PILOT PROJECT PHASE			Permanent 2019-20	Notes
	2016-17	2017-18	2018-19		
OPERATING COSTS					
Operating Cost	\$ 196,532	\$ 298,953	\$ 307,921	\$ 317,159	
Fuel	\$ 33,030	\$ 77,623	\$ 79,952	\$ 82,351	
Vehicle Maintenance	\$ 34,165	\$ 80,292	\$ 82,701	\$ 85,182	
Contingency (8%)	\$ 13,186	\$ 36,549	\$ 37,646	\$ 38,775	
Indirect	\$ 42,196	\$ 73,099	\$ 75,292	\$ 77,551	
Public Information	\$ 22,297	\$ 20,000	\$ 15,000	\$ 10,000	
Total Costs	\$ 341,406	\$ 586,517	\$ 598,512	\$ 611,018	Does not include capital acquisition or debt service.
SOURCES OF FUNDING					
Fare Revenue	\$ 50,156	\$ 87,978	\$ 95,762	\$ 109,983	Preliminary fare revenue estimate.
<i>Fare Recovery Ratio</i>	15%	15%	16%	18%	
FEDERAL CMAQ TOTAL	\$ 233,000	\$ 373,905	\$ 351,925	\$ -	
Federal CMAQ - Base Project	\$ 233,000	\$ 220,000	\$ 218,000	\$ -	Existing CMAQ allocation.
Federal CMAQ - Expanded	\$ -	\$ 153,905	\$ 133,925	\$ -	Proposed additional CMAQ allocation for Brunswick extension.
<i>Federal CMAQ % (Net of Fares)</i>	80%	75%	70%	0%	
FEDERAL 5307 TOTAL	\$ -	\$ -	\$ -	\$ 213,856	
Federal 5307 - Base Project	\$ -	\$ -	\$ -	\$ 96,849	2019-20 Federal 5307 previously approved by PACTS.
Federal 5307 - Expanded	\$ -	\$ -	\$ -	\$ 117,008	Proposed additional FTA 5307 funding - subject to availability/PACTS approval.
<i>Federal 5307 % (Net of Fares)</i>	0%	0%	0%	43%	
LOCAL TOTAL	\$ 58,250	\$ 124,635	\$ 150,825	\$ 287,178	
Local: Other Partners	\$ -	\$ -	\$ -	\$ -	To be determined.
Local: Metro-Indirect	\$ 42,196	\$ 73,099	\$ 75,292	\$ -	Initial Metro absorption of indirect costs transitions to members in 2019-2020.
Local: Member Communities	\$ 16,054	\$ 51,536	\$ 75,533	\$ 287,178	Cost allocation among members in 2019-2020 subject to review and approvals.
<i>Local % (Net of Fares)</i>	20%	25%	30%	57%	
Total Revenue	\$ 341,406	\$ 586,517	\$ 598,512	\$ 611,018	
Surplus/(Deficit)	\$0	\$0	\$0	\$0	

SERVICE PROFILE

Member Communities:	Brunswick, Freeport, Yarmouth, Falmouth and Portland
Service Levels:	
Weekday	11 roundtrips between 6:00 a.m. and 7:00 p.m.
Saturday	7-8 roundtrips between 8:00 a.m. and 7:00 p.m.
Sunday	No service
Annual Ridership Estimates:	
2016-17	30,000
2017-18	40,000
2018-19	45,000
2019-20	50,000

BRUNSWICK LOCAL CONTRIBUTIONS

	2016-17	2017-18	2018-19	2019-20	Notes
Operating	\$ -	\$ 28,402	\$ 45,831	TBD	Range \$60,000 - \$75,000 depending on service level and cost allocation.
Capital (Fleet)	\$ -	\$ 13,500	\$ 13,500	\$ 13,500	Three (3) year debt service on bond for local match.
Capital (Bus Stops/Shelters)	\$ -	\$ 8,000	\$ -	\$ -	Local match for 2-3 bus shelters and/or minor stops.
Total		\$ 49,902	\$ 59,331	TBD	

Manager's Report –F
NO BACK UP
MATERIALS

MANAGER'S REPORT - G BACK UP MATERIALS

Town of Brunswick, Maine

OFFICE OF THE TOWN MANAGER

MEMORANDUM

TO: Town Council

FROM: John Eldridge
Town Manager

DATE: September 15, 2016

SUBJECT: Polystyrene Foam Ban Ordinance

On March 21, 2016, the Brunswick Town Council adopted an ordinance banning polystyrene foam ("Styrofoam") food and beverage containers in the Town of Brunswick. The ordinance is attached for your reference (see Attachment A.). Please note that the ordinance banning the use of polystyrene foam containers takes effect on October 1, 2016.

Prior to the Brunswick Town Council adopting the polystyrene ban ordinance, the Town contacted businesses directly and held several informational meetings in February and March 2016 to solicit businesses' input and to promote awareness of the proposed ban. In August, the Town sent letters to non-profits, churches, schools and other institutions as an informational notice. The Southern Midcoast Maine Chamber and Brunswick Downtown Association have also posted reminders for the business community in their respective electronic newsletters (see Attachment B.). There have been several calls to the Town since the ordinance passed, but they have all been in support of or requesting clarification on the ban and its implications for their business or institution.

It seemed timely to put this item in the Manager's Report so that Councilors, businesses and the general public would be aware that this ban will take effect on Saturday, October 1, 2016. If anyone in the community has any questions or would like additional information, please contact Linda Smith, Town of Brunswick, Economic Development Director, at 207-721-0292 or email lsmith@brunswickme.org.

Attachments

Attachment A.

**Brunswick Municipal Code of Ordinance
Chapter 6.1 ENVIRONMENT**

ARTICLE IV. CONSUMER PACKAGING

Sec. 6.1-91. Definitions.

As used in this article, the following terms have the following meanings:

Food packager means any person who places meat, eggs, bakery products, or other food in packaging materials for the purpose of retail sale of those products.

Prepared food means food or beverages that are served at the food vendor's location having been previously prepared elsewhere or are prepared at the vendor's location by cooking, chopping, slicing, mixing, brewing, freezing or squeezing. "Prepared food" does not mean raw uncooked meat or eggs. Prepared food may be eaten either on or off premises.

Polystyrene foam means and includes blown polystyrene and expanded and extruded foams (sometimes referred to as Styrofoam®; a Dow Chemical Company trademarked form of polystyrene foam insulation) which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion-blow molding (extruded foam polystyrene). Polystyrene foam is generally used to make cups, bowls, plates, trays, clamshell containers, meat trays and egg cartons. For the purposes of this chapter, the term "polystyrene" shall not include clear polystyrene known as "oriented polystyrene."

Retail vendor means any person, restaurant, store, shop, sales outlet or other establishment, including without limitation, a grocery store, convenience store or a delicatessen.

Sec. 6.1-92. Prohibitions.

- (a) No retail vendor shall serve or sell prepared food in polystyrene foam containers and shall not package meat, eggs, bakery products or other food in polystyrene foam containers.
- (b) No food packager shall package meat, eggs, bakery products or other food in polystyrene foam containers.
- (c) No retail vendor that sells tangible personal property at retail shall sell polystyrene foam food or beverage containers.
- (d) Retail vendors that receive items, pre-packaged in polystyrene foam food or beverage containers, packaged outside the Town of Brunswick, may re-sell such items without repackaging those items.
- (e) The town shall not use polystyrene foam food or beverage containers at any town facility or town-sponsored event.
- (f) No town department or facility shall purchase or acquire polystyrene foam food or beverage containers.
- (g) All parties who contract with the town shall be prohibited from using polystyrene foam food and beverage containers in town facilities or on town-funded projects within the town.

Sec. 6.1-93. Exemptions.

- (a) The sale and packaging of raw and live seafood is exempt from the provisions of this article.
- (b) Retail vendors and food packagers that are currently existing or are established in the town by the effective date of the ordinance from which this article was derived will be exempted from the provision of this article prohibiting the use of polystyrene foam for a period of time to be determined by the town manager or his/her designee in writing on a case-by-case basis for undue hardship. Undue hardship includes, but is not limited to, situations unique to the food vendor, and not generally applicable to other persons in similar circumstances.
- (c) Retail vendors, food packagers, town departments, town facilities and contractors shall be exempt from the provisions of this chapter, in a situation deemed by the town manager to be an emergency for the preservation of the public peace, health or safety.

Sec. 6.1-94. Violations and enforcement.

The code enforcement officer or his/her designee(s), or other official designated by the town manager, shall have the primary responsibility for enforcement of this article. If the code enforcement officer or his/her designee(s), or other official designated by the town manager, determine(s) that a violation of this article has occurred, he/she shall issue a written warning notice to the food vendor that a violation has occurred. Penalties for violation of this article shall be as set forth in the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances.

Sec. 6.1-95. Effective date.

Enforcement of this article shall begin on October 1, 2016.

Sec. 6.1-96. Severability.

If any part or provision of this article, or the application thereof to any person or circumstances is held invalid, the remainder of the article, including the application of such part or provision to other persons or circumstances, shall not be affected thereby, and shall continue in full force and effect. To this end, provisions of this article are severable.

Attachment B.

Polystyrene Foam Ban Ordinance Information Sessions and Public Hearing Timeline

Activity	Timing
Business & Community Information Session, co-hosted by Town Recycling and Sustainability Committee, Brunswick Downtown Association and Southern Midcoast Maine Chamber	February 22, 2016 7:30 A.M. Morrell Meeting Room, Curtis Memorial Library (23 Pleasant Street)
Business & Community Information Session, co-hosted by Town Recycling and Sustainability Committee, Brunswick Downtown Association and Southern Midcoast Maine Chamber	February 24, 2016 6:30 P.M. Morrell Meeting Room, Curtis Memorial Library (23 Pleasant Street)
Business & Community Information Session, co-hosted by Town Recycling and Sustainability Committee, Brunswick Downtown Association and Southern Midcoast Maine Chamber,	March 3, 2016 Noon Conference Room #206, Town Hall (85 Union Street)
Public Hearing conducted	March 21, 2016 7:00 P.M. Council Chambers, Town Hall (85 Union Street)
Ordinance approved	March 21, 2016 7:00 P.M. Council Chambers, Town Hall (85 Union Street)
Businesses have opportunity to request temporary exemption, based on undue hardship, from the Town Manager	March 21, 2016 to September 30, 2016
Letters sent to non-profits, churches, schools and other institutions as an FYI	August 2016
Reminders notices that the ordinance will take effect on October 1, 2016 were posted in the Southern Midcoast Maine Chamber and Brunswick Downtown Association e-newsletters	August 2016
Ban and enforcement provisions "activated"	October 1, 2016

ITEM 103

BACK UP MATERIALS

Frontier

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: Frontier Group

Incorporation Date: Nov 2004 Incorporation State: ME

New License: Opening Date _____ Renewal License

Business Name: Frontier E-Mail: Gil@explorefrontier.com

Business Address: 14 Maine St Box 10 Brunswick ME 04011 Business Phone Number: 207 725-5222

Name of Contact Person: Michael Gilroy Contact's Phone Number: 207 233 8252

Mailing Address for Correspondence: Same as above

Signature of Owner, Officer, Partner or Agent: 
Date: 8-10-16

Corporations Please Complete:

Address of Incorporation: 14 Maine St Box 10 Brunswick ME 04011 Phone #: 207 725-5222

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

Name of Corp. Officer, Owner, or Partners	Title	Address	% of Stock or ownership
Michael Gilroy	President	527 Ledge Rd Yarmouth ME 04096	100%

Town Clerk Use Only

License Fee \$100.00 Paid Advertising Fee \$ _____ 0 Paid

Required Approvals: 0 Finance Codes/Fire 0 Council PH Date: 9-19-16

Mailed or Issued Date: _____

Clerk Notes:

OVER

Describe in detail the kind and nature of entertainment:

Film Screening
Live Music

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

Theater space

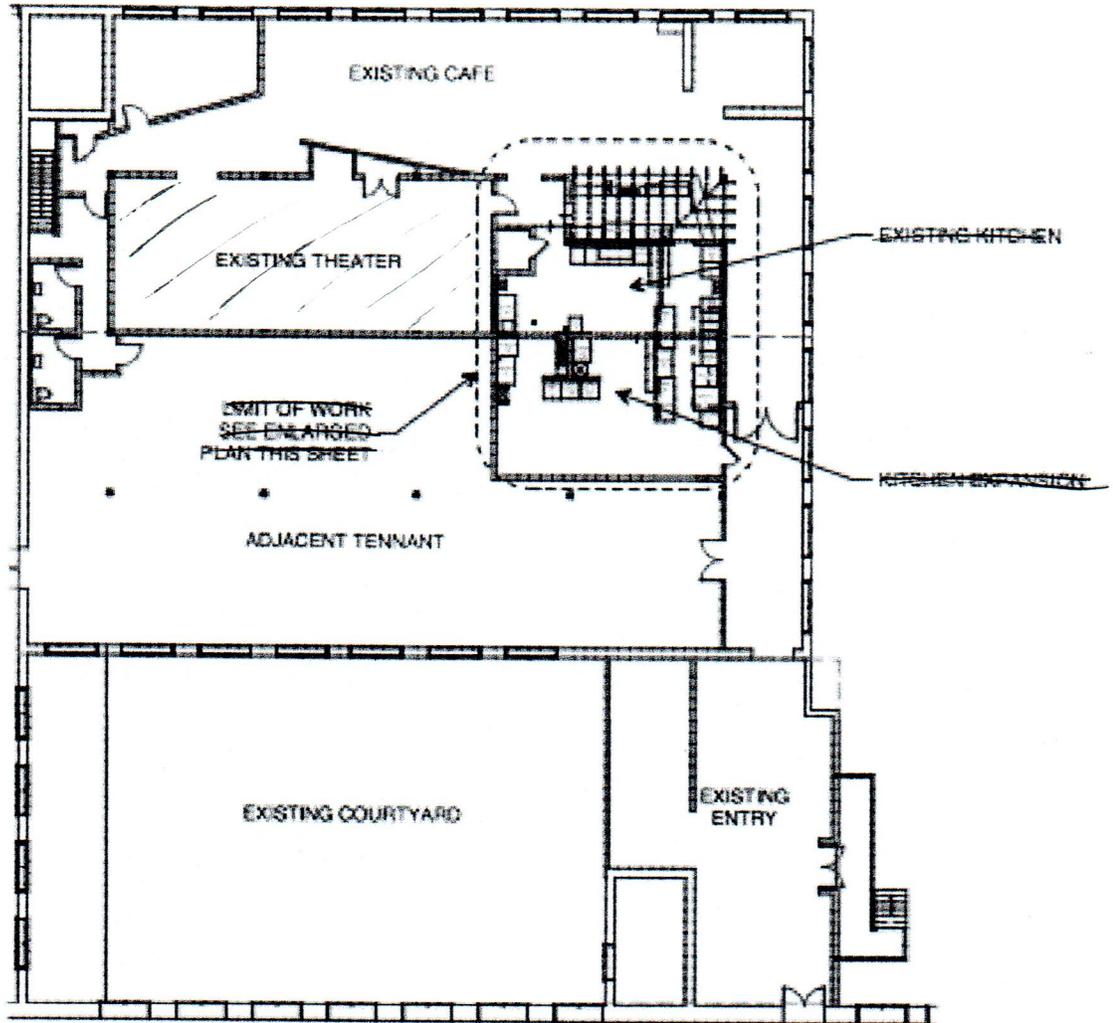
During what hours will your live entertainment occur? 2pm - 11pm

Did the Town Council place any specific restrictions on your license over the past three years? If so, what were those restrictions? No.

DIAGRAM

(ATTACH SEPARATE SHEET, IF NECESSARY)

See Attached



Overall Floor Plan **3**

ITEM 98

BACK UP MATERIALS

Town of Brunswick, Maine

OFFICE OF THE TOWN MANAGER

MEMORANDUM

TO: Town Council

FROM: John Eldridge
Town Manager

DATE: August 31, 2016

SUBJECT: 946 Mere Point Road

At your June 20, 2016 meeting, the Town Council voted, "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."¹

A number of documents are attached in response to the request for committee and departmental review as well as documents requested throughout the review period. Committees and staff conducted site walks of the property on July 9th and July 13th. Subsequently, the committees met to consider their recommendations.

The following documents are attached:

1. The recommendations of the committees charged with reviewing of the property:
 - a. Rivers and Coastal Waters Commission
 - b. Marine Resources Committee
 - c. Conservation Commission
 - d. Recreation Commission
 - e. Planning Board
2. Comparison of Estimated Cost Implications of Options
3. Parks and Recreation Director memo, dated August 31, 2016 re: Maintenance responsibilities added since 2000
4. Selected items relating to the tax lien foreclosure:
 - a. Notice of Foreclosure, dated January 18, 2011 (including with CMRR indicating receipt on January 20)
 - b. Richard Nudd letter, postmarked February 16, 2011
 - c. Richard Nudd letter, dated July 12, 2016
 - d. Andre Duchette letter, dated August 8, 2016
5. Property Appraisal Transmittal Letter, dated August 30, 2016

¹ Town Council Minutes – June 20, 2016

6. Town Attorney Opinion on Littoral Rights, dated August 23, 2016
7. Selected items relating to options for tax acquired property:
 - a. Town of Brunswick – Tax Acquired Property Policy, dated March 18, 2013
 - b. Town Attorney Opinion on Tax Acquired Real Estate Policy , dated August 31, 2016

Previously we provided the Town Council with lists of Town-owned properties, as well as a catalogue of all properties maintained by the Parks and Recreation Department.

We have not included the many e-mails received by the Town Council, committees, or staff. We have them catalogued if there is a desire to see them. We also have many other documents, some fairly large (e.g. property appraisal) that are not included in this packet. We will bring those documents to the Council meeting.

The Town attorney will be present at the September 6th Town Council meeting.

Attachments

Cc: Town Attorney



Town of Brunswick, Maine

INCORPORATED 1739

MARINE RESOURCES & HARBOR MANAGEMENT

85 PLEASANT STREET

BRUNSWICK, MAINE 04011

TELEPHONE 207-725-5521 FAX 207-725-6663

Email – ddevereaux@brunswickpd.org



Daniel R. Devereaux

Marine Resource Officer

Harbormaster

MEMO

TO: Brunswick Town Council
CC: John Eldridge, Town Manager
FROM: Dr. Mark Worthing
DATE: 08/02/2016
RE: 946 Merepoint Rd.

Dear Councilors,

During a previous Brunswick Town Council Meeting you asked the Rivers and Coastal Waters Commission to evaluate a tax acquired property at 946 Merepoint Rd, in consideration of any public uses the property could offer that would be related to the Rivers and Coastal Waters Commissions Mission.

Guided by the Harbor Management Plan and with thoughtful consideration and deliberations of all the property characteristics, including its limitations and challenges, the RCWC voted 6-1 to send the following recommendation to the Town Council.

"In our judgment, the property at 946 Mere Point Rd. does not meet guidelines for recommended uses as listed in the Harbor Management Plan."

If you have any questions or concerns please feel free to contact me.

Town of Brunswick, Maine



INCORPORATED 1739
MARINE RESOURCES COMMITTEE
85 PLEASANT STREET
BRUNSWICK, MAINE 04011
TELEPHONE 207-725-5521 FAX 207-725-6627
Email – ddevereaux@brunswickpd.org

Chairman
Mark Latti

Vice Chairman
Tony Youdsnukis

August 14, 2016

To: Brunswick Town Council

From: Mark Latti, Marine Resources Chair

CC: Daniel R. Devereaux MRO/HM, John Eldridge Town Manager

RE: 946 Merepoint Rd Recommendations for Public Use.

Dear Town Councilors,

At our July meeting, Harbormaster Devereaux informed us of the Councils request to have the Marine Resources Committee, along with all the other pertinent town committees, review potential uses for a recently acquired town property at 946 Merepoint Rd. Harbormaster Devereaux arranged two separate site visits, showing the property at high & low tides. He explained many of the characteristics of the property and the surrounding Maquoit Bay environment.

Before we discuss the decision of the BMRC at the August 3rd meeting I feel compelled to mention the July meeting of the BMRC, which was well attended by many local shellfishermen. A full record of the July BMRC meeting can be found at: <http://tv3hd.brunswickme.org/Cablecast/Public/Show.aspx?ChannelID=1&ShowID=3505>. At this meeting several local shellfishermen spoke out in favor of keeping this property as access to the ocean. For nearly a century generational shellfishermen have been using the shores and waters of the Town of Brunswick to provide a means of income to support their families. It was at one point in history the Town of Brunswick relied heavily on their coastal and river resources just to survive. Using the intertidal to build ships, forage for food, and grow hay was a way of life for the residents Brunswick for many years.

As properties change hands, the local access that has been granted from private land owners has slowly dwindled. Just recently shellfishermen lost access to an area they have traversed for a decade, just few properties down from 946 Merepoint Rd. I feel compelled to tell you this because it's important to understand the role local shellfishing has played in this community, economically,

socially, and historically. Local shellfishermen, 50 residents, and 5 non-residents and their families rely directly on the access to Brunswick intertidal areas and the local shellfish resources to survive and make a way of life. Those same local shellfishermen and their families provide an estimated 4 million dollar economic benefit to the Town of Brunswick. Not to mention that Brunswick is one of the highest producing shellfish management towns in the Maine. 2015 State shellfish landing values exceeded 22 million dollars, making shellfish the second largest fishery next to lobsters. Access to the mudflats is incredibly important to Brunswick, local shellfishermen, and its rich shellfish and working waterfront heritage. That is why the shellfishermen attending the July meeting were adamant the town should retain the property and make it accessible to the public to access the ocean and all its shellfish resources.

On August 3rd the BMRC invited additional comments from the public and openly discussed potential uses of 946 Merepoint Rd. It should be clearly understood that the BMRC was also provided all the additional comments sent to town staff via email and all the news reports and editorials, the committee recognizes the neighborhood concerns and the challenges posed to providing common access infrastructure. After lengthy discussion, the committee voted unanimously to recommend to the Town Council to retain ownership of the property. A full viewing of that meeting can be found here:

<http://tv3hd.brunswickme.org/Cablecast/Public/Show.aspx?ChannelID=1&ShowID=3524>

Furthermore the BMRC made the following recommendations:

- **PUBLIC ACCESS:**

Access to the Atlantic Ocean and its public resources is incredibly important to the future generations of local shellfishermen and Brunswick residents and is the overriding issue facing not only Brunswick but the entire state. As indicated in committee discussion, ocean access in general is very valuable and very limited in Brunswick. It is difficult to put a price tag on it, in terms of its benefits to the shellfishermen & public. Retaining this property does not mean that it cannot be sold by the town at a future time to support other ocean access opportunities. Retaining this property does not mean that the Town has to build an expensive infrastructure. If this property should be sold to capture advantage on other coastal access sites the committee recommends that a shellfishing right of way be agreed to and

attached to the deed. These opportunities are rare and the town should take full advantage its position as the property owner of 946 Merepoint Rd., for the benefit of all current and future generations of shellfishermen.

- **PUBLIC SHELLFISH HARVESTING:**

As I indicated previously and at the meeting, Maquoit Bay is a prolific shellfish area. Hundreds of thousands of pounds of shellfish (Clams/Oysters/Razor Clams/Quahogs) are harvested from throughout Bay on an annual basis, including the rocky shoreline that lines the Merepoint Peninsula. Having continued ability to access these resources to propagate and harvest is vital part of our local shellfishing programs and the sustainability of the health Brunswick's sensitive and ecologically significant coastline.

- **SHELLFISH PROPOGATION & AQUACULTURE:**

In the recent years the Maine Coast has witnessed a drastic decline in shellfish production, albeit the monetary values have steadily increased, wild shellfish landings remain on a steady decline. These declines are linked to impacts that are beyond local shellfish management's control. Ocean acidification, predation, and nitrogen runoff come to the top of the list of uncontrollable factors that are drastically impacting Brunswick shellfish production. Increases in variability of the climatic conditions, warming ocean waters, nitrogen infiltration, and continued shoreline development undoubtedly are having impacts to Brunswick's near shore ecosystems and our local shellfish production. State leaders, regulators, industry members, and politicians recognized the critical role of aquaculture in 2015, naming it as one of top 3 economic growth areas in Maine. The Maine shellfish aquaculture industry values have exceeded 60 million dollars in value and continue to climb.

Knowing this and seeing the results of climate change over the years the BMRC and town staff have been exploring aquaculture methods & strategies to help local shellfishermen adapt and diversify their way of making a living, all the while provided eco system services to the Brunswick coastline. Areas like 946 Merepoint provide opportunities for these types of publicly sponsored shellfish restoration and propagation activities. These practices are commonly seen in other Coastal New England

Communities outside of Maine, who have recognized the public benefits of the eco systems services and the economic benefit to their local community and near shore ecosystems.

- **SHELLFISH RESTORATION:**

The BMRC believes that shellfish restoration can play a critical factor in helping mitigate the effects of climate change on our near shore intertidal areas. Shellfish clean our near shore waters, removing the nitrogen, accelerating denitrification, promoting growth of aquatic vegetation and helping to offset ocean acidification. These are all critical components that must be balanced to provide habitat for myriad of juvenile finfish, crustaceans. These components help to keep Brunswick's coastline vibrant. Looking toward what strategies other New England States have deployed the Committee suggests that the Town Council consider entering into a discussion with academia i.e Bowdoin College or the University of Maine, to consider whether or not this property would be a good location for a shellfish hatchery/applied research institute. There are currently no shellfish hatcheries/applied marine research institutes in Casco Bay. There are only a few hatcheries in Maine, all three of them east of Brunswick & Casco Bay. Having a shellfish hatchery which is based in Casco Bay could ultimately provide the biggest public benefit, which is clean ocean water.

The BMRC appreciates the opportunity to provide the Town Council with suggestions and recommendations for public use of 946 Merepoint Rd. The Committee respectfully asks that through Council deliberations you look beyond the public versus private monetary value of 946 Merepoint Rd. and recognize the real value of this property is within its ability to help preserve a local heritage while at the same time providing priceless ecological services to the entire Maquoit Bay area. If you have any questions please feel free to contact me.

Respectfully Submitted,

Handwritten signature of Mark Latti in cursive script, followed by the initials "ML" in a small, simple font.

Mark Latti, Marine Resources Chair



TOWN OF BRUNSWICK
CONSERVATION COMMISSION

85 UNION STREET
BRUNSWICK, ME 04011

August 19, 2016

Ms. Sarah Brayman, Chair
Brunswick Town Council
85 Union Street
Brunswick, ME 04011

RE: 946 Mere Point Road - Planning Board Input to Town Council

Dear Sarah:

As requested by Town Council, the Brunswick Conservation Commission (Commission) considered public use for 946 Mere Point Road. The Commission visited the subject parcel during the public site visit dates offered by the Town of Brunswick in July 2016. Some Commissioners visited the subject parcel at low tide, and others at high tide. The Commission voted unanimously to provide the following recommendation to the Town Council at their meeting on August 10, 2016:

“The Conservation Commission has noted that the property at 946 Mere Point Road has significant conservation values (see sheet attached), and that it is to the benefit of the public to keep this in public ownership. If the town retains this property, the Commission urges the protection of these conservation values as the future use(s) of this property are considered.”

The parcel is approximately four (4) acres of uplands with coastal wetland frontage and is developed with a vacant residence and associated access drive. The coastal shoreline is buffered by upland vegetation with a notable stand of mature oak trees. The parcel is the site of an historic gravesite, and of a plant that is considered rare in Maine that was identified by Councilor Steve Walker as *Lanicera dioica* L., or Mountain Honeysuckle. Further, the Conservation Commission, Co-Chair, Kurt Stinson noted the parcel contains important coastal wildlife habitat.

The mission of the Brunswick Conservation Commission is to serve the Brunswick community by advocating for conservation values and stewarding our ecologically rich natural communities and open spaces. The objectives of the Conservation Commission are to serve the community of Brunswick by promoting land conservation to benefit Brunswick residents and visitors; fostering the conservation of open space, habitat and ecological values; advocating for the appropriate protection, development, or use of open spaces in town; providing educational outreach to residents on local and regional conservation and ecological issues; coordinating with town departments, committees, and local organizations in support of conservation efforts; and overseeing the management of town-owned conservation lands and interests.

The Conservation Commission appreciates the opportunity to provide comment. A representative of the Conservation Commission will be in attendance at your September 6th meeting to answer any questions.

Sincerely,


Amanda Bunker
Chair

Brunswick Conservation Commission: Conservation Assessment of Town-owned Property

Background Information

Property name	946 Mere Point Road
Map & Lot #	
Address/Location	
Acreage	
Year Acquired	
Assessment Value (& Year)	
Restrictions on property	
Relevant Regulations (NRPZ, vernal pools, RBSG, growth zone)	
Open-Space Subdivision	
Utilities, if applicable	

Site Description

Field Visit Date	7-9-16: Town organized public visit led by Dan Devereaux
Site Description	Abandoned house, overgrown lot, ocean frontage, steep in places but manageable, tidal
Current Use	None - abandoned
Condition of the Property, including structures, improvements, alterations	Structure seems unsafe, driveway in is overgrown
Surrounding land use	Residential
Notes/Comments/Additional Observations	A single gravestone

Brunswick Conservation Commission: Conservation Assessment of Town-owned Property

Values*(add comments about specific features, if appropriate)*

Contains rare species and/or natural communities	<input checked="" type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Unknown	<i>Mountain Honeysuckle per Steve Walker</i>	
Contains high value habitat	none	vernal pool	<input checked="" type="radio"/> shorebird habitat	deer wintering areas	
Contributes to diverse habitat types	none	forest blocks	watersheds	<input checked="" type="radio"/> coastline	wetlands riparian zones
Enlarges existing protected lands (esp. unfragmented blocks) or provides linkages between protected lands	Yes	<input checked="" type="radio"/> No	<input type="radio"/> Unknown		
Provides significant scenic value (vista, outstanding vegetation)	<input checked="" type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Unknown		
Provides current/potential outdoor recreational value (existing/future trails, link to existing trails, potential for new fields, parks)	<input checked="" type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Unknown		
Provides public access to water	<input checked="" type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Unknown		
Maintains resource production (working farm or forestland, clam flats, groundwater recharge)	Yes	<input checked="" type="radio"/> No	<input type="radio"/> Unknown	<i>Currently not productive per Mark Latti</i>	
Includes potential historic or archaeological value	<input checked="" type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Unknown	<i>Gravestone</i>	
Other values					

Conservation Recommendations

Overall assessment of conservation value	High value - primarily for water access/view
Potential future uses	Picnic, bird-watching, swimming, hand carry boats
Steps required to increase conservation value (additional connectivity, trails, accessibility, etc.)	Trail work
Recommended protection, if needed, and explanation	Town already owns
Other recommendations	

BRUNSWICK PARKS & RECREATION DEPARTMENT

220 NEPTUNE DRIVE

BRUNSWICK ME 04011-1584

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

THOMAS M. FARRELL
Director

TROY S. SMITH
Deputy Director

August 18, 2016

Ms. Sarah Brayman, Chair
Brunswick Town Council
85 Union Street
Brunswick, Maine 04011

RE: Brunswick Recreation Commission Review of 946 Mere Point Road Property

Dear Chair Brayman,

The Recreation Commission met on July 20, 2016 and again last evening to review possible public recreation uses of the four plus acre parcel located at 946 Mere Point Road as previously requested by Town Council.

Those present voted unanimously to make the following recommendation in answer to the Council's request that local boards and commissions evaluate the property for potential public use. We based our decision on public testimony and correspondence, our experiences at the site walks, our own deliberations with one another and the criteria set forth in the 2002 Parks, Recreation and Open Space Plan, specifically Action Item 68 to "acquire and develop more water access points".

While we have some concerns, on the whole, we believe that 946 Mere Point Road does indeed have recreational value to the town. We recommend that the town further explore the potential for swimming, the use of small non-motorized watercraft, recreational shell fishing, observing nature, picnicking, bird watching and the use of open space on the parcel. We believe further exploration of these uses should require a thorough, thoughtful and inclusive process involving all stake holders.

We also feel this recommendation would be incomplete without mentioning some concerns that all of us have raised. The parcel has some limitations, including a steep slope and the high likelihood of having to engage in the permitting process even for the low-impact development we envision.

Finally, we respectfully seek to bring to your attention our concern about the fiscal impact retention of the property could have on the Parks and Recreation Department, the municipal and school budgets and property taxpayers. The Parks and Recreation Department's budget is already strained, and Department personnel resources have already been stretched as far as they will go. We believe any development of 946 should not place a further strain on the Department's resources or displace other capital improvement projects in the current plan.

That means either providing the Department with additional resources or finding outside resources to provide for the preparation and long-term maintenance of the property. We also worry about the indirect impact forgone revenue from the property will have on both the Department and Brunswick residents. We hope that the Council will take these concerns into account should it choose to retain the property.

Thank you for requesting the Recreation Commission's feedback on this matter. We look forward to the Council's decision and are happy to provide any further assistance or information if needed.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'Daniel Ankeles', with a long, sweeping underline.

Daniel Ankeles, Chair
Brunswick Recreation Commission

Pc:

Brunswick Recreation Commission



TOWN OF BRUNSWICK

PLANNING BOARD

85 UNION STREET
BRUNSWICK, ME 04011

August 15, 2016

Ms. Sarah Brayman, Chair
Brunswick Town Council
85 Union Street
Brunswick, ME 04011

RE: 946 Mere Point Road - Planning Board Input to Town Council

Dear Sarah:

As requested by Town Council, the Brunswick Planning Board discussed the possible reuse of 946 Mere Point Road at their meeting on August 2, 2016. The 4+ acre waterfront tax-acquired property currently has a vacant residential structure and is located in a residential neighborhood.

The Board review focused on guidance provided by the 2008 Comprehensive Plan and the current Zoning Ordinance requirements for the Coastal Protection 1 Zoning District. With regard to the Comprehensive Plan, Policy Area 6 contains a “key action” recommendation (those having priority) to preserve burial sites. It also contains “action” recommendations (those with no priority) to maintain existing public water access points and acquire new water access when feasible; and to plan for open space and parks in both the Growth and Rural areas.

The Board did not make a recommendation as to whether or not the Town Council should act to retain ownership since that is to be decided by Town Council but offers the following for Town Council consideration:

Should the Town retain ownership:

- Any use would be considered a municipal use. A municipal use is permitted within any district and must comply with dimensional and density standards for the applicable district.
- The parcel is located within the Coastal Protection 1 District, a rural area zoning district. It is not a Residential or Town Residential District, all located within the Town’s defined growth area. Consequently, a Special Permit is not required for a change of use from a residential to nonresidential use as has been implied during public comment at numerous meeting.
- Any nonresidential use will require a Change of Use Permit and may need to go through the development review process. In order to protect the existing neighborhood, consideration should be given to minimizing direct and indirect impacts and should include the relocation of the existing access to a more centralized location, provide for cut-off lighting and visible off-street parking, and limit hours of use to be compatible with residential uses.
- Any new land disturbance shall be in compliance with NRPZ standards.

Should the Town sell the parcel:

- In addition to residential uses, it should be noted that Coastal Protection 1 Zoning District allows for non-residential uses as permitted uses, uses by special exception and uses by special permit. Private ownership does not guarantee residential usage.
- Consider the establishment of protective covenants for the onsite grave site as part of the conveyance documents.
- Consider the establishment of covenants for the protection of wildlife habitat and/or rare or endangered species.
- Consider dedicating sale proceeds and future taxes from the parcel to improving the utilization of existing town-owned waterfront facilities or acquisition of new waterfront properties.

The Planning Board appreciates the opportunity to provide comment. I will be in attendance at your September 6th meeting to answer any questions.

Sincerely,

A handwritten signature in blue ink that reads "Charlie Frizzle". The signature is written in a cursive, flowing style.

Charlie Frizzle
Chair

Town of Brunswick
946 Mere Point Road Property

<u>Financial action</u>		<u>Option 1:</u>	<u>Option 2: Sell Property</u>		<u>Option 3:</u>
		<u>Retain for Public Use</u>	<u>2a: Sealed bid</u>	<u>2b: Market sale</u>	<u>Return to Orig Owner</u>
		<u>Benefit/(Cost)</u>	<u>Benefit/(Cost)</u>	<u>Benefit/(Cost)</u>	<u>Benefit/(Cost)</u>
Outstanding taxes	(a)	(64,500)	(64,500)	(64,500)	(64,500)
Clear title	(b)	(20,000)		(20,000)	
Demo house	(c)	(20,000)			
Parking lot	(d)	(30,000)			
Minimum pmt	(a)		64,500		64,500
Premium	(e)		32,250		32,250
Market price	(f)			257,000	
Appraisal	(g)	(1,100)	(1,100)	(1,100)	(1,100)
Litigation	(h)		(10,000)		
Total		\$ (135,600)	\$ 21,150	\$ 171,400	\$ 31,150

Ongoing annual (est)					
Taxes rec'd	(i)		10,000	10,000	10,000
Summer operations	(j)	(2,500)			
Winter operations	(k)	(1,000)			
Total annual (est)		\$ (3,500)	\$ 10,000	\$ 10,000	\$ 10,000

Estimates:

- (a) Outstanding taxes and amounts that would have been assessed though 2016-17
- (b) Cost of clear title action. Cost can vary significantly based on complexity, challenges, etc.
- (c) Based on previous demolition projects. Does not include extensive hazardous material abatement
- (d) Based on cost to construct gravel entrance and gravel parking lot at Bunganuc Landing property
- (e) Discretionary ... amount of premium that could be added to minimum bid or sale to former owner
- (f) Appraisal assumes the building is not habitable
- (g) Cost of appraisal to be recovered
- (h) Cost of potential litigation. Cost can vary significantly based on complexity, challenges, etc.

- (i) Assumes construction of house with total market value (land and bldg) of \$485,000
- (j) Minimal maintenance, trash pick-up, inspection, etc.
- (k) Minimal maintenance, for plowing.

STATE OF MAINE
NOTICE OF IMPENDING AUTOMATIC FORECLOSURE
Title 36 M.R.S.A. Section 943

January 18, 2011

NUDD, RICHARD W 80% INT ETAL
301 WEST ST
MANSFIELD, MA 02048

Lien No. 2008165
Location 946 MERE PT RD

Parcel MP4-008-000-000

IMPORTANT: DO NOT DISREGARD THIS NOTICE. YOU WILL LOSE YOUR PROPERTY UNLESS YOU PAY YOUR 2008-09 PROPERTY TAXES, INTEREST AND COSTS.

You are the party named on a tax lien certificate recorded on August 18, 2009 in the Cumberland County Registry of Deeds in Book/Page 27187/199. This recording has created a tax lien mortgage on the real estate described therein.

On February 18, 2011 the tax lien mortgage will automatically foreclose and your right to recover your property by paying the taxes, interest and costs that are owed will expire.

**IF THE TAX LIEN FORECLOSES
THE TOWN OF BRUNSWICK WILL OWN YOUR PROPERTY**

<u>Taxes, Interest, and Cost at Lien Date</u>	<u>Payments Received</u>	<u>Additional Interest</u>	<u>Additional Lien Costs</u>	<u>TOTAL DUE</u>
\$5371.76	\$0.00	\$827.53	\$5.54	\$6204.83

Interest has been calculated through February 18, 2011. Since it is calculated on a daily basis, you may wish to call us for the exact amount due as of the date you will be making your payment. In order to ensure that a discharge of the tax lien mortgage is filed in the Registry of Deeds prior to the foreclosure date, payment of the total amount due must be made with cash, a cashier's check, a certified check or money order and received by February 16, 2011.

NOTICE: IF YOU CANNOT PAY THESE TAXES BECAUSE OF POVERTY OR INFIRMITY, YOU MAY APPLY TO THE MUNICIPAL OFFICERS FOR A TAX ABATEMENT.

If you are a debtor in bankruptcy, this notice does not apply to you. However, you should contact us immediately as we have no record of your bankruptcy filing.

If you cannot pay the property taxes you owe or feel this notice has been sent to you in error, please contact our office at (207) 725-6657 or (207) 725-6652 or write to us at 28 Federal Street, Brunswick, Maine 04011.


John S. Eldridge, III
Treasurer -Town of Brunswick, Maine

Town of Brunswick, Maine

OFFICE OF THE TOWN MANAGER

MEMORANDUM

TO: Town Council

FROM: John Eldridge
Town Manager

DATE: August 31, 2016

SUBJECT: 946 Mere Point Road

At your June 20, 2016 meeting, the Town Council voted, "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."¹

A number of documents are attached in response to the request for committee and departmental review as well as documents requested throughout the review period. Committees and staff conducted site walks of the property on July 9th and July 13th. Subsequently, the committees met to consider their recommendations.

The following documents are attached:

1. The recommendations of the committees charged with reviewing of the property:
 - a. Rivers and Coastal Waters Commission
 - b. Marine Resources Committee
 - c. Conservation Commission
 - d. Recreation Commission
 - e. Planning Board
2. Comparison of Estimated Cost Implications of Options
3. Parks and Recreation Director memo, dated August 31, 2016 re: Maintenance responsibilities added since 2000
4. Selected items relating to the tax lien foreclosure:
 - a. Notice of Foreclosure, dated January 18, 2011 (including with CMRR indicating receipt on January 20)
 - b. Richard Nudd letter, postmarked February 16, 2011
 - c. Richard Nudd letter, dated July 12, 2016
 - d. Andre Duchette letter, dated August 8, 2016
5. Property Appraisal Transmittal Letter, dated August 30, 2016

¹ Town Council Minutes – June 20, 2016

6. Town Attorney Opinion on Littoral Rights, dated August 23, 2016
7. Selected items relating to options for tax acquired property:
 - a. Town of Brunswick – Tax Acquired Property Policy, dated March 18, 2013
 - b. Town Attorney Opinion on Tax Acquired Real Estate Policy , dated August 31, 2016

Previously we provided the Town Council with lists of Town-owned properties, as well as a catalogue of all properties maintained by the Parks and Recreation Department.

We have not included the many e-mails received by the Town Council, committees, or staff. We have them catalogued if there is a desire to see them. We also have many other documents, some fairly large (e.g. property appraisal) that are not included in this packet. We will bring those documents to the Council meeting.

The Town attorney will be present at the September 6th Town Council meeting.

Attachments

Cc: Town Attorney



Town of Brunswick, Maine

INCORPORATED 1739
MARINE RESOURCES & HARBOR MANAGEMENT
85 PLEASANT STREET
BRUNSWICK, MAINE 04011
TELEPHONE 207-725-5521 FAX 207-725-6663
Email – ddevereaux@brunswickpd.org



Daniel R. Devereaux
Marine Resource Officer
Harbormaster

MEMO

TO: Brunswick Town Council
CC: John Eldridge, Town Manager
FROM: Dr. Mark Worthing
DATE: 08/02/2016
RE: 946 Merepoint Rd.

Dear Councilors,

During a previous Brunswick Town Council Meeting you asked the Rivers and Coastal Waters Commission to evaluate a tax acquired property at 946 Merepoint Rd, in consideration of any public uses the property could offer that would be related to the Rivers and Coastal Waters Commissions Mission.

Guided by the Harbor Management Plan and with thoughtful consideration and deliberations of all the property characteristics, including its limitations and challenges, the RCWC voted 6-1 to send the following recommendation to the Town Council.

"In our judgment, the property at 946 Mere Point Rd. does not meet guidelines for recommended uses as listed in the Harbor Management Plan."

If you have any questions or concerns please feel free to contact me.

Town of Brunswick, Maine



INCORPORATED 1739
MARINE RESOURCES COMMITTEE
85 PLEASANT STREET
BRUNSWICK, MAINE 04011
TELEPHONE 207-725-5521 FAX 207-725-6627
Email – ddevereaux@brunswickpd.org

Chairman
Mark Latti

Vice Chairman
Tony Youdsnukis

August 14, 2016

To: Brunswick Town Council
From: Mark Latti, Marine Resources Chair
CC: Daniel R. Devereaux MRO/HM, John Eldridge Town Manager
RE: 946 Merepoint Rd Recommendations for Public Use.

Dear Town Councilors,

At our July meeting, Harbormaster Devereaux informed us of the Councils request to have the Marine Resources Committee, along with all the other pertinent town committees, review potential uses for a recently acquired town property at 946 Merepoint Rd. Harbormaster Devereaux arranged two separate site visits, showing the property at high & low tides. He explained many of the characteristics of the property and the surrounding Maquoit Bay environment.

Before we discuss the decision of the BMRC at the August 3rd meeting I feel compelled to mention the July meeting of the BMRC, which was well attended by many local shellfishermen. A full record of the July BMRC meeting can be found at: <http://tv3hd.brunswickme.org/Cablecast/Public/Show.aspx?ChannelID=1&ShowID=3505>. At this meeting several local shellfishermen spoke out in favor of keeping this property as access to the ocean. For nearly a century generational shellfishermen have been using the shores and waters of the Town of Brunswick to provide a means of income to support their families. It was at one point in history the Town of Brunswick relied heavily on their coastal and river resources just to survive. Using the intertidal to build ships, forage for food, and grow hay was a way of life for the residents Brunswick for many years.

As properties change hands, the local access that has been granted from private land owners has slowly dwindled. Just recently shellfishermen lost access to an area they have traversed for a decade, just few properties down from 946 Merepoint Rd. I feel compelled to tell you this because it's important to understand the role local shellfishing has played in this community, economically,

socially, and historically. Local shellfishermen, 50 residents, and 5 non-residents and their families rely directly on the access to Brunswick intertidal areas and the local shellfish resources to survive and make a way of life. Those same local shellfishermen and their families provide an estimated 4 million dollar economic benefit to the Town of Brunswick. Not to mention that Brunswick is one of the highest producing shellfish management towns in the Maine. 2015 State shellfish landing values exceeded 22 million dollars, making shellfish the second largest fishery next to lobsters. Access to the mudflats is incredibly important to Brunswick, local shellfishermen, and its rich shellfish and working waterfront heritage. That is why the shellfishermen attending the July meeting were adamant the town should retain the property and make it accessible to the public to access the ocean and all its shellfish resources.

On August 3rd the BMRC invited additional comments from the public and openly discussed potential uses of 946 Merepoint Rd. It should be clearly understood that the BMRC was also provided all the additional comments sent to town staff via email and all the news reports and editorials, the committee recognizes the neighborhood concerns and the challenges posed to providing common access infrastructure. After lengthy discussion, the committee voted unanimously to recommend to the Town Council to retain ownership of the property. A full viewing of that meeting can be found here:

<http://tv3hd.brunswickme.org/Cablecast/Public/Show.aspx?ChannelID=1&ShowID=3524>

Furthermore the BMRC made the following recommendations:

- **PUBLIC ACCESS:**

Access to the Atlantic Ocean and its public resources is incredibly important to the future generations of local shellfishermen and Brunswick residents and is the overriding issue facing not only Brunswick but the entire state. As indicated in committee discussion, ocean access in general is very valuable and very limited in Brunswick. It is difficult to put a price tag on it, in terms of its benefits to the shellfishermen & public. Retaining this property does not mean that it cannot be sold by the town at a future time to support other ocean access opportunities. Retaining this property does not mean that the Town has to build an expensive infrastructure. If this property should be sold to capture advantage on other coastal access sites the committee recommends that a shellfishing right of way be agreed to and

attached to the deed. These opportunities are rare and the town should take full advantage its position as the property owner of 946 Merepoint Rd., for the benefit of all current and future generations of shellfishermen.

- **PUBLIC SHELLFISH HARVESTING:**

As I indicated previously and at the meeting, Maquoit Bay is a prolific shellfish area. Hundreds of thousands of pounds of shellfish (Clams/Oysters/Razor Clams/Quahogs) are harvested from throughout Bay on an annual basis, including the rocky shoreline that lines the Merepoint Peninsula. Having continued ability to access these resources to propagate and harvest is vital part of our local shellfishing programs and the sustainability of the health Brunswick's sensitive and ecologically significant coastline.

- **SHELLFISH PROPOGATION & AQUACULTURE:**

In the recent years the Maine Coast has witnessed a drastic decline in shellfish production, albeit the monetary values have steadily increased, wild shellfish landings remain on a steady decline. These declines are linked to impacts that are beyond local shellfish management's control. Ocean acidification, predation, and nitrogen runoff come to the top of the list of uncontrollable factors that are drastically impacting Brunswick shellfish production. Increases in variability of the climatic conditions, warming ocean waters, nitrogen infiltration, and continued shoreline development undoubtedly are having impacts to Brunswick's near shore ecosystems and our local shellfish production. State leaders, regulators, industry members, and politicians recognized the critical role of aquaculture in 2015, naming it as one of top 3 economic growth areas in Maine. The Maine shellfish aquaculture industry values have exceeded 60 million dollars in value and continue to climb.

Knowing this and seeing the results of climate change over the years the BMRC and town staff have been exploring aquaculture methods & strategies to help local shellfishermen adapt and diversify their way of making a living, all the while provided eco system services to the Brunswick coastline. Areas like 946 Merepoint provide opportunities for these types of publicly sponsored shellfish restoration and propagation activities. These practices are commonly seen in other Coastal New England

Communities outside of Maine, who have recognized the public benefits of the eco systems services and the economic benefit to their local community and near shore ecosystems.

- **SHELLFISH RESTORATION:**

The BMRC believes that shellfish restoration can play a critical factor in helping mitigate the effects of climate change on our near shore intertidal areas. Shellfish clean our near shore waters, removing the nitrogen, accelerating denitrification, promoting growth of aquatic vegetation and helping to offset ocean acidification. These are all critical components that must be balanced to provide habitat for myriad of juvenile finfish, crustaceans. These components help to keep Brunswick's coastline vibrant. Looking toward what strategies other New England States have deployed the Committee suggests that the Town Council consider entering into a discussion with academia i.e Bowdoin College or the University of Maine, to consider whether or not this property would be a good location for a shellfish hatchery/applied research institute. There are currently no shellfish hatcheries/applied marine research institutes in Casco Bay. There are only a few hatcheries in Maine, all three of them east of Brunswick & Casco Bay. Having a shellfish hatchery which is based in Casco Bay could ultimately provide the biggest public benefit, which is clean ocean water.

The BMRC appreciates the opportunity to provide the Town Council with suggestions and recommendations for public use of 946 Merepoint Rd. The Committee respectfully asks that through Council deliberations you look beyond the public versus private monetary value of 946 Merepoint Rd. and recognize the real value of this property is within its ability to help preserve a local heritage while at the same time providing priceless ecological services to the entire Maquoit Bay area. If you have any questions please feel free to contact me.

Respectfully Submitted,

Handwritten signature of Mark Latti in cursive script, followed by the initials "ML" in a small, simple font.

Mark Latti, Marine Resources Chair



TOWN OF BRUNSWICK
CONSERVATION COMMISSION

85 UNION STREET
BRUNSWICK, ME 04011

August 19, 2016

Ms. Sarah Brayman, Chair
Brunswick Town Council
85 Union Street
Brunswick, ME 04011

RE: 946 Mere Point Road - Planning Board Input to Town Council

Dear Sarah:

As requested by Town Council, the Brunswick Conservation Commission (Commission) considered public use for 946 Mere Point Road. The Commission visited the subject parcel during the public site visit dates offered by the Town of Brunswick in July 2016. Some Commissioners visited the subject parcel at low tide, and others at high tide. The Commission voted unanimously to provide the following recommendation to the Town Council at their meeting on August 10, 2016:

“The Conservation Commission has noted that the property at 946 Mere Point Road has significant conservation values (see sheet attached), and that it is to the benefit of the public to keep this in public ownership. If the town retains this property, the Commission urges the protection of these conservation values as the future use(s) of this property are considered.”

The parcel is approximately four (4) acres of uplands with coastal wetland frontage and is developed with a vacant residence and associated access drive. The coastal shoreline is buffered by upland vegetation with a notable stand of mature oak trees. The parcel is the site of an historic gravesite, and of a plant that is considered rare in Maine that was identified by Councilor Steve Walker as *Lanicera dioica* L., or Mountain Honeysuckle. Further, the Conservation Commission, Co-Chair, Kurt Stinson noted the parcel contains important coastal wildlife habitat.

The mission of the Brunswick Conservation Commission is to serve the Brunswick community by advocating for conservation values and stewarding our ecologically rich natural communities and open spaces. The objectives of the Conservation Commission are to serve the community of Brunswick by promoting land conservation to benefit Brunswick residents and visitors; fostering the conservation of open space, habitat and ecological values; advocating for the appropriate protection, development, or use of open spaces in town; providing educational outreach to residents on local and regional conservation and ecological issues; coordinating with town departments, committees, and local organizations in support of conservation efforts; and overseeing the management of town-owned conservation lands and interests.

The Conservation Commission appreciates the opportunity to provide comment. A representative of the Conservation Commission will be in attendance at your September 6th meeting to answer any questions.

Sincerely,


Amanda Bunker
Chair

Brunswick Conservation Commission: Conservation Assessment of Town-owned Property

Background Information

Property name	946 Mere Point Road
Map & Lot #	
Address/Location	
Acreage	
Year Acquired	
Assessment Value (& Year)	
Restrictions on property	
Relevant Regulations (NRPZ, vernal pools, RBSG, growth zone)	
Open-Space Subdivision	
Utilities, if applicable	

Site Description

Field Visit Date	7-9-16: Town organized public visit led by Dan Devereaux
Site Description	Abandoned house, overgrown lot, ocean frontage, steep in places but manageable, tidal
Current Use	None - abandoned
Condition of the Property, including structures, improvements, alterations	Structure seems unsafe, driveway in is overgrown
Surrounding land use	Residential
Notes/Comments/Additional Observations	A single gravestone

Brunswick Conservation Commission: Conservation Assessment of Town-owned Property

Values*(add comments about specific features, if appropriate)*

Contains rare species and/or natural communities	<input checked="" type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Unknown	<i>Mountain Honeysuckle per Steve Walker</i>	
Contains high value habitat	none	vernal pool	<input checked="" type="radio"/> shorebird habitat	deer wintering areas	
Contributes to diverse habitat types	none	forest blocks	watersheds	<input checked="" type="radio"/> coastline	wetlands riparian zones
Enlarges existing protected lands (esp. unfragmented blocks) or provides linkages between protected lands	Yes	<input checked="" type="radio"/> No	<input type="radio"/> Unknown		
Provides significant scenic value (vista, outstanding vegetation)	<input checked="" type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Unknown		
Provides current/potential outdoor recreational value (existing/future trails, link to existing trails, potential for new fields, parks)	<input checked="" type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Unknown		
Provides public access to water	<input checked="" type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Unknown		
Maintains resource production (working farm or forestland, clam flats, groundwater recharge)	Yes	<input checked="" type="radio"/> No	<input type="radio"/> Unknown	<i>Currently not productive per Mark Latti</i>	
Includes potential historic or archaeological value	<input checked="" type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Unknown	<i>Gravestone</i>	
Other values					

Conservation Recommendations

Overall assessment of conservation value	High value - primarily for water access/view
Potential future uses	Picnic, bird-watching, swimming, hand carry boats
Steps required to increase conservation value (additional connectivity, trails, accessibility, etc.)	Trail work
Recommended protection, if needed, and explanation	Town already owns
Other recommendations	

BRUNSWICK PARKS & RECREATION DEPARTMENT

220 NEPTUNE DRIVE

BRUNSWICK ME 04011-1584

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

THOMAS M. FARRELL
Director

TROY S. SMITH
Deputy Director

August 18, 2016

Ms. Sarah Brayman, Chair
Brunswick Town Council
85 Union Street
Brunswick, Maine 04011

RE: Brunswick Recreation Commission Review of 946 Mere Point Road Property

Dear Chair Brayman,

The Recreation Commission met on July 20, 2016 and again last evening to review possible public recreation uses of the four plus acre parcel located at 946 Mere Point Road as previously requested by Town Council.

Those present voted unanimously to make the following recommendation in answer to the Council's request that local boards and commissions evaluate the property for potential public use. We based our decision on public testimony and correspondence, our experiences at the site walks, our own deliberations with one another and the criteria set forth in the 2002 Parks, Recreation and Open Space Plan, specifically Action Item 68 to "acquire and develop more water access points".

While we have some concerns, on the whole, we believe that 946 Mere Point Road does indeed have recreational value to the town. We recommend that the town further explore the potential for swimming, the use of small non-motorized watercraft, recreational shell fishing, observing nature, picnicking, bird watching and the use of open space on the parcel. We believe further exploration of these uses should require a thorough, thoughtful and inclusive process involving all stake holders.

We also feel this recommendation would be incomplete without mentioning some concerns that all of us have raised. The parcel has some limitations, including a steep slope and the high likelihood of having to engage in the permitting process even for the low-impact development we envision.

Finally, we respectfully seek to bring to your attention our concern about the fiscal impact retention of the property could have on the Parks and Recreation Department, the municipal and school budgets and property taxpayers. The Parks and Recreation Department's budget is already strained, and Department personnel resources have already been stretched as far as they will go. We believe any development of 946 should not place a further strain on the Department's resources or displace other capital improvement projects in the current plan.

That means either providing the Department with additional resources or finding outside resources to provide for the preparation and long-term maintenance of the property. We also worry about the indirect impact forgone revenue from the property will have on both the Department and Brunswick residents. We hope that the Council will take these concerns into account should it choose to retain the property.

Thank you for requesting the Recreation Commission's feedback on this matter. We look forward to the Council's decision and are happy to provide any further assistance or information if needed.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'Daniel Ankeles', with a long horizontal flourish extending to the right.

Daniel Ankeles, Chair
Brunswick Recreation Commission

Pc:

Brunswick Recreation Commission



TOWN OF BRUNSWICK

PLANNING BOARD

85 UNION STREET
BRUNSWICK, ME 04011

August 15, 2016

Ms. Sarah Brayman, Chair
Brunswick Town Council
85 Union Street
Brunswick, ME 04011

RE: 946 Mere Point Road - Planning Board Input to Town Council

Dear Sarah:

As requested by Town Council, the Brunswick Planning Board discussed the possible reuse of 946 Mere Point Road at their meeting on August 2, 2016. The 4+ acre waterfront tax-acquired property currently has a vacant residential structure and is located in a residential neighborhood.

The Board review focused on guidance provided by the 2008 Comprehensive Plan and the current Zoning Ordinance requirements for the Coastal Protection 1 Zoning District. With regard to the Comprehensive Plan, Policy Area 6 contains a “key action” recommendation (those having priority) to preserve burial sites. It also contains “action” recommendations (those with no priority) to maintain existing public water access points and acquire new water access when feasible; and to plan for open space and parks in both the Growth and Rural areas.

The Board did not make a recommendation as to whether or not the Town Council should act to retain ownership since that is to be decided by Town Council but offers the following for Town Council consideration:

Should the Town retain ownership:

- Any use would be considered a municipal use. A municipal use is permitted within any district and must comply with dimensional and density standards for the applicable district.
- The parcel is located within the Coastal Protection 1 District, a rural area zoning district. It is not a Residential or Town Residential District, all located within the Town’s defined growth area. Consequently, a Special Permit is not required for a change of use from a residential to nonresidential use as has been implied during public comment at numerous meeting.
- Any nonresidential use will require a Change of Use Permit and may need to go through the development review process. In order to protect the existing neighborhood, consideration should be given to minimizing direct and indirect impacts and should include the relocation of the existing access to a more centralized location, provide for cut-off lighting and visible off-street parking, and limit hours of use to be compatible with residential uses.
- Any new land disturbance shall be in compliance with NRPZ standards.

Should the Town sell the parcel:

- In addition to residential uses, it should be noted that Coastal Protection 1 Zoning District allows for non-residential uses as permitted uses, uses by special exception and uses by special permit. Private ownership does not guarantee residential usage.
- Consider the establishment of protective covenants for the onsite grave site as part of the conveyance documents.
- Consider the establishment of covenants for the protection of wildlife habitat and/or rare or endangered species.
- Consider dedicating sale proceeds and future taxes from the parcel to improving the utilization of existing town-owned waterfront facilities or acquisition of new waterfront properties.

The Planning Board appreciates the opportunity to provide comment. I will be in attendance at your September 6th meeting to answer any questions.

Sincerely,

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Charlie Frizzle
Chair

Town of Brunswick
946 Mere Point Road Property

<u>Financial action</u>		<u>Option 1:</u>	<u>Option 2: Sell Property</u>		<u>Option 3:</u>
		<u>Retain for Public Use</u>	<u>2a: Sealed bid</u>	<u>2b: Market sale</u>	<u>Return to Orig Owner</u>
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Estimates:

- (a) Outstanding taxes and amounts that would have been assessed though 2016-17
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- (i) Assumes construction of house with total market value (land and bldg) of \$485,000
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- (k) Minimal maintenance, for plowing.

Memo

To: John Eldridge, Town Manager
From: Thomas M. Farrell, Director
Date: 8/31/2016
Re: ***Recreation Facilities and Properties Assumed Since 2000***

Per your request, the following is a list of recreation facilities/properties the Parks and Recreation Department has assumed maintenance responsibilities for since 2000.

- 2001-2002 Cox Pinnacle
- 2001-2002 Greater Commons
- 2006-2007 Greater Commons Trail Connections (Hovey/Melden)
- 2007-2008 Mere Point Boat Launch
Swinging Bridge Park
- 2008-2009 Maquoit Bay Conservation Land
Coombs Property along Androscoggin River
Pinette Landing
- 2010-2011 Maine Street Station Park
Born Learning Trail
X Country Ski Trails at Mere Creek Golf Course
Crimmins Field
- 2011-2012 Harriet Beecher Stowe Field
Captain William Fitzgerald Recreation and Conservation Area
- 2012-2013 McKeen Landing - Columbia Field (4 playgrounds, 1 field)
Orion Field
Merrymeeting Dog Park
Current Indoor Recreation Center
- 2014-2015 Kate Furbish Preserve
- 2015-2016 Water Street Boat Launch – Float and Piling System Addition

STATE OF MAINE
NOTICE OF IMPENDING AUTOMATIC FORECLOSURE
Title 36 M.R.S.A. Section 943

January 18, 2011

NUDD, RICHARD W 80% INT ETAL
301 WEST ST
MANSFIELD, MA 02048

Lien No. 2008165
Location 946 MERE PT RD

Parcel MP4-008-000-000

IMPORTANT: DO NOT DISREGARD THIS NOTICE. YOU WILL LOSE YOUR PROPERTY UNLESS YOU PAY YOUR 2008-09 PROPERTY TAXES, INTEREST AND COSTS.

You are the party named on a tax lien certificate recorded on August 18, 2009 in the Cumberland County Registry of Deeds in Book/Page 27187/199. This recording has created a tax lien mortgage on the real estate described therein.

On February 18, 2011 the tax lien mortgage will automatically foreclose and your right to recover your property by paying the taxes, interest and costs that are owed will expire.

**IF THE TAX LIEN FORECLOSURES
THE TOWN OF BRUNSWICK WILL OWN YOUR PROPERTY**

<u>Taxes, Interest, and Cost at Lien Date</u>	<u>Payments Received</u>	<u>Additional Interest</u>	<u>Additional Lien Costs</u>	<u>TOTAL DUE</u>
\$5371.76	\$0.00	\$827.53	\$5.54	\$6204.83

Interest has been calculated through February 18, 2011. Since it is calculated on a daily basis, you may wish to call us for the exact amount due as of the date you will be making your payment. In order to ensure that a discharge of the tax lien mortgage is filed in the Registry of Deeds prior to the foreclosure date, payment of the total amount due must be made with cash, a cashier's check, a certified check or money order and received by February 16, 2011.

NOTICE: IF YOU CANNOT PAY THESE TAXES BECAUSE OF POVERTY OR INFIRMITY, YOU MAY APPLY TO THE MUNICIPAL OFFICERS FOR A TAX ABATEMENT.

If you are a debtor in bankruptcy, this notice does not apply to you. However, you should contact us immediately as we have no record of your bankruptcy filing.

If you cannot pay the property taxes you owe or feel this notice has been sent to you in error, please contact our office at (207) 725-6657 or (207) 725-6652 or write to us at 28 Federal Street, Brunswick, Maine 04011.


John S. Eldridge, III
Treasurer -Town of Brunswick, Maine

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MP4-008-000-000
 NUDD, RICHARD W 80% INT ETAL
 301 WEST ST
 MANSFIELD, MA 02048

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Richard Nudd* Agent
 Addressee

B. Received by (*Printed Name*)

C. Date of Delivery

1-20

D. Is delivery address different from item 1? YesIf YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (*Extra Fee*) Yes

2. Article Number

(Transfer from service label)

7005 1160 0002 7552 5422

Richard W. Nudd
301 West St.
Mansfield MA 02048

BROCKTON MA 023

16 FEB 2011 PM 1 T



TOWN OF DANVERS
JOHN S. ELONORE TOWN
28 FEDERAL ST
DANVERS, ME. 04011

Talked to
Julie wants to
wait and see
next week

04011+1583



Richard W. Nudd
927A East Street
Walpole, MA 02081

OFFICE OF TOWN MANAGER

JUL 18 2016

July 12, 2016

John Eldridge, Town Manager
85 Union Street
Brunswick, ME 04011

Dear John:

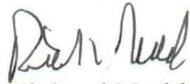
I believe you and I may have spoken back when you were working with the tax office in Brunswick, Maine. Based on the Town's website, I understand you are now the Town Manager and it has come to my attention that the Town is looking to take some sort of action on my property. I am hoping that it is not too late for me to keep my family home. Some explanation is warranted given my absence.

My father, Howard Nudd passed away some 15 years ago. My mother passed away not too long after in 2004. As a result, I inherited the family vacation property in Brunswick, Maine. My family has owned the property since 1971 and I helped my father build the home that is there now during periods of leave from the military. As you may know I am a veteran and served in the U.S. Navy from 1972-1976. My family was not rich, nor am I. We were hard workers and we enjoyed our summers in Maine when we could. After I inherited the property it was not long before I could no longer afford the taxes. Living and working in Massachusetts, it was difficult for me to carry the taxes on two properties; however, I did not want to lose a property that had been in my family for more than 30 years. Looking back, it was this love for the property that was likely my ultimate downfall.

Between 2008 and 2011 I was between jobs. In addition, upon a return to Maine in 2011 or 2012, I discovered squatters in my home. They had destroyed many of the things in the home that I had cherished. This, coupled with the tax burden I was facing left me completely distraught. In addition, it was a bad time in my life and I soon lost my house in Massachusetts. As a result, I stopped receiving any notices from the Town of Brunswick. My mind was also in such a state that I stopped caring.

This property is my only inheritance. I don't want to lose that. The advice I have received in the past was not good. The advice I'm receiving now is better. At the time I was unaware of the market value and never realized the options I had to protect my inheritance. In retrospect, I would have never walked away from my inheritance if I was in a better place and received better advice. You have mentioned on several occasions at recent meetings that I could still acquire the property. I would like to do that and I have the ability to pay whatever back taxes are owed. Please let me know what the next steps are to make this happen. It may be easier for you to reach out to Andre Duchette who I've spoken with and is assisting me in the process. He can be reached at (207)828-2005 or aduchette@tmfattorneys.com

Sincerely,


Richard Nudd

Copy to: Sarah Brayman, Chair Brunswick Town Council
Andre Duchette, Esq.



August 8, 2016

John Eldridge, Town
Manager, Via U.S. Mail and
E-Mail
85 Union Street
Brunswick, ME 04011

W. David Watson
wdwatson@brunswickme.org

Stephen S. Walker
swalker@brunswickme.org

Suzan Wilson
swilson@brunswickme.org

John M. Perreault
jimperreault@brunswickme.org

Daniel E. Harris
dharris@brunswickme.org

Jane F. Millett
jmillett@brunswickme.org

Sarah Brayman
sbrayman@brunswickme.org

Alison Harris
aharris@brunswickme.org

Kathy Wilson
kwilson@brunswickme.org

RE: 946 Mere Point Road

Dear Town Council Members:

As you are all aware, I've been assisting Mr. Nudd with the hopeful return of his property so that he can recognize some value of his inheritance from his parents' deaths. It would be a tragedy for Mr. Nudd to lose everything so that the Town can benefit from another "passive recreational spot" as referred to by the Recreation Committee. I believe you have all seen Mr. Nudd's letter of July 12, 2016. It is unfortunate that the circumstances are what they are, but as a citizen of Brunswick myself (81 Hennessey Avenue)¹, I would hate to see the Town and/or some other conservation land trust prosper on the misfortunes of one of its citizens. Mr. Nudd is not a bad man and he deserves better from his community.

Based on various matters that impacted Mr. Nudd and his life, he lost contact with the Town of Brunswick in 2011. His phone was no longer in service and he lost his home in Massachusetts. A review of the Town's records shows several notices getting bounced back to the Town after 2011, which Mr. Nudd never received. I did not become aware of this matter until after the Town Council's June 2016 meeting and it was not hard to locate Mr. Nudd. In reviewing the record and discussions of the Town Council, it appears that there was sentiment to return the property to Mr. Nudd if he paid back the taxes and penalties. It appears that this sentiment is now changing. I was

¹ Given my proximity to the newly constructed train depot, I have an acute awareness of how the decisions made by the Town impact its citizens.

August 8, 2016

Page 2

hoping to be on the August 1st Agenda so that we could simply resolve this matter before people started digging in on their own agenda, but as I understand it from Mr. Eldridge, Vice Chair Stephen Walker and Chair Sarah Brayman decided to not take up this matter on the August 1st Agenda and will not take it up until sometime in September. I respectfully request that the Council reconsider this decision and allow me to address the Council at its August 15th meeting. I am a little bit dismayed from my observations that the message to the various committees appears to be the viability of public use and what is getting lost is that there is another option; the return of the property to Mr. Nudd. It doesn't appear that this option is being shared.

So that there is no mistaking the seriousness of Mr. Nudd's request, I have the \$64,875.18 in my firm's trust account. I can make payment as soon as the Town agrees to return the property to Mr. Nudd. If the Town deems it necessary to assess an even greater penalty, I believe we can also accommodate that. It would be better than the alternative for Mr. Nudd.

This is a small 4 acre parcel with less than 400 feet of frontage. In viewing the property the low water mark extends into the Bay quite a distance. Maine law provides that property owners own title to the low water mark. This limits the public's access to the water even greater as any recreational use in front of the neighboring properties in the intertidal zone would be trespassing.² This doesn't factor in the expense of tearing down the home, addressing any environmental matters associated with that, making the property feasible for public access and navigating the steep embankment if water access is the goal and/or viable. This seems like a waste of taxpayers' dollars and the potential income that can generate from the tax revenue on this property for the benefit of a small few that would like to see the sunset from Mere Point.

I would ask that this matter be taken up at your next meeting, and I would ask that you find it within yourselves to allow Mr. Nudd to reacquire the property.

Sincerely,



André G. Duchette

Cc. Julie Henze, Finance Director, Via E-Mail
Richard Nudd

² The legal battle that is currently being fought between the Town of Kennebunkport and shorefront owners at Goose Rocks Beach is not something that the Town of Brunswick should be welcoming.

ASSOCIATED APPRAISERS OF MAINE, INC.

Real Estate Appraisers and Consultants

832 Washington Street
P.O. Box 687
Bath, ME 04530
Email: info@associatedappraisersofmaine.com

Office: (207) 443-3377
Fax: (207) 443-3393

August 30, 2016

File: 160821

John S. Eldridge
Town Manager
Town of Brunswick
85 Union Street
Brunswick, ME 04011

RE: 946 Mere Point Road (MP4-008)
Brunswick, ME 04011

Dear Mr. Eldridge,

The following Appraisal Report of the property identified as 946 Mere Point Road (MP4-008) in Brunswick, Maine, was completed for the Town of Brunswick, agents and assigns to aid in establishing market value for asset evaluation. The Appraisal Report is subject to and meets the requirements of the *Uniform Standards of Professional Appraisal Practice* ("USPAP").

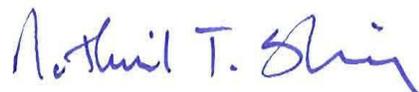
The Appraisal was completed in accordance with the Proposal for Appraisal Services dated August 23, 2016. Based on the analysis, it is my opinion that the Estimate of Market Value of the Subject Property, as of August 24, 2016 is:

TWO HUNDRED FIFTY-SEVEN THOUSAND DOLLARS

\$257,000

Please feel free to contact me with any questions at (207) 443-3377.

Thank you,



Nathaniel T. Shipley, President
Associated Appraisers of Maine, Inc.
State of Maine Certified General Appraiser, CG3574

Kristin M. Collins
kcollins@preti.com
Direct Dial: 207.791.3292

M E M O R A N D U M

TO: Town of Brunswick Council

FROM: Kristin Collins; Stephen Langsdorf

DATE: August 23, 2016

RE: **946 Mere Point Road - Littoral Rights**

A question was raised before the Recreation Committee regarding the extent of littoral rights enjoyed by the tax-acquired property at Mere Point Road. This memo details the probable physical boundaries of the property within the intertidal zone as well as issues regarding public use of the area.

To our knowledge, there has been no survey of this property. We have reviewed the tax map showing the property at Map MP4, Lot 8, as well as a plot map of the property recorded in the Cumberland County Registry of Deeds at Plan Book 87, Page 11. The deed to the property, recorded at Book 23422, Page 199, as well as the predecessor deeds, do not contain a metes-and-bounds description of the property and refer only to the recorded plan.

Since neither the deed nor the referenced plan describe the intertidal boundaries of the property, a surveyor would have to use one of several accepted methods for determining those lines. A neighbor referenced during the August 18, 2016 Recreation Committee meeting that this would be accomplished by simply extending the property lines out from the high water mark. This is known as the “colonial method” of determining intertidal boundaries. However, this is not the only method used since it can unfairly reduce shoreland rights, especially where there is an inwardly angled boundary line such as the southerly boundary of this property. Instead, a surveyor would more likely use the so-called “perpendicular method” which is considered to be a more equitable way of establishing intertidal rights along a cove such as Eider Cove. This method is described in Maine Riparian Boundaries & Rights, Richards & Hermansen, Vol. 103, 2007 as “the method that is easiest to apply; the least costly; and always effective to provide water frontage; yet provides equitable results.”

Assuming that a survey would establish the intertidal boundaries as extending more or less along the angle of the sidelines of the property, we can assume that the Town and the public would be entitled to use the 385’ of shoreline, extending out to the low water mark along those same approximate angles. The use of that intertidal area would be unrestricted except as limited by Town policy or ordinance. The area of water beyond the low water mark would of course be open to all uses.

The intertidal areas of the abutting properties are and would continue to be open to the public under the so-called “public trust doctrine” for “fishing, fowling, and navigation.” Note that these rights are only useful to the extent the user has lawful means of access to the shore, and developing 946 Mere Point into a public area would provide such means of access where it previously did not exist.

The court has considered the extent of rights covered within “fishing, fowling and navigation” on a case-by-case basis. Notably, shellfishing would be permissible within the intertidal areas of the abutting properties. *Moulton v. Libbey*, 37 Me. 472 (1854). Boats could be moored, anchored or beached within those areas. *Andrews v. King*, 124 Me. 361 (1925). People could hunt for birds, but could not simply birdwatch within those areas. Most importantly, the abutting properties would not be open to the public for broader recreational uses, such as strolling along the beach, sunbathing, picnicking, swimming/wading or Frisbee throwing. *Bell v. Town of Wells*, 557 A.2d 168, 175-176 (Me. 1989) (this is the case that was likely being alluded to during the Recreation Committee meeting; a pending case that was also referenced relates to harvesting of rockweed in the intertidal zone and is not likely to overturn *Bell*). Such uses would have to be confined to the approximate 385’ width of the property unless the abutters were to allow broader public use of their properties. Under no circumstances (other than permission) could the public use the upland or dry areas of the abutting properties. Appropriate signage would be important to prevent trespass.

Finally, there has been some discussion about limiting the types of public uses that could be made of the intertidal area of 946 Mere Point Road, should the Town choose to develop it as a recreational area. The Town should be aware that to the extent any policy or ordinance would prevent “fishing, fowling or navigation” in the intertidal zone, it may be overturned as violating the ancient “Colonial Ordinance” that created those rights. For example, it may be problematic to prevent line fishing, jetskis, or duck hunting in the intertidal zone. More research should be therefore be undertaken before adopting a policy that limits public use of the area.

/kmc

Stephen E.F. Langsdorf
slangsdorf@preti.com
Direct Dial: 207.791.3291

M E M O R A N D U M

TO: John Eldridge, Town Manager
FROM: Stephen E.F. Langsdorf, Town Attorney
DATE: August 31, 2016
RE: Tax Acquired Real Estate Policy



You have asked for an opinion as to whether the Town of Brunswick Tax Acquired Real Estate Policy adopted (amended) by the Town Council on March 18, 2013 requires that the property located at 946 Mere Point Road be sold back to the previous owner if he pays all outstanding taxes, estimated taxes for the current year, interest, lien costs and any other costs relating to the property, including but not limited to legal, insurance, notice and advertising costs. The answer is no. Pursuant to Article 6.2.b, since the Town Council voted to retain the property on a temporary basis, it may not resell it to the prior owner unless specifically authorized by the Town Council pursuant to Article 7.3. In any event, because this is a policy, the Town reserved the right to change the process at any time. Article 12.2 specifically provides that "the Town of Brunswick reserves the right to reject any or all bids, accept other than the highest bid and waive any of the requirements of this policy should the Town Council in its sole determination judge such actions to be in the best interest of the Town of Brunswick".

Please let me know if you have any other questions.

SEFL:ryp

cc: Kristin Collins, Esq.

TOWN OF BRUNSWICK
TAX ACQUIRED REAL ESTATE
POLICY

Proposed to town council – March 18, 2013

Adopted by town council – March 18, 2013

**TOWN OF BRUNSWICK
TAX ACQUIRED REAL ESTATE POLICY**

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Article 1. Purpose

- 1.1 Sections of Title 36 of the Maine Revised Statutes Annotated (MRSA) govern the collection of property taxes including the tax lien mortgage process. The tax lien mortgage process allows the Town to preserve its lien interest in real properties on which taxes remain unpaid. Should taxes remain unpaid, the lien process may result in the Town acquiring those properties. The purpose of this policy is to establish procedures for the review of properties on which a lien is about to foreclose and to establish procedures for the management, administration, and disposition of real property acquired by virtue of a tax lien mortgage foreclosure.

Article 2. Impending Foreclosure and Review of Properties

- 2.1 At the time of the mailing of the notice of impending foreclosure required under Title 36 MRSA section 943, the treasurer shall forward a copy of the list of properties subject to foreclosure to the town manager. The town manager, tax assessor, and codes enforcement officer are encouraged to review the list of properties subject to foreclosure to determine if it would be in the Town's best interest, as determined by the town manager, to waive foreclosure. Instances where the Town may not want to foreclose include but are not limited to:

- a. The property is known to have or is suspected of having environmental problems.
- b. The property may be a hazard to the public health or welfare.
- c. There is an easement on the property that makes the property an undesirable one to own.
- d. The property has value only to the owner(s) and would have little or no market value.

- 2.2 Should the town manager determine it to be in the Town's best interest to waive foreclosure under Title 36 MRSA section 944 (1), the town manager shall make that recommendation to the town council at its next regularly scheduled meeting or at a special meeting if the next scheduled meeting would be after the foreclosure date. Should the town council vote to waive foreclosure, it shall notify the treasurer immediately so treasurer will have the opportunity to file the waiver of foreclosure prior to the date of foreclosure.

Article 3. Tax Acquired Property - Treasurer Notification to Prior Owner

- 3.1 Following the foreclosure of the tax lien mortgage, the treasurer, by certified mail return-receipt, shall notify the last known owner of record that his or her right to redeem the property has expired. The notification shall advise the last known owner of record that the property will be disposed of in accordance with this policy, a copy of which shall be included with the notification.

Article 4. Immediate Disposition of Tax Acquired Property

- 4.1 If the town manager determines it is in the Town's best interest to immediately dispose of the tax-acquired property, the town manager shall immediately make that recommendation to the town council. Reasons to immediately dispose of the property include but are not limited to:
- a. Potential liability in owning the property.
 - b. Rent or maintenance obligations resulting from the ownership of the property.
 - c. The property is a potential hazard to the public health or welfare.
- 4.2 The town council shall consider the town manager's recommendation and may dispose of the property on terms it deems advisable without regard to any other provisions of this policy.

Article 5. Management of Tax Acquired Property Pending Disposition

- 5.1 Until the disposition of tax acquired properties, responsibility for property management is delegated to the town manager who, at a minimum, shall:
- a. Determine whether the Town's best interest would be served by immediately disposing of the property in accordance with Article 4 of this policy.
 - b. Determine and obtain the level of insurance, if any, is necessary to protect the Town's interest in the property and to protect the Town from liability.
 - c. Determine if and when any occupants of tax acquired property should be required to vacate the property.

- d. Determine whether a rental fee should be charged to any occupants of the property. A rental fee shall not be imposed unless the Town has acquired sufficient liability insurance.

5.2 In the event the property is vacated for sixty (60) consecutive days, the town manager shall obtain liability coverage for the property.

Article 6. Review of Tax Acquired Properties

6.1 The treasurer shall prepare a list of properties acquired and forward a copy to the town manager.

6.2 The town manager shall review the properties, and may seek input from the appropriate Town boards and commissions. The tax-acquired properties shall be reviewed in accordance with the following categories and guidelines:

- a. Retain for public use.

By way of example, but not limitation, the Town may retain a property where:

- i. the property has or will have economic, recreational or conservation value to the Town.
- ii. the property has or will have potential for use as a public facility or an addition to public facilities.

- b. Retain on a temporary basis.

By way of example, but not limitation, the Town may retain a property on a temporary basis where:

- i. it's immediate sale would cause the occupants to be placed on public assistance.
- ii. it is determined that the property has significant potential for appreciation if held thereby increasing its value to the Town in a later sale.

- c. Sell the property with or without conditions.

The Town may sell properties with any conditions it deems to be in the best interest of the Town. The Town may also determine whether it wishes to consider proposed uses in the sale of properties.

- 6.3 The town manager shall classify the properties in one of the categories and make a recommendation to the town council for each property. On any property to be sold, the town manager shall recommend whether the proposed use for a property shall be a consideration in determining to whom a property shall be sold.
- 6.4 Prior to the delivery of the town manager's recommendations to the town council under article 6.3, any property acquired by the foreclosure of a tax lien may be re-acquired in accordance with article 7.1.
- 6.5 The town council shall review the town manager's recommendations and make the final determination regarding disposition. On properties to be sold, the town council shall determine whether a proposed use of the property shall be a consideration in any sale.

Article 7. Re-acquisition after Foreclosure

- 7.1 Pursuant to article 6.4, any property may be re-acquired prior to the town manager's recommendations to the town council. After the town council receives the town manager's recommendations, properties to be sold with or without conditions may be reacquired by the re-acquisition date established by the town council. In either case, the party from whom the property was acquired may re-acquire the property by paying all outstanding taxes, including estimated taxes for the current tax year if the conveyance is after April 1, interest, lien costs and any other costs relating to the property including, but not limited to legal, insurance, notice and advertising costs. The Town shall also require the payment of any other delinquent taxes or obligations due the Town. When a tax has been estimated to determine the re-acquisition price, the Town is not obligated to refund any amount later determined to be in excess of the estimate.
- 7.2 At the meeting when the town council makes its determination regarding the disposition of tax-acquired property pursuant to article 6, it shall also establish a final re-acquisition date for tax acquired property that it has determined will be sold. The final re-acquisition date shall be no more than ninety (90) days from the date the town council makes its determination regarding the disposition of a property.
- 7.3 Properties the town council has decided to retain for public use or to retain on a temporary basis may not be re-acquired, unless specifically authorized by the town council.

Article 8. Property to be Retained

- 8.1 If the property is retained for public use, the town council may direct the Town Attorney to pursue an action for equitable relief in accordance with the provisions of Title 36 MRSA section 946, as amended, as a means of securing clear title to the property.
- 8.2 The town council shall cause the tax-acquired property retained for public use to be managed and insured as it would any other municipal property.

Article 9. Property to be Sold - Sale Date, Notice of Sale, Bid Forms

- 9.1 At the meeting the town council makes its determination regarding the disposition of tax-acquired property and establishes a final redemption date for properties eligible to be redeemed, it shall also establish a sale date for properties it has determined will be sold. The sale date shall be at least thirty (30) days after the final re-acquisition date.
- 9.2 The town manager shall cause to be published a notice of the sale of the tax-acquired property in a local newspaper at least ten (10) days prior to the sale. The notice shall also be posted on the Town's website and in at least one other conspicuous place within the Municipal Building. The notice shall specify the time and date bids are due and the general terms of the bid. It shall also contain the following information for each piece of property:
 - a. Brief description of the property. i.e. land, building, mobile home etc.
 - b. Location of the property.
 - c. Brief description of the conditions of the sale including whether a proposal regarding use shall be required.
 - d. The minimum bid. (required as deposit)

The notice of sale shall also contain the following statement: "The Town of Brunswick reserves the right to reject any or all bids, accept other than the highest bid and waive any of the requirements of its policy on tax acquired property should the town council, in its sole determination, judge such actions to be in the best interest of the Town of Brunswick."

- 9.3 All bids shall be on, or in, the form prescribed by the Town. At a minimum, the bid form shall contain:
 - a. Name, address, and telephone number of the bidder.

- b. The amount of the bid in both written and numeric form.
- c. The Map, Lot, and Location of the property being bid.

When the town council has determined it wishes to consider a bidders' proposed use for a property in making the bid award, it shall also determine the form and content required for the submission of proposals.

- 9.4 The town manager shall, by certified mail return receipt, provide the party from whom the property was acquired a copy of the notice of the sale and bid forms. The town manager shall, by certified mail return receipt, provide a copy of the notice of the sale to the abutters of the acquired property.
- 9.5 All interested bidders shall be provided with a copy of the notice of sale and bid forms. All bids shall be submitted on forms prescribed by the town manager in an envelope clearly marked "Tax-Acquired Property Bid" and accompanied by a cashier's or certified check equal to the minimum bid. Each property being bid shall be bid in separate envelopes so that there is one property bid per envelope. Each envelope shall also indicate the Map and Lot of the property being bid. Bids shall be publicly opened and read on the date and at the time specified.

Article 10. Minimum Bid

- 10.1 Unless the town council stipulates otherwise, the minimum bid for any tax-acquired property shall be the total of all outstanding taxes, including estimated taxes for the current tax year if the conveyance is after April 1 and the exact amount of tax has not been determined, interest, lien costs and any other costs relating to the property including, but not limited to legal, insurance, notice, and advertising costs. The Town may refuse to award the bid to the party from whom the property was acquired unless all other obligations due from that party are also paid.

Article 11. Inspection of Property

- 11.1 The town manager shall provide all potential bidders with the opportunity to inspect the properties being offered for sale. This may be done in the manner the town manager deems to be in the Town's best interest. The Town and its employees shall refrain from making any representations regarding property condition or title.

Article 12. Review and Award of Bids

- 12.1 The town manager shall review all bids and make recommendations to the town council. The town council shall determine which bid, if any, will be accepted. All bids shall be held until the town council makes its determination. No interest will be paid on the held bids unless the bids are held for more than seven (7) calendar days from the bid opening. If bids are held beyond seven (7) calendar days, interest will be paid on all held bids at the rate of 5% per annum. No interest will be paid on the accepted bid.
- 12.2 The Town of Brunswick reserves the right to reject any or all bids, accept other than the highest bid and waive any of the requirements of this policy should the town council, in its sole determination, judge such actions to be in the best interest of the Town of Brunswick. Instances where this right may be invoked include, but are not limited to:
- a. The town council may wish to sell the property to an abutting property owner rather than the highest bidder.
 - b. The town council may determine it prefers a use proposed by a party other than the highest bidder.
 - c. The town council may wish, but is by no means obligated, to sell the property to the party from whom the property was acquired rather than the highest bidder.
- 12.3 Should the town council reject all bids, the property may again be offered for public sale without notification to the prior owner or abutters.

Article 13. Closing on Sale

- 13.1 The bid deposit of the successful bidder shall be retained as a credit towards the purchase price. All other deposits shall be returned to the bidders immediately upon notification of the successful bidder.
- 13.2 Full payment for the successful bidder is required within thirty (30) days from the date the bids are opened. Should the bidder fail to pay the full price within thirty (30) days, the Town shall retain the bid deposit and title to the property. The town council may review the bids submitted and offer the property to another bidder who shall have thirty (30) days to make payment in full or it may order that bids be solicited again.
- 13.3 Title to tax-acquired property shall be transferred only by means of a quit-claim deed. Unless otherwise advised by the Town Attorney, neither the Town and nor any of its employees shall make any representations regarding title to the property.

Article 14. Other Conditions

14.1 The successful bidder shall be responsible for the removal of all occupants and contents of purchased tax-acquired property.

Proposed to town council - March 18, 2013

Adopted by town council – March 18, 2013

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MP4-008-000-000
 NUDD, RICHARD W 80% INT ETAL
 301 WEST ST
 MANSFIELD, MA 02048

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Richard Nudd* Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

1-20

D. Is delivery address different from item 1? YesIf YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

 Yes

2. Article Number

(Transfer from service label)

7005 1160 0002 7552 5422

Richard W. Nudd
301 West St.
Mansfield MA 02048

BROCKTON MA 023

16 FEB 2011 PM 1 T



TOWN OF DANVERS
JOHN S. ELONORE TOWN
28 FEDERAL ST
DANVERS, ME. 04011

Talked to
Julie wants to
wait and see
next week

04011+1583



Richard W. Nudd
927A East Street
Walpole, MA 02081

OFFICE OF TOWN MANAGER

JUL 18 2016

July 12, 2016

John Eldridge, Town Manager
85 Union Street
Brunswick, ME 04011

Dear John:

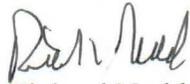
I believe you and I may have spoken back when you were working with the tax office in Brunswick, Maine. Based on the Town's website, I understand you are now the Town Manager and it has come to my attention that the Town is looking to take some sort of action on my property. I am hoping that it is not too late for me to keep my family home. Some explanation is warranted given my absence.

My father, Howard Nudd passed away some 15 years ago. My mother passed away not too long after in 2004. As a result, I inherited the family vacation property in Brunswick, Maine. My family has owned the property since 1971 and I helped my father build the home that is there now during periods of leave from the military. As you may know I am a veteran and served in the U.S. Navy from 1972-1976. My family was not rich, nor am I. We were hard workers and we enjoyed our summers in Maine when we could. After I inherited the property it was not long before I could no longer afford the taxes. Living and working in Massachusetts, it was difficult for me to carry the taxes on two properties; however, I did not want to lose a property that had been in my family for more than 30 years. Looking back, it was this love for the property that was likely my ultimate downfall.

Between 2008 and 2011 I was between jobs. In addition, upon a return to Maine in 2011 or 2012, I discovered squatters in my home. They had destroyed many of the things in the home that I had cherished. This, coupled with the tax burden I was facing left me completely distraught. In addition, it was a bad time in my life and I soon lost my house in Massachusetts. As a result, I stopped receiving any notices from the Town of Brunswick. My mind was also in such a state that I stopped caring.

This property is my only inheritance. I don't want to lose that. The advice I have received in the past was not good. The advice I'm receiving now is better. At the time I was unaware of the market value and never realized the options I had to protect my inheritance. In retrospect, I would have never walked away from my inheritance if I was in a better place and received better advice. You have mentioned on several occasions at recent meetings that I could still acquire the property. I would like to do that and I have the ability to pay whatever back taxes are owed. Please let me know what the next steps are to make this happen. It may be easier for you to reach out to Andre Duchette who I've spoken with and is assisting me in the process. He can be reached at (207)828-2005 or aduchette@tmfattorneys.com

Sincerely,


Richard Nudd

Copy to: Sarah Brayman, Chair Brunswick Town Council
Andre Duchette, Esq.



August 8, 2016

John Eldridge, Town
Manager, Via U.S. Mail and
E-Mail
85 Union Street
Brunswick, ME 04011

W. David Watson
wdwatson@brunswickme.org

Stephen S. Walker
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Suzan Wilson
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Sarah Brayman
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Alison Harris
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Kathy Wilson
kwilson@brunswickme.org

RE: 946 Mere Point Road

Dear Town Council Members:

As you are all aware, I've been assisting Mr. Nudd with the hopeful return of his property so that he can recognize some value of his inheritance from his parents' deaths. It would be a tragedy for Mr. Nudd to lose everything so that the Town can benefit from another "passive recreational spot" as referred to by the Recreation Committee. I believe you have all seen Mr. Nudd's letter of July 12, 2016. It is unfortunate that the circumstances are what they are, but as a citizen of Brunswick myself (81 Hennessey Avenue)¹, I would hate to see the Town and/or some other conservation land trust prosper on the misfortunes of one of its citizens. Mr. Nudd is not a bad man and he deserves better from his community.

Based on various matters that impacted Mr. Nudd and his life, he lost contact with the Town of Brunswick in 2011. His phone was no longer in service and he lost his home in Massachusetts. A review of the Town's records shows several notices getting bounced back to the Town after 2011, which Mr. Nudd never received. I did not become aware of this matter until after the Town Council's June 2016 meeting and it was not hard to locate Mr. Nudd. In reviewing the record and discussions of the Town Council, it appears that there was sentiment to return the property to Mr. Nudd if he paid back the taxes and penalties. It appears that this sentiment is now changing. I was

¹ Given my proximity to the newly constructed train depot, I have an acute awareness of how the decisions made by the Town impact its citizens.

August 8, 2016

Page 2

hoping to be on the August 1st Agenda so that we could simply resolve this matter before people started digging in on their own agenda, but as I understand it from Mr. Eldridge, Vice Chair Stephen Walker and Chair Sarah Brayman decided to not take up this matter on the August 1st Agenda and will not take it up until sometime in September. I respectfully request that the Council reconsider this decision and allow me to address the Council at its August 15th meeting. I am a little bit dismayed from my observations that the message to the various committees appears to be the viability of public use and what is getting lost is that there is another option; the return of the property to Mr. Nudd. It doesn't appear that this option is being shared.

So that there is no mistaking the seriousness of Mr. Nudd's request, I have the \$64,875.18 in my firm's trust account. I can make payment as soon as the Town agrees to return the property to Mr. Nudd. If the Town deems it necessary to assess an even greater penalty, I believe we can also accommodate that. It would be better than the alternative for Mr. Nudd.

This is a small 4 acre parcel with less than 400 feet of frontage. In viewing the property the low water mark extends into the Bay quite a distance. Maine law provides that property owners own title to the low water mark. This limits the public's access to the water even greater as any recreational use in front of the neighboring properties in the intertidal zone would be trespassing.² This doesn't factor in the expense of tearing down the home, addressing any environmental matters associated with that, making the property feasible for public access and navigating the steep embankment if water access is the goal and/or viable. This seems like a waste of taxpayers' dollars and the potential income that can generate from the tax revenue on this property for the benefit of a small few that would like to see the sunset from Mere Point.

I would ask that this matter be taken up at your next meeting, and I would ask that you find it within yourselves to allow Mr. Nudd to reacquire the property.

Sincerely,



André G. Duchette

Cc. Julie Henze, Finance Director, Via E-Mail
Richard Nudd

² The legal battle that is currently being fought between the Town of Kennebunkport and shorefront owners at Goose Rocks Beach is not something that the Town of Brunswick should be welcoming.

ASSOCIATED APPRAISERS OF MAINE, INC.

Real Estate Appraisers and Consultants

832 Washington Street
P.O. Box 687
Bath, ME 04530
Email: info@associatedappraisersofmaine.com

Office: (207) 443-3377
Fax: (207) 443-3393

August 30, 2016

File: 160821

John S. Eldridge
Town Manager
Town of Brunswick
85 Union Street
Brunswick, ME 04011

RE: 946 Mere Point Road (MP4-008)
Brunswick, ME 04011

Dear Mr. Eldridge,

The following Appraisal Report of the property identified as 946 Mere Point Road (MP4-008) in Brunswick, Maine, was completed for the Town of Brunswick, agents and assigns to aid in establishing market value for asset evaluation. The Appraisal Report is subject to and meets the requirements of the *Uniform Standards of Professional Appraisal Practice* ("USPAP").

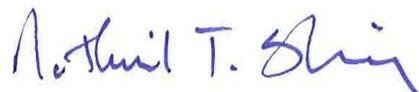
The Appraisal was completed in accordance with the Proposal for Appraisal Services dated August 23, 2016. Based on the analysis, it is my opinion that the Estimate of Market Value of the Subject Property, as of August 24, 2016 is:

TWO HUNDRED FIFTY-SEVEN THOUSAND DOLLARS

\$257,000

Please feel free to contact me with any questions at (207) 443-3377.

Thank you,



Nathaniel T. Shipley, President
Associated Appraisers of Maine, Inc.
State of Maine Certified General Appraiser, CG3574

Kristin M. Collins
kcollins@preti.com
Direct Dial: 207.791.3292

M E M O R A N D U M

TO: Town of Brunswick Council

FROM: Kristin Collins; Stephen Langsdorf

DATE: August 23, 2016

RE: **946 Mere Point Road - Littoral Rights**

A question was raised before the Recreation Committee regarding the extent of littoral rights enjoyed by the tax-acquired property at Mere Point Road. This memo details the probable physical boundaries of the property within the intertidal zone as well as issues regarding public use of the area.

To our knowledge, there has been no survey of this property. We have reviewed the tax map showing the property at Map MP4, Lot 8, as well as a plot map of the property recorded in the Cumberland County Registry of Deeds at Plan Book 87, Page 11. The deed to the property, recorded at Book 23422, Page 199, as well as the predecessor deeds, do not contain a metes-and-bounds description of the property and refer only to the recorded plan.

Since neither the deed nor the referenced plan describe the intertidal boundaries of the property, a surveyor would have to use one of several accepted methods for determining those lines. A neighbor referenced during the August 18, 2016 Recreation Committee meeting that this would be accomplished by simply extending the property lines out from the high water mark. This is known as the “colonial method” of determining intertidal boundaries. However, this is not the only method used since it can unfairly reduce shoreland rights, especially where there is an inwardly angled boundary line such as the southerly boundary of this property. Instead, a surveyor would more likely use the so-called “perpendicular method” which is considered to be a more equitable way of establishing intertidal rights along a cove such as Eider Cove. This method is described in Maine Riparian Boundaries & Rights, Richards & Hermansen, Vol. 103, 2007 as “the method that is easiest to apply; the least costly; and always effective to provide water frontage; yet provides equitable results.”

Assuming that a survey would establish the intertidal boundaries as extending more or less along the angle of the sidelines of the property, we can assume that the Town and the public would be entitled to use the 385’ of shoreline, extending out to the low water mark along those same approximate angles. The use of that intertidal area would be unrestricted except as limited by Town policy or ordinance. The area of water beyond the low water mark would of course be open to all uses.

The intertidal areas of the abutting properties are and would continue to be open to the public under the so-called “public trust doctrine” for “fishing, fowling, and navigation.” Note that these rights are only useful to the extent the user has lawful means of access to the shore, and developing 946 Mere Point into a public area would provide such means of access where it previously did not exist.

The court has considered the extent of rights covered within “fishing, fowling and navigation” on a case-by-case basis. Notably, shellfishing would be permissible within the intertidal areas of the abutting properties. *Moulton v. Libbey*, 37 Me. 472 (1854). Boats could be moored, anchored or beached within those areas. *Andrews v. King*, 124 Me. 361 (1925). People could hunt for birds, but could not simply birdwatch within those areas. Most importantly, the abutting properties would not be open to the public for broader recreational uses, such as strolling along the beach, sunbathing, picnicking, swimming/wading or Frisbee throwing. *Bell v. Town of Wells*, 557 A.2d 168, 175-176 (Me. 1989) (this is the case that was likely being alluded to during the Recreation Committee meeting; a pending case that was also referenced relates to harvesting of rockweed in the intertidal zone and is not likely to overturn *Bell*). Such uses would have to be confined to the approximate 385’ width of the property unless the abutters were to allow broader public use of their properties. Under no circumstances (other than permission) could the public use the upland or dry areas of the abutting properties. Appropriate signage would be important to prevent trespass.

Finally, there has been some discussion about limiting the types of public uses that could be made of the intertidal area of 946 Mere Point Road, should the Town choose to develop it as a recreational area. The Town should be aware that to the extent any policy or ordinance would prevent “fishing, fowling or navigation” in the intertidal zone, it may be overturned as violating the ancient “Colonial Ordinance” that created those rights. For example, it may be problematic to prevent line fishing, jetskis, or duck hunting in the intertidal zone. More research should be therefore be undertaken before adopting a policy that limits public use of the area.

/kmc

Stephen E.F. Langsdorf
slangsdorf@preti.com
Direct Dial: 207.791.3291

M E M O R A N D U M

TO: John Eldridge, Town Manager
FROM: Stephen E.F. Langsdorf, Town Attorney
DATE: August 31, 2016
RE: Tax Acquired Real Estate Policy



You have asked for an opinion as to whether the Town of Brunswick Tax Acquired Real Estate Policy adopted (amended) by the Town Council on March 18, 2013 requires that the property located at 946 Mere Point Road be sold back to the previous owner if he pays all outstanding taxes, estimated taxes for the current year, interest, lien costs and any other costs relating to the property, including but not limited to legal, insurance, notice and advertising costs. The answer is no. Pursuant to Article 6.2.b, since the Town Council voted to retain the property on a temporary basis, it may not resell it to the prior owner unless specifically authorized by the Town Council pursuant to Article 7.3. In any event, because this is a policy, the Town reserved the right to change the process at any time. Article 12.2 specifically provides that "the Town of Brunswick reserves the right to reject any or all bids, accept other than the highest bid and waive any of the requirements of this policy should the Town Council in its sole determination judge such actions to be in the best interest of the Town of Brunswick".

Please let me know if you have any other questions.

SEFL:ryp

cc: Kristin Collins, Esq.

TOWN OF BRUNSWICK
TAX ACQUIRED REAL ESTATE
POLICY

Proposed to town council – March 18, 2013

Adopted by town council – March 18, 2013

**TOWN OF BRUNSWICK
TAX ACQUIRED REAL ESTATE POLICY**

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Article 1. Purpose

- 1.1 Sections of Title 36 of the Maine Revised Statutes Annotated (MRSA) govern the collection of property taxes including the tax lien mortgage process. The tax lien mortgage process allows the Town to preserve its lien interest in real properties on which taxes remain unpaid. Should taxes remain unpaid, the lien process may result in the Town acquiring those properties. The purpose of this policy is to establish procedures for the review of properties on which a lien is about to foreclose and to establish procedures for the management, administration, and disposition of real property acquired by virtue of a tax lien mortgage foreclosure.

Article 2. Impending Foreclosure and Review of Properties

- 2.1 At the time of the mailing of the notice of impending foreclosure required under Title 36 MRSA section 943, the treasurer shall forward a copy of the list of properties subject to foreclosure to the town manager. The town manager, tax assessor, and codes enforcement officer are encouraged to review the list of properties subject to foreclosure to determine if it would be in the Town's best interest, as determined by the town manager, to waive foreclosure. Instances where the Town may not want to foreclose include but are not limited to:
- a. The property is known to have or is suspected of having environmental problems.
 - b. The property may be a hazard to the public health or welfare.
 - c. There is an easement on the property that makes the property an undesirable one to own.
 - d. The property has value only to the owner(s) and would have little or no market value.
- 2.2 Should the town manager determine it to be in the Town's best interest to waive foreclosure under Title 36 MRSA section 944 (1), the town manager shall make that recommendation to the town council at its next regularly scheduled meeting or at a special meeting if the next scheduled meeting would be after the foreclosure date. Should the town council vote to waive foreclosure, it shall notify the treasurer immediately so treasurer will have the opportunity to file the waiver of foreclosure prior to the date of foreclosure.

Article 3. Tax Acquired Property - Treasurer Notification to Prior Owner

- 3.1 Following the foreclosure of the tax lien mortgage, the treasurer, by certified mail return-receipt, shall notify the last known owner of record that his or her right to redeem the property has expired. The notification shall advise the last known owner of record that the property will be disposed of in accordance with this policy, a copy of which shall be included with the notification.

Article 4. Immediate Disposition of Tax Acquired Property

- 4.1 If the town manager determines it is in the Town's best interest to immediately dispose of the tax-acquired property, the town manager shall immediately make that recommendation to the town council. Reasons to immediately dispose of the property include but are not limited to:
- a. Potential liability in owning the property.
 - b. Rent or maintenance obligations resulting from the ownership of the property.
 - c. The property is a potential hazard to the public health or welfare.
- 4.2 The town council shall consider the town manager's recommendation and may dispose of the property on terms it deems advisable without regard to any other provisions of this policy.

Article 5. Management of Tax Acquired Property Pending Disposition

- 5.1 Until the disposition of tax acquired properties, responsibility for property management is delegated to the town manager who, at a minimum, shall:
- a. Determine whether the Town's best interest would be served by immediately disposing of the property in accordance with Article 4 of this policy.
 - b. Determine and obtain the level of insurance, if any, is necessary to protect the Town's interest in the property and to protect the Town from liability.
 - c. Determine if and when any occupants of tax acquired property should be required to vacate the property.

- d. Determine whether a rental fee should be charged to any occupants of the property. A rental fee shall not be imposed unless the Town has acquired sufficient liability insurance.

5.2 In the event the property is vacated for sixty (60) consecutive days, the town manager shall obtain liability coverage for the property.

Article 6. Review of Tax Acquired Properties

6.1 The treasurer shall prepare a list of properties acquired and forward a copy to the town manager.

6.2 The town manager shall review the properties, and may seek input from the appropriate Town boards and commissions. The tax-acquired properties shall be reviewed in accordance with the following categories and guidelines:

- a. Retain for public use.

By way of example, but not limitation, the Town may retain a property where:

- i. the property has or will have economic, recreational or conservation value to the Town.
- ii. the property has or will have potential for use as a public facility or an addition to public facilities.

- b. Retain on a temporary basis.

By way of example, but not limitation, the Town may retain a property on a temporary basis where:

- i. it's immediate sale would cause the occupants to be placed on public assistance.
- ii. it is determined that the property has significant potential for appreciation if held thereby increasing its value to the Town in a later sale.

- c. Sell the property with or without conditions.

The Town may sell properties with any conditions it deems to be in the best interest of the Town. The Town may also determine whether it wishes to consider proposed uses in the sale of properties.

- 6.3 The town manager shall classify the properties in one of the categories and make a recommendation to the town council for each property. On any property to be sold, the town manager shall recommend whether the proposed use for a property shall be a consideration in determining to whom a property shall be sold.
- 6.4 Prior to the delivery of the town manager's recommendations to the town council under article 6.3, any property acquired by the foreclosure of a tax lien may be re-acquired in accordance with article 7.1.
- 6.5 The town council shall review the town manager's recommendations and make the final determination regarding disposition. On properties to be sold, the town council shall determine whether a proposed use of the property shall be a consideration in any sale.

Article 7. Re-acquisition after Foreclosure

- 7.1 Pursuant to article 6.4, any property may be re-acquired prior to the town manager's recommendations to the town council. After the town council receives the town manager's recommendations, properties to be sold with or without conditions may be reacquired by the re-acquisition date established by the town council. In either case, the party from whom the property was acquired may re-acquire the property by paying all outstanding taxes, including estimated taxes for the current tax year if the conveyance is after April 1, interest, lien costs and any other costs relating to the property including, but not limited to legal, insurance, notice and advertising costs. The Town shall also require the payment of any other delinquent taxes or obligations due the Town. When a tax has been estimated to determine the re-acquisition price, the Town is not obligated to refund any amount later determined to be in excess of the estimate.
- 7.2 At the meeting when the town council makes its determination regarding the disposition of tax-acquired property pursuant to article 6, it shall also establish a final re-acquisition date for tax acquired property that it has determined will be sold. The final re-acquisition date shall be no more than ninety (90) days from the date the town council makes its determination regarding the disposition of a property.
- 7.3 Properties the town council has decided to retain for public use or to retain on a temporary basis may not be re-acquired, unless specifically authorized by the town council.

Article 8. Property to be Retained

- 8.1 If the property is retained for public use, the town council may direct the Town Attorney to pursue an action for equitable relief in accordance with the provisions of Title 36 MRSA section 946, as amended, as a means of securing clear title to the property.
- 8.2 The town council shall cause the tax-acquired property retained for public use to be managed and insured as it would any other municipal property.

Article 9. Property to be Sold - Sale Date, Notice of Sale, Bid Forms

- 9.1 At the meeting the town council makes its determination regarding the disposition of tax-acquired property and establishes a final redemption date for properties eligible to be redeemed, it shall also establish a sale date for properties it has determined will be sold. The sale date shall be at least thirty (30) days after the final re-acquisition date.
- 9.2 The town manager shall cause to be published a notice of the sale of the tax-acquired property in a local newspaper at least ten (10) days prior to the sale. The notice shall also be posted on the Town's website and in at least one other conspicuous place within the Municipal Building. The notice shall specify the time and date bids are due and the general terms of the bid. It shall also contain the following information for each piece of property:
 - a. Brief description of the property. i.e. land, building, mobile home etc.
 - b. Location of the property.
 - c. Brief description of the conditions of the sale including whether a proposal regarding use shall be required.
 - d. The minimum bid. (required as deposit)

The notice of sale shall also contain the following statement: "The Town of Brunswick reserves the right to reject any or all bids, accept other than the highest bid and waive any of the requirements of its policy on tax acquired property should the town council, in its sole determination, judge such actions to be in the best interest of the Town of Brunswick."

- 9.3 All bids shall be on, or in, the form prescribed by the Town. At a minimum, the bid form shall contain:
 - a. Name, address, and telephone number of the bidder.

- b. The amount of the bid in both written and numeric form.
- c. The Map, Lot, and Location of the property being bid.

When the town council has determined it wishes to consider a bidders' proposed use for a property in making the bid award, it shall also determine the form and content required for the submission of proposals.

- 9.4 The town manager shall, by certified mail return receipt, provide the party from whom the property was acquired a copy of the notice of the sale and bid forms. The town manager shall, by certified mail return receipt, provide a copy of the notice of the sale to the abutters of the acquired property.
- 9.5 All interested bidders shall be provided with a copy of the notice of sale and bid forms. All bids shall be submitted on forms prescribed by the town manager in an envelope clearly marked "Tax-Acquired Property Bid" and accompanied by a cashier's or certified check equal to the minimum bid. Each property being bid shall be bid in separate envelopes so that there is one property bid per envelope. Each envelope shall also indicate the Map and Lot of the property being bid. Bids shall be publicly opened and read on the date and at the time specified.

Article 10. Minimum Bid

- 10.1 Unless the town council stipulates otherwise, the minimum bid for any tax-acquired property shall be the total of all outstanding taxes, including estimated taxes for the current tax year if the conveyance is after April 1 and the exact amount of tax has not been determined, interest, lien costs and any other costs relating to the property including, but not limited to legal, insurance, notice, and advertising costs. The Town may refuse to award the bid to the party from whom the property was acquired unless all other obligations due from that party are also paid.

Article 11. Inspection of Property

- 11.1 The town manager shall provide all potential bidders with the opportunity to inspect the properties being offered for sale. This may be done in the manner the town manager deems to be in the Town's best interest. The Town and its employees shall refrain from making any representations regarding property condition or title.

Article 12. Review and Award of Bids

- 12.1 The town manager shall review all bids and make recommendations to the town council. The town council shall determine which bid, if any, will be accepted. All bids shall be held until the town council makes its determination. No interest will be paid on the held bids unless the bids are held for more than seven (7) calendar days from the bid opening. If bids are held beyond seven (7) calendar days, interest will be paid on all held bids at the rate of 5% per annum. No interest will be paid on the accepted bid.
- 12.2 The Town of Brunswick reserves the right to reject any or all bids, accept other than the highest bid and waive any of the requirements of this policy should the town council, in its sole determination, judge such actions to be in the best interest of the Town of Brunswick. Instances where this right may be invoked include, but are not limited to:
- a. The town council may wish to sell the property to an abutting property owner rather than the highest bidder.
 - b. The town council may determine it prefers a use proposed by a party other than the highest bidder.
 - c. The town council may wish, but is by no means obligated, to sell the property to the party from whom the property was acquired rather than the highest bidder.
- 12.3 Should the town council reject all bids, the property may again be offered for public sale without notification to the prior owner or abutters.

Article 13. Closing on Sale

- 13.1 The bid deposit of the successful bidder shall be retained as a credit towards the purchase price. All other deposits shall be returned to the bidders immediately upon notification of the successful bidder.
- 13.2 Full payment for the successful bidder is required within thirty (30) days from the date the bids are opened. Should the bidder fail to pay the full price within thirty (30) days, the Town shall retain the bid deposit and title to the property. The town council may review the bids submitted and offer the property to another bidder who shall have thirty (30) days to make payment in full or it may order that bids be solicited again.
- 13.3 Title to tax-acquired property shall be transferred only by means of a quit-claim deed. Unless otherwise advised by the Town Attorney, neither the Town and nor any of its employees shall make any representations regarding title to the property.

Article 14. Other Conditions

14.1 The successful bidder shall be responsible for the removal of all occupants and contents of purchased tax-acquired property.

Proposed to town council - March 18, 2013

Adopted by town council – March 18, 2013

ITEM 104

BACK UP MATERIALS

Town of Brunswick, Maine

OFFICE OF THE TOWN MANAGER

MEMORANDUM

TO: Town Council

FROM: John Eldridge
Town Manager

DATE: September 14, 2016

SUBJECT: Tax Increment Financing (TIF) Committee Recommendation

At the Tax Increment Financing (TIF) Committee Meeting held September 12, 2016, Jeff Jordan, Deputy Director of the Midcoast Regional Redevelopment Authority (MRRA), presented MRRA's request for TIF revenues. The request covered the previous three tax years (2013, 2014, and 2015) and the current tax year (2016).

The TIF Committee reviewed the request, asking questions about MRRA's projects and clarifying the eligibility of the proposed uses of TIF revenues. Based on their review, the Committee is recommending payment to MRRA of the requested TIF revenues. However, the Committee stressed that their recommendation is contingent on the Department of Economic and Community Development's (DECD) final approval of the Development Program Amendments. At the time of the TIF Committee meeting, the approval letters were expected to arrive shortly.

Today, the Town of Brunswick received two letters from DECD approving the Amendments of the Brunswick Landing TIF District and Brunswick Executive Airport TIF District Development Programs. These amendments were approved by the Town Council on June 20, 2016. At that meeting the Town Council authorized the Town Manager to execute a Credit Enhancement Agreement (CEA) with MRRA.

Attached is a proposed resolution that would authorize the appropriation and payment of TIF revenues to MRRA in accordance with the Brunswick Landing TIF District and Brunswick Executive Airport TIF District Development Programs and the CEA between the Town and MRRA. I look forward to discussing this recommendation with you.

Attachment



STATE OF MAINE
DEPARTMENT OF ECONOMIC
AND COMMUNITY DEVELOPMENT



PAUL R. LEPAGE
GOVERNOR

GEORGE C. GERVAIS
COMMISSIONER

September 14, 2016

John Eldridge,
Town Manager
TOWN OF BRUNSWICK
85 Union Street
Brunswick, ME 04011

RE: Brunswick Executive Airport II Omnibus Municipal *Tax Increment Financing* (TIF) District;
Development Program *First Amendment* (AMD-1)

A P P R O V E D

Dear John,

The Maine Department of Economic and Community Development (DECD) reviewed and EFFECTIVE TODAY APPROVED your application to amend above referenced Municipal TIF District Development Program (Program). I am happy to note/approve, based on application:

- | | |
|---|---|
| <p>a. Up to 50% <u>AGGREGATE</u> of incremental taxes from new actual value from this District and Brunswick Landing II Omnibus District (“aggregate”) projected at \$15,010,565 for all reimbursement agreements including the Midcoast Regional Redevelopment Authority (MRRRA), capped but not guaranteed at \$15 million for MRRRA and including revenue from Increased Assessed Value (IAV) by aeronautical businesses as defined in Program exhibits H and I. Potential reduction of \$15 million MRRRA limit should aeronautical property become tax exempt. Sole Council discretion for negotiation/execution of multiple agreements (CEA/other) not to exceed 50% reimbursement or District term. Any revenue remaining in Base Redevelopment Project Cost</p> | <p>subaccount to periodically transfer to Town subaccount when ineligible for reimbursement to MRRRA or businesses per 30-A M.R.S.A. § 5225(1)(A) and DECD rules as amended from time to time;</p> <p>b. Please note any current or future Town TIF Policy does not supersede this approval; AND</p> <p>c. <u>UPON EXECUTION, TOWN MUST FORWARD COPY</u> of any associated credit enhancement agreement, its amendment or assignment to Department—enclosing completed matching Application Cover Sheet with detailed private project description and (if Company and not Developer) Employment Goals Form;</p> |
|---|---|

Please note an updated pro forma (Exhibit D1) aligning District term years with Town fiscal years and actual revenue will be required with the earliest of a third amendment or an application submitted during/after tenth year of District term.

As further described in Program, Town revenue allocation projected at \$21.3 million may facilitate funding for an estimated aggregate \$104.2 million in public costs and associated debt—if any. While the Town may pool revenue from two districts in administration, it must establish project cost accounts per M.R.S.A. § 5227 (3).

Funding MUST comply with already established municipal appropriation process—with activities/projects due completion BEFORE/BY JUN-30-2043. DECD restates/approves public activities/



PAUL R. LEPAGE
GOVERNOR



GEORGE C. GERVAIS
COMMISSIONER

projects costs listed below, with AMD-1 changes/additions underlined: ≈

WITHIN DISTRICT

- d. Reimbursement agreements with and associated payments to MMRA and companies/developers per bullet a.;
- e. Professional and administrative costs including prorated municipal staff salaries \$600,000;

WITHIN/OUTSIDE DISTRICT ◊

- f. Road improvements per MDOT 2010 Study in support of increased commercial traffic \$19.2 million;
- g. Existing/Future public road infrastructure improvements including associated storm water, sewer/water/electrical lines and street amenities \$18 million; ◊ ✕

OUTSIDE DISTRICT ◊

- h. Public safety improvements including debt service and/or maintenance of up to four police/fire/rescue vehicles per year \$3.9 million; *
- i. Portage of revenues to Downtown Municipal TIF District while its IAV capture remains 100% \$3 million;
- j. School construction/renovation bonds debt service \$40 million; **

WITHIN MUNICIPALITY

- k. Brunswick Downtown Association (BDA) funding \$3 million;
- l. Recreational trails \$1.5 million; ◊

WITHIN MUNICIPALITY/DISTRICT

- m. Economic Development (ED) efforts marketing Town as a business or arts location, including ED staff salaries prorated municipal staff salaries or professional service costs; regional marketing and tourism destination campaigns; permanent revolving loan funds, investment funds and grants programs per § 5225(1)(C)(3) for costs authorized by 30-A M.R.S.A. § 5225 and DECD rules as amended from time to time, but primarily for business startup/expansion efforts; grant matching related to 30-A M.R.S.A. §§ 5221-5235 economic development activities; technology systems updates prorated to business expansion/recruitment efforts including GIS system, computers and assessing software; business/tourism destination branding including directional signage and streetscape upgrades; economic/environmental studies and associated improvements of properties for commercial or future arts district use \$15 million. ◊ ✕

DECD notes while Program may list multiple statutory citations with public project costs, in application not all citations apply to all activities/projects described within each cost description. Brunswick is obligated to verify proper authorization for each project cost to be undertaken. DECD also advises Town to plan for debt retirement to coincide with District term end of JUN-30-2043. Per OCT-24-2013 original designation approval, DECD restates:

- n. District term of 30 years ending June 30, 2043 with Town FY2042-43;
- o. District taxable Original Assessed Value (OAV) of \$0 as of March 31, 2012 (April 1, 2011)—acreage 146;
- p. Real property IAV capture of up to 100%;
- q. District revenues deposited/held in DEDICATED accounts and applied ONLY toward approved activities/projects due completion BEFORE/BY JUN-30-2043,
 - i) Project Cost accounts to reimburse MRRRA and companies/developers for costs authorized by 30-A M.R.S.A. § 5225(1)(A) and DECD rules as amended from time to time AND/OR fund public activities/projects,
 - ii) Sinking Fund Account to retire associated public debt if any;
- r. Any non-captured incremental property values resulting in General Fund revenue/deposits MUST be included/reported with Town equalized assessed value;
- s. Any future amendment MUST comply with 30-A M.R.S.A. §§ 5221-5235 and DECD rules;
- t. When District expires or is terminated BRUNSWICK MUST NOTIFY DECD IN WRITING.



PAUL R. LePAGE
GOVERNOR



GEORGE C. GERVAIS
COMMISSIONER

E X E M P T E D

District acreage and taxable OAV are exempt from Municipal TIF Program caps per § 5250-I (14)(A) and § 5250-J (3-A)(D). The exemption is in effect until District term expires JUN-30-2043. Because all Pine Tree Development Zone Program Military Redevelopment Zone benefits end on DEC-31-2028 per § 5250-J (5), from that date forward this exemption will not be granted to any new Municipal TIF district established on the former Naval Air Station Brunswick (NASB) property.

MAINE IS OPEN FOR BUSINESS. Please contact Municipal Tax Increment Financing Program Director Laura Santini-Smith with questions about this certification letter or DECD review. DECD extends best wishes for the success of your District.

Sincerely,

George C. Gervais
Commissioner

cc: Senator Stan Gerzofsky (SD-24) and Representative Ralph Tucker (HD-50)—127th Legislature;
David Ledew, MRS Director Property Tax Division; Brian Mulligan, Governor's Account Executive;
Shana Cook Mueller, Bernstein Shur

◇ To the extent a project is outside the District, Brunswick must prorate/allocate costs not directly related to or made necessary by establishment/operation of THIS District to other funding sources.

≈ Any projects may be common to the Brunswick Landing II Omnibus and M6Inlycke Manufacturing districts.

EXCLUDING FOLLOWING COSTS/FUNDING:

⊖ Public park(s)

⊗ Items beyond § 5222(1) scope, i.e.: holiday decorations, plant pots/containers and art

× § 5225(1)(A)(1)(a)(i), (8) and (C)(7)(b) Transit-Oriented Development projects

* Police project cost is not to establish new precedent, but based on municipality gaining acreage due to NASB Base closure as well as likely future legislation sponsored by MRRA to cede traffic jurisdiction to Town.

** Approval of above alternative project cost is limited to this District Development Program and based on NASB Base closure with resulting impact on pupil count, regional scope of redevelopment effort and municipal acreage gain.



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ECONOMIC
AND COMMUNITY DEVELOPMENT



GEORGE C. GERVAIS
COMMISSIONER

October 21, 2013

James M. Saffian
PIERCE ATWOOD
254 Commercial Street
Portland, ME 04101

COPY

RE: Natural gas projects and the Municipal Tax Increment Financing (TIF) Program

Dear Jim,

Thank you for meeting with us in September. Please accept this letter in reference to your inquiry regarding municipalities incentivizing private natural gas projects via so called TIF revenues.

The Department will support reimbursement formulas based on mile(s) of pipeline laid in public property, whether main or distribution lines and irrespective of local zoning ordinances. Company or developer ("company") reimbursement via credit enhancement agreement (CEA) or other contract MAY include higher rates of reimbursement for pipeline laid in residential zones. The formula MAY also incentivize reimbursement based on speed and stages of project completion.

A municipality MAY set up a Revolving Loan, Investment or Grant fund to assist its commercial taxpayers. We encourage such a fund be set up to incentivize commercial conversions regardless of energy type, source, delivery means or final application.

Thank you again for bringing this matter to our attention.

Sincerely,

George C. Gervais
Commissioner

cc: Senior Policy Advisor John Butera; Office of Energy Independence Director Patrick Woodcock;
Office of Business Development and Innovation Director Brian Whitney; Tax Incentives Director
Laura Santini-Smith

MTIF: Application Synopsis for Commissioner Consideration

■ **DISTRICT DATA :: PREVIOUS DATA GRAY**

MUNICIPALITY	Brunswick	COUNTY	Cumberland	TERM	30
DISTRICT NAME	Brunswick Executive Airport II Omnibus				
ORIGINAL DISTRICT (OD) :: Y/N	N	AMENDED :: Y/N	Y	# AMD	1
DOWNTOWN EXEMPT :: Y/N	N	PAPER MILL EXEMPT :: Y/N	N	RE CAPTURE%	100
APP BASIS	AMD-1 mirrors Memorandum of Agreement (MOA) between Town and Midcoast Regional Redevelopment Authority (MRRRA); redefines Omnibus capacity for reimbursements to companies/developers and MRRRA; adds public projects. District start/end dates: July 1, 2013/June 30, 2043 respective of Town FY2013-14/FY2042-43.				
HISTORY	<p>[OCT-24-2013] Application provided balance of statutory requirements for full Commissioner approval.</p> <p>[MAR-29-2013] OD-CONDITIONAL APPROVAL. District public purpose to broaden tax base, improve facilities, encourage capital investment and attract/support job creation/training. Redevelopment vehicle is MRRRA, which intends to transition naval airfield (excluding runway) into general aviation airport and executive business park. IAV capture 100% RE only.</p> <p><u>District (II) is not to be confused with former District (I) of the same name, which Commissioner approved on MAR-3-2012 and Town terminated on SEPT-4-2012.</u></p>		<p>While generally same concept/geography, current application reflects removal of acreage now in Mölnlycke District.</p> <p>The Legislature created MRRRA in 2005 to manage transition of now closed Naval Air Station Brunswick into successful redevelopment. MRRRA is a public municipal corporation without taxing jurisdiction per Title 5 M.R.S.A. §13083-I (1). Because MRRRA has no taxing jurisdiction, District property becomes taxable by Town when the former sells/leases property, i.e.: property owned by MRRRA is tax-exempt until sale/lease to a taxable entity, at which point the Town may tax to generate District revenues.</p>		

Increased Assessed Value (IAV); Real/Personal Property (RE/PP)

■ **COMPANY OR DEVELOPER DATA**

ENTITY ADDRESS	None at this time.
-----------------------	--------------------

Company (CO); Developer (DEV)

■ **STATUTORY REQUIREMENTS**

WITHIN ACREAGE CAP?	146	EX	MUNICIPAL BONDS ISSUED? :: Y/N/MAY	M*
ON SUITABLE PROPERTY?	Y		TAX SHIFTS CALCULATED?	Y
OAV CERTIFIED?	\$0	Y	PUBLIC NOTICE AND HEARING?	Y
WITHIN VALUE CAP?		EX	PASSED BY MAJORITY VOTE? :: 9/0	Y

*Limited to School Construction/Renovation, per previous Development Program.

 9/14/16

MTIF: Application Synopsis for Commissioner Consideration

■ PLANNED REVENUE DISTRIBUTION

TO GENERAL FUND (NON-TIF)?	\$0		
FOR MUNICIPAL DEBT?	TBD	IF AMD, ANY BONDS TO DATE?	N
FOR CREDIT ENHANCEMENT AGREEMENT?	\$10,650,500	50% maximum aggregate inclusive of this and Brunswick Landing II Omnibus District.	
REIMBURSEMENT SCHEDULE	Up to 50% aggregate of revenue from this and Brunswick Landing II Omnibus District for all reimbursement agreements including MRRA, capped but not guaranteed at \$15MM for MRRA and including revenue from IAV by aeronautical businesses as defined in Development Program exhibits H and I. Potential reduction of \$15MM MRRA cap should aeronautical property become tax exempt. Sole Council discretion for negotiation/execution of multiple agreements (CEA/other) not to exceed 50% reimbursement or District term. Any revenue remaining in Base Redevelopment Project Cost subaccount to periodically transfer to Town subaccount when ineligible for reimbursement to MRRA or businesses within then current Municipal TIF statute.		
FOR BONA-FIDE ECONOMIC DEVELOPMENT?	\$10,650,498	50% minimum aggregate inclusive of this and Brunswick Landing II Omnibus District excluding revenue from IAV by aeronautical businesses unless an adjustment is called for per Program PG 13 2.b. and Table 2; plus any revenue that may periodically transfer to Town when ineligible for reimbursement to MRRA or businesses.	

PUBLIC PROJECTS/COSTS

[\$104,200,000] Estimates represent aggregate of costs for this and Brunswick Executive Airport II Omnibus District. AMD-1 updates original district designation global project list for existing/future districts in former BNAS acreage:

(T1) Professional and administrative costs including prorated municipal staff salaries \$500K...
(T1/T2) Road improvements per MDOT 2010 Study in support of increased commercial traffic \$19.2MM; Existing/Future public road infrastructure improvements including associated storm water, sewer/water/electrical lines and street amenities \$18MMΦ×... (T2) Public safety improvements including debt service and/or maintenance of up to four police/fire/rescue vehicles per year \$3.9MM; Downtown District portage \$3MM; School construction/renovation bonds debt service* \$40MM... (T3) Brunswick Downtown Association (BDA) funding \$3MM; Recreational trails \$1.5MMΦ... (T3/T1) Economic Development (ED) efforts marketing Town as a business or arts location, including ED staff salaries prorated municipal staff salaries or professional service costs; regional marketing and tourism destination campaigns; revolving loan/investment funds or grants primarily for business startup/expansion efforts; grant matching; technology systems updates prorated to business expansion/recruitment efforts including GIS system, computers and assessing software; business/tourism destination branding including directional signage and streetscape upgrades; economic/environmental studies and associated improvements of properties for commercial or future arts district use \$15MMΦ×.

EXCLUDING ANY COSTS/FUNDING FOR:

- Φ Public park(s)
- × Items beyond § 5222(1) scope, i.e.: holiday decorations, plant pots/containers and art
- × § 5225(1)(A)(1)(a)(i) and (A)(8) and (C)(7)(b) Transit-Oriented Development costs

Projects unique to this District/Program? [] YES [✓] NO: Any project may be common to Brunswick Executive Airport II Omnibus and Mōlnlycke Manufacturing districts.

Over TIF Term (OTT); §5225(1)(A-C) = Tier (T) 1-3

MTIF: Application Synopsis for Commissioner Consideration

■ STAFF RECOMMENDATION

<p>PROGRAM DIRECTOR (PD) REVIEWED APPLICATION AND OFFERS THIS OPINION:</p>	<p>Recommend full approval; no concerns. Approval LTR will,</p> <ul style="list-style-type: none"> a. Advise Town any current or future Municipal TIF Policy does not supersede Commissioner approval; b. Require any future AMD application to update pro forma (EXH-D1) to line up District term years with Town fiscal years and provide actual revenue for each past year if/when submitting a third or higher amendment, or District is in tenth or higher term year; c. Caution Town to maintain the required dedicated project costs accounts, regardless of how it aggregates revenue from this and Brunswick Executive Airport II Omnibus District; d. Address acreage/taxable OAV exemptions for annually classified PTZ Military Redevelopment Zone on former NASB property; and e. Repeat original designation approval LTR disclaimers pertaining police/school costs. <p><u>In reference to RLF, a copy of Commissioner natural gas letter to Pierce Atwood will go to Town as FYI.</u></p>		
<p>PD RECOMMENDS COMMISSIONER APPROVAL? :: Y/N/OTHER</p>	<p>Y</p>		<p>9/14/16</p>
<p>APPLICATION RECEIPT DATE</p>	<p>7/14/16</p>	<p>CHECK AFTER DATA ENTRY <input type="checkbox"/></p>	

Form revised 10/21/15.



STATE OF MAINE
DEPARTMENT OF ECONOMIC
AND COMMUNITY DEVELOPMENT



PAUL R. LEPAGE
GOVERNOR

GEORGE C. GERVAIS
COMMISSIONER

September 14, 2016

John Eldridge,
Town Manager
TOWN OF BRUNSWICK
85 Union Street
Brunswick, ME 04011

RE: Brunswick Landing II Omnibus Municipal Tax Increment Financing (TIF) District; Development Program First Amendment (AMD-1)

A P P R O V E D

Dear John,

The Maine Department of Economic and Community Development (DECD) reviewed and EFFECTIVE TODAY APPROVED your application to amend above referenced Municipal TIF District Development Program (Program). I am happy to note/approve, based on application:

- a. Up to 50% AGGREGATE of incremental taxes from new actual value from this District and Brunswick Executive Airport II Omnibus District (“aggregate”) projected at \$15,010,565 for all reimbursement agreements including the Midcoast Regional Redevelopment Authority (MRRRA), capped but not guaranteed at \$15 million for MRRRA and including revenue from Increased Assessed Value (IAV) by aeronautical businesses as defined in Program exhibits H and I. Potential reduction of \$15 million MRRRA limit should aeronautical property become tax exempt. Sole Council discretion for negotiation/execution of multiple agreements (CEA/other) not to exceed 50% reimbursement or District term. Any revenue remaining in Base Redevelopment Project Cost subaccount to periodically transfer to Town subaccount when ineligible for reimbursement to MRRRA or businesses per 30-A M.R.S.A. § 5225(1)(A) and DECD rules as amended from time to time;
- b. Please note any current or future Town TIF Policy does not supersede this approval; AND
- c. UPON EXECUTION, TOWN MUST FORWARD COPY of any associated credit enhancement agreement, its amendment or assignment to Department—enclosing completed matching **Application Cover Sheet** with detailed private project description and (if Company and not Developer) **Employment Goals Form**;

Please note an updated pro forma (Exhibit D1) aligning District term years with Town fiscal years and actual revenue will be required with the earliest of a third amendment or an application submitted during/after tenth year of District term.

As further described in Program, Town revenue allocation projected at \$30 million may facilitate funding for an estimated aggregate \$104.2 million in public costs and associated debt—if any. While the Town may pool revenue from two districts in administration, it must establish project cost accounts per M.R.S.A. § 5227 (3).

Funding MUST comply with already established municipal appropriation process—with activities/projects due completion BEFORE/BY JUN-30-2043. DECD restates/approves public activities/



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GOVERNOR



GEORGE C. GERVAIS
COMMISSIONER

projects costs listed below, with AMD-1 changes/additions underlined: ≈

WITHIN DISTRICT

- d. Reimbursement agreements with and associated payments to MMRA and companies/developers per bullet a.;
- e. Professional and administrative costs including prorated municipal staff salaries \$600,000;

WITHIN/OUTSIDE DISTRICT ◊

- f. Road improvements per MDOT 2010 Study in support of increased commercial traffic \$19.2 million;
- g. Existing/Future public road infrastructure improvements including associated storm water, sewer/water/electrical lines and street amenities \$18 million; ◊ ✕

OUTSIDE DISTRICT ◊

- h. Public safety improvements including debt service and/or maintenance of up to four police/fire/rescue vehicles per year \$3.9 million; *
- i. Portage of revenues to Downtown Municipal TIF District while its IAV capture remains 100% \$3 million;
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WITHIN MUNICIPALITY

- k. Brunswick Downtown Association (BDA) funding \$3 million;
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WITHIN MUNICIPALITY/DISTRICT

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DECD notes while Program may list multiple statutory citations with public project costs, in application not all citations apply to all activities/projects described within each cost description. Brunswick is obligated to verify proper authorization for each project cost to be undertaken. DECD also advises Town to plan for debt retirement to coincide with District term end of JUN-30-2043. Per OCT-24-2013 original designation approval, DECD restates:

- n. District term of 30 years ending June 30, 2043 with Town FY2042-43;
- o. District taxable Original Assessed Value (OAV) of \$0 as of March 31, 2012 (April 1, 2011)—acreage 542;
- p. Real property IAV capture of up to 100%;
- q. District revenues deposited/held in DEDICATED accounts and applied ONLY toward approved activities/projects due completion BEFORE/BY JUN-30-2043,
 - i) Project Cost accounts to reimburse MRRA and companies/developers for costs authorized by 30-A M.R.S.A. § 5225(1)(A) and DECD rules as amended from time to time AND/OR fund public activities/projects,
- ii) Sinking Fund Account to retire associated public debt if any;
- r. Any non-captured incremental property values resulting in General Fund revenue/deposits MUST be included/reported with Town equalized assessed value;
- s. Any future amendment MUST comply with 30-A M.R.S.A. §§ 5221-5235 and DECD rules;
- t. When District expires or is terminated BRUNSWICK MUST NOTIFY DECD IN WRITING.



PAUL R. LePAGE
GOVERNOR



GEORGE C. GERVAIS
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E X E M P T E D

District acreage and taxable OAV are exempt from Municipal TIF Program caps per § 5250-I (14)(A) and § 5250-J (3-A)(D). The exemption is in effect until District term expires JUN-30-2043. Because all Pine Tree Development Zone Program Military Redevelopment Zone benefits end on DEC-31-2028 per § 5250-J (5), from that date forward this exemption will not be granted to any new Municipal TIF district established on the former Naval Air Station Brunswick (NASB) property.

MAINE IS OPEN FOR BUSINESS. Please contact Municipal Tax Increment Financing Program Director Laura Santini-Smith with questions about this certification letter or DECD review. DECD extends best wishes for the success of your District.

Sincerely,

George C. Gervais
Commissioner

cc: Senator Stan Gerzofsky (SD-24) and Representative Ralph Tucker (HD-50)—127th Legislature;
David Ledew, MRS Director Property Tax Division; Brian Mulligan, Governor's Account Executive;
Shana Cook Mueller, Bernstein Shur

◇ To the extent a project is outside the District, Brunswick must prorate/allocate costs not directly related to or made necessary by establishment/operation of THIS District to other funding sources.

≈ Any projects may be common to the Brunswick Executive Airport II Omnibus and M6Inlycke Manufacturing districts.

EXCLUDING FOLLOWING COSTS/FUNDING:

⊖ Public park(s)

⊗ Items beyond § 5222(1) scope, i.e.: holiday decorations, plant pots/containers and art

× § 5225(1)(A)(1)(a)(i), (8) and (C)(7)(b) Transit-Oriented Development projects

* Police project cost is not to establish new precedent, but based on municipality gaining acreage due to NASB Base closure as well as likely future legislation sponsored by MRRA to cede traffic jurisdiction to Town.

** Approval of above alternative project cost is limited to this District Development Program and based on NASB Base closure with resulting impact on pupil count, regional scope of redevelopment effort and municipal acreage gain.



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STATE OF MAINE
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GEORGE C. GERVAIS
COMMISSIONER

October 21, 2013

James M. Saffian
PIERCE ATWOOD
254 Commercial Street
Portland, ME 04101

COPY

RE: Natural gas projects and the Municipal Tax Increment Financing (TIF) Program

Dear Jim,

Thank you for meeting with us in September. Please accept this letter in reference to your inquiry regarding municipalities incentivizing private natural gas projects via so called TIF revenues.

The Department will support reimbursement formulas based on mile(s) of pipeline laid in public property, whether main or distribution lines and irrespective of local zoning ordinances. Company or developer ("company") reimbursement via credit enhancement agreement (CEA) or other contract MAY include higher rates of reimbursement for pipeline laid in residential zones. The formula MAY also incentivize reimbursement based on speed and stages of project completion.

A municipality MAY set up a Revolving Loan, Investment or Grant fund to assist its commercial taxpayers. We encourage such a fund be set up to incentivize commercial conversions regardless of energy type, source, delivery means or final application.

Thank you again for bringing this matter to our attention.

Sincerely,

George C. Gervais
Commissioner

cc: Senior Policy Advisor John Butera; Office of Energy Independence Director Patrick Woodcock;
Office of Business Development and Innovation Director Brian Whitney; Tax Incentives Director
Laura Santini-Smith

MTIF: Application Synopsis for Commissioner Consideration

■ **DISTRICT DATA :: PREVIOUS DATA GRAY**

MUNICIPALITY	Brunswick	COUNTY	Cumberland	TERM	30
DISTRICT NAME	Brunswick Landing II Omnibus				
ORIGINAL DISTRICT (OD) :: Y/N	N	AMENDED :: Y/N	Y	# AMD	1
DOWNTOWN EXEMPT :: Y/N	N	PAPER MILL EXEMPT :: Y/N	N	RE CAPTURE%	100
APP BASIS	AMD-1 mirrors Memorandum of Agreement (MOA) between Town and Midcoast Regional Redevelopment Authority (MRRA); redefines Omnibus capacity for reimbursements to companies/developers and MRRA; adds public projects. District start/end dates: July 1, 2013/June 30, 2043 respective of Town FY2013-14/FY2042-43.				
HISTORY	<p>[OCT-24-2013] Application provided balance of statutory requirements for full Commissioner approval.</p> <p>[MAR-29-2013] OD-CONDITIONAL APPROVAL. District public purpose to broaden tax base, improve facilities and encourage capital investment and attract/support job creation/training in former NASB cantonment area. Redevelopment vehicle is MRRA, which intends to transition naval airfield (excluding runway) into general aviation airport and executive business park. IAV capture 100% real property only.</p> <p><u>District II is not to be confused with former District I of the same name, which Commissioner approved on MAR-3-2012 and Town terminated on SEP-4-2012.</u></p>		<p>While generally same concept/geography, current application reflects removal of acreage now in Mölnlycke District.</p> <p>The Legislature created MRRA in 2005 to manage transition of now closed Naval Air Station Brunswick into successful redevelopment. MRRA is a public municipal corporation without taxing jurisdiction per Title 5 M.R.S.A. §13083-I (1). Because MRRA has no taxing jurisdiction, District property becomes taxable by Town when the former sells/leases property, i.e.: property owned by MRRA is tax-exempt until sale/lease to a taxable entity, at which point the Town may tax to generate District revenues.</p>		

Increased Assessed Value (IAV); Real/Personal Property (RE/PP)

■ **COMPANY OR DEVELOPER DATA**

ENTITY ADDRESS	None at this time.
-----------------------	--------------------

Company (CO); Developer (DEV)

■ **STATUTORY REQUIREMENTS**

WITHIN ACREAGE CAP?	542	EX	MUNICIPAL BONDS ISSUED? :: Y/N/MAY	M*
ON SUITABLE PROPERTY?	Y		TAX SHIFTS CALCULATED?	Y
OAV CERTIFIED?	\$0	Y	PUBLIC NOTICE AND HEARING?	Y
WITHIN VALUE CAP?		EX	PASSED BY MAJORITY VOTE? :: 9/0	Y

*Limited to School Construction/Renovation, per previous Development Program.

[Handwritten Signature] 9/14/16

MTIF: Application Synopsis for Commissioner Consideration

■ PLANNED REVENUE DISTRIBUTION

TO GENERAL FUND (NON-TIF)?	\$0		
FOR MUNICIPAL DEBT?	TBD	IF AMD, ANY BONDS TO DATE?	N
FOR CREDIT ENHANCEMENT AGREEMENT?	\$15,010,565	50% maximum aggregate inclusive of this and Brunswick Executive Airport II Omnibus District.	
REIMBURSEMENT SCHEDULE	Up to 50% aggregate of revenue from this and Brunswick Executive Airport II Omnibus District for all reimbursement agreements including MRRA, capped but not guaranteed at \$15MM for MRRA and including revenue from IAV by aeronautical businesses as defined in Development Program exhibits H and I. Potential reduction of \$15MM MRRA cap should aeronautical property become tax exempt. Sole Council discretion for negotiation/execution of multiple agreements (CEA/other) not to exceed 50% reimbursement or District term. Any revenue remaining in Base Redevelopment Project Cost subaccount to periodically transfer to Town subaccount when ineligible for reimbursement to MRRA or businesses within then current Municipal TIF statute.		
FOR BONA-FIDE ECONOMIC DEVELOPMENT?	\$15,010,566	50% minimum aggregate inclusive of this and Brunswick Landing II Omnibus District excluding revenue from IAV by aeronautical businesses unless an adjustment is called for per Program PG 13 2.b. and Table 2; plus any revenue that may periodically transfer to Town when ineligible for reimbursement to MRRA or businesses.	

PUBLIC PROJECTS/COSTS	<p>[\$104,200,000] Estimates represent aggregate of costs for this and Brunswick Executive Airport II Omnibus District. AMD-1 updates original district designation global project list for existing/future districts in former BNAS acreage:</p> <p>(T1) Professional and administrative costs including prorated municipal staff salaries \$600K... (T1/T2) Road improvements per MDOT 2010 Study in support of increased commercial traffic \$19.2MM; Existing/Future public road infrastructure improvements including associated storm water, sewer/water/electrical lines and street amenities \$18MMΦx... (T2) Public safety improvements including debt service and/or maintenance of up to four police/fire/rescue vehicles per year \$3.9MM; Downtown District portage \$3MM; School construction/renovation bonds debt service* \$40MM... (T3) Brunswick Downtown Association (BDA) funding \$3MM; Recreational trails \$1.5MMΦ... (T3/T1) Economic Development (ED) efforts marketing Town as a business or arts location, including ED staff salaries prorated municipal staff salaries or professional service costs; regional marketing and tourism destination campaigns; revolving loan/investment funds or grants primarily for business startup/expansion efforts; grant matching; technology systems updates prorated to business expansion/recruitment efforts including GIS system, computers and assessing software; business/tourism destination branding including directional signage and streetscape upgrades; economic/environmental studies and associated improvements of properties for commercial or future arts district use \$15MMΦx.</p> <p><u>EXCLUDING ANY COSTS/FUNDING FOR:</u> Φ Public park(s) x Items beyond § 5222(1) scope, i.e.: holiday decorations, plant pots/containers and art x § 5225(1)(A)(1)(a)(i) and (A)(8) and (C)(7)(b) Transit-Oriented Development costs</p> <p>Projects unique to this District/Program? [] YES [✓] NO: Any project may be common to Brunswick Executive Airport II Omnibus and Mólnlycke Manufacturing districts.</p>
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Over TIF Term (OTT); §5225(1)(A-C) = Tier (T) 1-3

MTIF: Application Synopsis for Commissioner Consideration

■ STAFF RECOMMENDATION

<p>PROGRAM DIRECTOR (PD) REVIEWED APPLICATION AND OFFERS THIS OPINION:</p>	<p>Recommend full approval; no concerns. Approval LTR will,</p> <ol style="list-style-type: none"> a. Advise Town any current or future Municipal TIF Policy does not supersede Commissioner approval; b. Require any future AMD application to update pro forma (EXH-D1) to line up District term years with Town fiscal years and provide actual revenue for each past year if/when submitting a third or higher amendment, or District is in tenth or higher term year; c. Caution Town to maintain the required dedicated project costs accounts, regardless of how it aggregates revenue from this and Brunswick Executive Airport II Omnibus District; d. Address acreage/taxable OAV exemptions for annually classified PTMZ Military Redevelopment Zone on former NASB property; and e. Repeat original designation approval LTR disclaimers pertaining police/school costs. <p><u>In reference to RLF, a copy of Commissioner natural gas letter to Pierce Atwood will go to Town as FYI.</u></p>		
<p>PD RECOMMENDS COMMISSIONER APPROVAL? :: Y/N/OTHER</p>	<p>Y</p>		<p>9/14/16</p>
<p>APPLICATION RECEIPT DATE</p>	<p>7/14/16</p>	<p>CHECK AFTER DATA ENTRY <input type="checkbox"/></p>	

Form revised 10/21/15.

**TOWN OF BRUNSWICK, MAINE
TOWN COUNCIL**

**A Resolution Authorizing an Appropriation and Grant of Available Tax
Increment Financing Proceeds to 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, the Town adopted amendments to the TIF Development Programs on June 20, 2016, and DECD granted approval of the Development Program Amendments on September 14, 2016; and

WHEREAS, on June 20, 2016 the Town Council approved the execution of a Credit Enhancement Agreement (“CEA”) with MRRA; and

WHEREAS, the Development Programs and the CEA require that MRRA request, and the Town approve, TIF funding for projects and other uses MRRA wishes to fund; and

WHEREAS, The Town Council established a committee (“TIF Committee”) to review MRRA’s TIF funding requests; and

WHEREAS, on September 12, 2016 MRRA appeared before the TIF Committee to request \$572,882.71, representing the balance of the available TIF revenues from tax years 2013, 2014, 2015, and \$463,376.87 for tax year 2016; and

WHEREAS, the TIF Committee is recommending that MRRA’s request be approved for \$572,882.71, representing the balance of the available TIF revenues from tax years 2013, 2014, 2015, to be paid immediately, and to be used for reimbursement of taxes for aeronautical uses in Hangars 4, 5 and 6; and

WHEREAS, with the understanding that payments will be made in two installments after the October and April tax payment dates, the TIF Committee is recommending that MRRA’s request for \$463,376.87 for tax year 2016 be approved, to be used towards public infrastructure projects and the reimbursement of taxes for aeronautical uses in Hangars 4, 5 and 6;

NOW THEREFORE, BE IT RESOLVED, that the sums of \$572,882.71 and \$463,376.87 are appropriated and granted to MRRA for use in MRRA’s public infrastructure projects and the reimbursement of taxes for aeronautical uses in Hangars 4, 5 and 6.

Proposed to Town Council: September 19, 2016
Adopted by Town Council:

ITEM 105

BACK UP MATERIALS

Town of Brunswick, Maine

OFFICE OF THE TOWN MANAGER

MEMORANDUM

TO: Town Council

FROM: John Eldridge
Town Manager

DATE: September 14, 2016

SUBJECT: Tax Increment Financing (TIF) Committee Recommendation on Cook's Corner Study

At the Tax Increment Financing (TIF) Committee Meeting on September 12, 2016, the Committee discussed a proposal being explored to develop a connector road from the Brunswick Landing/Admiral Fitch Avenue to the Gurnet Road in Cook's Corner. The Development Programs for the Brunswick Landing and Brunswick Executive Airport TIF Districts (as amended) allow TIF revenues to be used for road and infrastructure improvements within and adjacent to Brunswick Landing.^{1 2} A potential connector road was contemplated at the time the two TIFs were amended.

Road improvement proposals in the Cook's Corner area have been before the Town Council in recent years. In November 2013, the Town Council authorized the Town to proceed with preliminary engineering for a road construction project that would make improvements to Thomas Point Road as well as add two new roads; one connecting Gurnet Road to Thomas Point Road and a second connecting Thomas Point Road to Tibbetts Drive. Discussions with the property owners and developers interested in the project continued through the spring of 2015. However, final easements and other property agreements could not be successfully concluded, as one of the major property owners had decided to sell its Brunswick holdings. The project was put on hold.

Early this year, Cooks Corner Mall and other holdings were sold, and the new management expressed an interest in renewing conversations on connector roads in the Cook's Corner area. In addition, the increased traffic activity patterns resulting from successful development initiatives at Brunswick Landing motivated the Midcoast Regional Redevelopment Authority (MRRA) to discuss possible improvements to mitigate the increased traffic activity and consequent public safety concerns. This led to the discussion of creating a new connector road from Admiral Fitch Avenue to Gurnet Road.

Any discussion about developing a new road requires preliminary engineering to determine potential alignments and costs. Since the Brunswick Landing and Executive Airport TIFs allow expenditures for road improvements, I asked the TIF Committee to consider a proposal that would allow the use of TIF funds to move forward with a preliminary engineering study for the Admiral Fitch to Gurnet Road connection.

¹ FIRST AMENDMENT TO BRUNSWICK LANDING II MUNICIPAL DEVELOPMENT AND TAX INCREMENT FINANCING DISTRICT OMNIBUS DEVELOPMENT PROGRAM

² FIRST AMENDMENT TO BRUNSWICK EXECUTIVE AIRPORT II MUNICIPAL DEVELOPMENT AND TAX INCREMENT FINANCING DISTRICT OMNIBUS DEVELOPMENT PROGRAM

The TIF Committee discussed the request and agreed to recommend that the Council approve the request to use TIF funds for the purpose of study, planning and design of the connector road between Admiral Fitch Avenue and Gurnet Road. The Committee's recommendation was contingent on the Department of Economic and Community Development's (DECD) final approval of the Development Program amendments. That approval was received today.

Attached is a proposed resolution that would authorize the appropriation and expenditure of up to \$50,000 in TIF funds to be used for the purpose of study, planning and design of the connector road between Gurnet Road and Admiral Fitch Avenue. I look forward to discussing this recommendation with you.

Attachment

**TOWN OF BRUNSWICK, MAINE
TOWN COUNCIL**

A Resolution Authorizing an Appropriation of \$50,000 from Available TIF Revenues for the Purpose of Funding Costs of the Study, Planning and Design of a New Road in the Cooks Corner area connecting Gurnet Road and Admiral Fitch Avenue.

WHEREAS, the Town of Brunswick (the "Town"), the Midcoast Regional Redevelopment Authority ("MRRA"), and certain property owners and developers in the Cooks Corner area have begun discussions about the construction of a connector road between Gurnet Road in Cooks Corner, and Admiral Fitch Avenue on the Brunswick Landing; and

WHEREAS, the development of an accurate project scope and budget will require certain studies, planning and road design work which could cost up to \$50,000; and

WHEREAS, the use of Tax Increment Financing ("TIF") revenues from the Brunswick Landing and Brunswick Executive Airport TIF Districts would be allowed for this purpose; and

WHEREAS, the Tax Increment Finance Committee ("TIF Committee"), at its September 12, 2016 meeting, reviewed preliminary plans and voted to recommend the use of up to \$50,000 of available TIF revenues for the study, planning and design of the connector road;

NOW THEREFORE, BE IT RESOLVED, that the amount of \$50,000 be appropriated from available TIF revenues for the purpose of study, planning and design of the connector road between Gurnet Road and Admiral Fitch Avenue.

Proposed to Town Council – September 19, 2016

Adopted by Town Council –