



STATE OF MAINE
DEPARTMENT OF ECONOMIC
AND COMMUNITY DEVELOPMENT

PAUL R. LEPAGE
GOVERNOR



GEORGE C. GERVAIS
COMMISSIONER

February 16, 2018

John Eldridge,
Town Manager
TOWN OF BRUNSWICK
85 Union Street
Brunswick, Maine 04011-2418

RE: Brunswick Executive Airport II Omnibus Municipal *Tax Increment Financing (TIF)* District and Development Program Second Amendment (AMD-2)

A P P R O V E D

Dear Mr. Eldridge,

The Maine Department of Economic and Community Development (DECD) reviewed and EFFECTIVE TODAY APPROVED the application to amend the above referenced Municipal TIF District and Development Program (Program). Based on the application, DECD notes/approves:

- a. Town reserves the right to use municipal indebtedness to finance any of the approved project costs, listed below and found in Table 1 of AMD-1 (page 8-12), and to pay debt services and financing costs related to such project costs, in accordance with M.R.S. Title 30-A, Section 5225 (1)(A)(2), with TIF revenues.

Per March 18, 2013 original designation and previous amendment approvals, DECD restates:

- b. District term of 30 years ending June 30, 2043 with Town's FY 2042-43;
- c. District taxable Original Assessed Value of \$0 as of March 31, 2012 (April 1, 2011)—acreage 146;
- d. Real property Increased Assessed Value (IAV) capture of up to 100%;
- e. District revenues deposited/held in dedicated accounts and applied ONLY toward approved activities/projects due completion BEFORE/BY June 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;
- f. Up to 50% AGGREGATE of incremental taxes from new actual value from this District and Brunswick Landing II Omnibus District ("aggregate") projected at \$10,650,498, for this TIF, for all reimbursement agreements including the Midcoast Regional Redevelopment Authority (MRRA), capped but not guaranteed at \$15,000,000 for MRRA and including revenue from Increased Assessed Value (IAV) by aeronautical businesses as defined in Program Exhibits H and I. Potential reduction of \$15,000,000 MRRA 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 MRRA or businesses per 30-A M.R.S.A. § 5225(1)(A) and DECD rules as amended from time to time;
- g. AFTER EXECUTION, TOWN MUST FORWARD COPY of any associated credit enhancement agreement and its amendment(s) or assignment(s) to DECD—enclosing completed matching **Application Cover Sheet** with detailed private project description and (if Company and not Developer) **Employment Goals Form**;
- h. Any non-captured incremental property values resulting in General Fund revenue/deposits MUST be included/reported with Town equalized assessed value;



PAUL R. LEPAGE
GOVERNOR



GEORGE C. GERVAIS
COMMISSIONER

- i. Any current or future Town Municipal TIF Policy does not supersede this approval;
- j. Any future amendment MUST comply with 30-A M.R.S.A. §§ 5221-5235 and DECD rules;
- k. When District expires, or is terminated, BRUNSWICK MUST NOTIFY DECD IN WRITING.

As further described in the Program, Town revenue allocation projected at \$21,300,996 may facilitate funding for an estimated \$104,200,000 in public costs and associated debt. This funding MUST comply with already established Town appropriation process—with activities/projects due completion BEFORE/BY June 30, 2043. DECD restates public activities/projects costs listed below:

WITHIN DISTRICT

- l. Reimbursement agreements with and associated payments to MRRA and companies/developers per bullet f. \$10,650,498; ≈
- m. Professional and administrative costs including prorated municipal staff salaries \$600,000; ≈ Δ

WITHIN/OUTSIDE DISTRICT ♦

- n. Existing/Future public road infrastructure improvements including associated storm water, sewer/water/electrical lines and street amenities \$18,000,000; ♦ ≈

OUTSIDE DISTRICT ♦

- o. Road improvements per MDOT 2010 Study in support of increased commercial traffic \$19,200,000; ≈ Δ
- p. Public safety improvements including debt service and/or maintenance of up to four police/fire/rescue vehicles per year \$3,900,000; * ≈ Δ
- q. Portage of revenues to Downtown Municipal TIF District while its IAV capture remains 100% \$3,000,000; ≈ Δ
- r. School construction/renovation bonds debt service \$40,000,000; ** ≈

WITHIN MUNICIPALITY

- s. Brunswick Downtown Association (BDA) funding \$3,000,000; ≈ Δ
- t. Recreational trails \$1,500,000; ♦ ≈

WITHIN MUNICIPALITY/DISTRICT

- u. 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 \$15,000,000. × ≈

DECD notes while the Program may list multiple statutory citations with the public project costs in the 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 advises Town to plan for debt retirement to coincide with District term end of June 30, 2043.

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.



PAUL R. LEPAGE
GOVERNOR



GEORGE C. GERVAIS
COMMISSIONER

MAINE IS OPEN FOR BUSINESS. Please contact Development Program Officer Tina Mullins with questions about this certification. With this approval, the Department extends best wishes for the success of the District.

Sincerely,

George C. Gervais
Commissioner

cc: Senator Everett Brownie Carson (SD-24)—128th Legislature
Representative Matthea Elisabeth Larsen Daughtry (HD-49)—128th Legislature
Representative Ralph L. Tucker (HD-50)—128th Legislature
Representative Joyce McCreight (HD-51)—128th Legislature
Justin Poirier, MRS Director Property Tax Division
Brian Doyle, Governor's Account Executive
Shana Cook Mueller, Bernstein, Shur, Sawyer & Nelson, P.A.

- ◊ To 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.
- ≈ Projects are common to development programs of Brunswick Landing II Omnibus TIF district.
- Δ Projects are common to development programs of Molnlycke Manufacturing TIF district.
- * 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.

EXCLUDING FOLLOWING COSTS/FUNDING:

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



**Bernstein, Shur,
Sawyer & Nelson, P.A.**
100 Middle Street
PO Box 9729
Portland, ME 04104-5029

**T (207) 774 - 1200
F (207) 774 - 1127**

Shana Cook Mueller
(207) 228-7134 direct
smueller@bernsteinshur.com

December 28, 2017

Tina Mullins
Department of Economic and
Community Development
111 Sewall Street
Burton Cross Building, 3rd Flr.
Augusta ME 04330

*Re: Brunswick Executive Airport II Municipal Development and TIF District
Brunswick*

Dear Tina:

Enclosed please find the application for the Second Amendment to the Brunswick
Executive Airport II Municipal Development and Tax Increment District Development
Program as approved by the Town of Brunswick on December 18, 2017.

If you have any questions, please feel free to contact me at 207-228-7134.

Sincerely,

Shana Cook Mueller

Encl.

cc. Linda Smith

**ECONOMIC DEVELOPMENT
BRUNSWICK, MAINE**

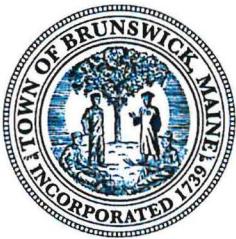
*An Application for a Municipal Development and Tax Increment Financing District
Development Program*

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

Approved by:

TOWN OF BRUNSWICK

December 18, 2017



Town of Brunswick, Maine

INCORPORATED 1739

OFFICE OF THE TOWN MANAGER

85 UNION STREET

BRUNSWICK, MAINE 04011-2418

TELEPHONE 207-725-6659

FAX 207-725-6663

December 21, 2017

Commissioner George C. Gervais
Maine Department of Economic
and Community Development
State House Station 59
Burton Cross Building, 3rd Floor
Augusta ME 04333

*Re: Brunswick Executive Airport II Municipal Development and TIF District
Brunswick*

Dear Commissioner Gervais,

On behalf of the Town of Brunswick, I am submitting the enclosed Second Amendment to the
Brunswick Executive Airport II Municipal Development and Tax Increment
Development Program.

With this letter, I certify that all information contained in this application is true and correct to
the best of my knowledge.

Sincerely,

John Eldridge
Town Manager

APPLICATION COVER SHEET
Executive Airport II TIF District – 2nd Amendment

MUNICIPAL TAX INCREMENT FINANCING

A. General Information

| | | |
|--|--------------------------|--|
| 1. Municipality Name: Town of Brunswick | | |
| 2. Address: 28 Federal Street, Brunswick ME 04011 | | |
| 3. Telephone: 207-725-6659 | 4. Fax: (207)725-6663 | 5. Email: jeldridge@brunswickme.org |
| 6. Municipal Contact Person: John Eldridge, Town Manager | | |
| 7. Business Name: | | |
| 8. Address: | | |
| 9. Telephone: | 10. Fax: | 11. Email: |
| 12. Business Contact Person: | | |
| 13. Principal Place of Business: | | |
| 14. Company Structure (e.g. corporation, sub-chapter S, etc.): | | |
| 15. Place of Incorporation: | | |
| 16. Names of Officers: | | |
| 17. Principal Owner(s) Name: | | |
| 18. Address: | | |

B. Disclosure

| | | |
|---|---|--|
| 1. Check the public purpose that will be met by the business using this incentive (any that apply): | | |
| <input type="checkbox"/> job creation | <input type="checkbox"/> job retention | <input type="checkbox"/> capital investment |
| <input type="checkbox"/> training investment | <input type="checkbox"/> tax base improvement | <input type="checkbox"/> public facilities improvement |
| <input type="checkbox"/> other (list): | | |
| 2. Check the specific items for which TIF revenues will be used (any that apply): | | |
| <input type="checkbox"/> real estate purchase | <input type="checkbox"/> X machinery & equipment purchase | <input type="checkbox"/> X training costs |
| X debt reduction | <input type="checkbox"/> X other (list): please refer to development program project list | |

C. Employment Data

List the company's goals for the number, type and wage levels of jobs to be created or retained as part of this TIF development project (*please use next page*).

N/A

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| B. Town Council Resolution..... | 2 |
| C. Minutes of Public Hearing and Town Council Meeting | 2 |
| D. Statutory Requirements and Thresholds Form..... | 2 |

Exhibits:

- A Notice of Public Hearing
- B Town Council Resolution
- C Minutes of Public Hearing and Town Council Meeting
- D Statutory Requirements and Thresholds Form

I. Introduction

The Brunswick Executive Airport II Omnibus Municipal Development and Tax Increment Financing District (the “District”) was first approved by the Maine Department of Economic and Community Development (“DECD”) on October 24, 2013. The First Amendment to the District was approved by DECD on September 14, 2016. The existing development program for the District contained language that limited the Town’s ability to use municipal indebtedness for tax increment financing project costs. The Town seeks to remove this limitation so that the Town is able to finance all project costs identified in the Development Program project list with municipal indebtedness if it so chooses.

II. Second Amendment to Development Program

This Second Amendment seeks to provide the Town with the most flexibility in its methods to finance TIF projects in the future. Section IV.B. of the existing Development Program addresses “Indebtedness” and says:

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

This Second Amendment to the Development Program shall repeal the existing sentence and replace it with the following:

“The Town reserves the right to use municipal indebtedness to finance any of the project costs set forth in Table 1 and to pay debt services and financing costs related to such project costs, pursuant to Section 5225(1)(A)(2) of Title 30-A of the Maine Revised Statutes, with TIF Revenues.”

The existing Development Program shall remain in full force and effect in all other material respects except for the change described herein.

III. Second Amendment Municipal Approvals

A. Notice of Public Hearing

Attached as Exhibit A hereto is a copy of the Notice of Public Hearing regarding adoption of the Second Amendment to the Development Program for the District, published in the *Times Record*, a newspaper of general circulation in the Town, on a date at least ten (10) days prior to the public hearing. The public hearing on the Second Amendment to the Development Program was held on December 18, 2017, in accordance with the requirements of 30-A M.R.S.A. § 5226(1).

B. Authorizing Votes

Attached as Exhibit B hereto is a copy of the Brunswick Town Council Resolution approving this Second Amendment to the Development Program, which Resolution was adopted by the Council at a meeting of the Council duly called and held on December 18, 2017.

C. Minutes of Public Hearing Held by Town Council

Attached as Exhibit B hereto is a certified copy of the minutes of the public hearing held on December 18, 2017, at which time this First Amendment to the Development Program was discussed by the public.

D. Statutory Requirements and Thresholds Form

Attached as Exhibit D hereto is a completed Statutory Requirements and Thresholds Form demonstrating the District's statutory compliance.

Exhibit A
Notice of Public Hearing

EXHIBIT A

**NOTICE OF PUBLIC HEARING
TOWN OF BRUNSWICK**

Regarding

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

And

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

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

**December 18, 2017
at the
Brunswick Town Office at 85 Union Street, Brunswick, Maine,
The Public Hearing will be at 7:00 p.m.**

The purpose of the public hearing is to receive public comments on the approval of the Second Amendment to the development programs for the municipal tax increment financing districts identified above, development programs for which were first adopted on October 24, 2013 and first amended on September 14, 2016, pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended.

The districts are also known as the “Landing TIF” and the “Airport TIF.” The Landing TIF district consists of 542 acres of property located at the former Naval Air Station Brunswick and the Airport TIF district consists of 146 acres of property located at the former Naval Air Station Brunswick.

All interested persons are invited to attend the public hearing and will be given an opportunity to be heard at that time. The Second Amendments are available for review by all interested parties at the Town Clerk’s Office in the Brunswick Town Hall, 85 Union Street, Brunswick, Maine and at the Curtis Memorial Library, 23 Pleasant Street, Brunswick, Maine.

DEC 21 2017

A TRUE RECORD

ATTEST:

TOWN CLERK, BRUNSWICK, ME

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requirements to:

Pamela Kemp, Office Manager
Hopkinson & Arbondanza
6 City Center, Suite 400
Portland, Maine 04101

or you may email it to
pkemp@hawlaw.com

The purpose of the public hearing is to receive public comments on the approval of the Second Amendment to the development programs for the municipal tax increment financing districts identified above, development programs for which were filed on October 24, 2016 and 2017 and amended on September 14, 2016, pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended.

The districts are also known as the "Landing TIF" and the "Airport TIF". The Landing TIF district consists of 54 acres of property located at the former Naval Air Station Brunswick and the Airport TIF district consists of 146 acres of property located at the former Naval Air Station Brunswick.

All interested persons are invited to attend the public hearing and will be given an opportunity to be heard at the time. The Development Programs are available for review by all interested parties at the Town Clerk's Office in the Brunswick Town Hall, 85 Union Street, Brunswick, Maine and at the Curtis Memorial Library, 23 Pleasant Street, Brunswick. B-233203

or mail:
botto@crocker.com
6, 7, 8 - 233200

NOTICE
BRUNSWICK SEWER
DISTRICT
NOTICE OF REGULAR
MONTHLY MEETING

The regular monthly meeting of the Board of Directors of the Brunswick Sewer District will be held at 8:30 a.m. on Thursday, December 21, 2017 in the Board Room at District offices at 10 Pine Tree Rd., Brunswick, Maine. All interested public is invited to attend. The draft meeting agenda may be viewed at our www.brunswicksewer.org website. B-233148

NOTICE

The Brunswick and Topsham Water District Board of Trustees will hold a regular monthly meeting at their Office located at 235 River Road, Topsham, Maine on Monday, December 11, 2017 at 8:00 p.m. B-233222

NOTICE
NOTICE OF PUBLIC HEARING
TOWN OF BRUNSWICK

Regarding

A Municipal Tax Increment Financing
Development Program for the District Known As
The "Cook's Corner Ogunquit Municipal
Development and Tax Increment
Financing District"

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

December 18, 2017

at the
Brunswick Town Hall, 85 Union Street,
Brunswick, Maine

The Public Hearing will be at 7:00 p.m.

The purpose of the public hearing is to receive public comments on the approval of the development program for the municipal tax increment financing district identified above, pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended.

The Cook's Corner TIF district consists of 205 acres of property located as delineated. The Cook's Corner TIF District is located in the Cook's Corner area of Brunswick, which is located approximately five miles east of the downtown area and the intersection of Gurnet Road and Elm Street. The corner of its northern corner, the District is bounded on the north by Gurnet Road, extending to the east beyond and encompassing Thomas Point Road. The eastern boundary of the District is roughly along the western edge of Walmart's Tibbetts Drive, then crossing back over Thomas Point Road, running along and just west of the Point Road to its western boundary, to the Gurnet Road just south of the Perryman Drive/Gurnet Road intersection. The boundary line then runs south along the western side of Gurnet Road and follows the southern and westerly property line of the former Navy housing now listed as Parcel 40-12 on the tax map. The District is bounded on the south by the Brunswick Landing TIF District until the boundary line again meets Gurnet Road at the northwest corner of the District.

The proposal will include providing the Town Council authority to enter into future Credit Enhancement Agreements with individual businesses.

All interested persons are invited to attend the public hearing and will be given an opportunity to be heard at that time. The Development Program is available for review by all interested parties at the Town Clerk's Office, Brunswick Town Hall, 85 Union Street, Brunswick, Maine and at the Curtis Memorial Library, 23 Pleasant Street, Brunswick, Maine. B-233205

www.timesrecord.com
www.jingriscold.com

DEC 21 2017

A TRUE RECORD
ATTEST:
TOWN CLERK, BRUNSWICK, ME

Exhibit B
Town Council Resolution

DEC 21 2017

A TRUE RECORD
ATTEST: 
TOWN CLERK, BRUNSWICK, ME

Brunswick Executive Airport II Omnibus Development Program
Second Amendment

EXHIBIT B

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

**Adopting the Second Amendment to the Brunswick Executive Airport II Omnibus
Municipal Development and Tax Increment Financing District Development Program**

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

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

WHEREAS, the Development Program was first approved by the Maine Department of Economic and Community Development ("DECD") on October 24, 2013 and the First Amendment to the Development Program was approved by DECD on September 14, 2016; and

WHEREAS, the existing Development Program for the District contains language that limits the Town's ability to use municipal indebtedness for tax increment financing project costs; and

WHEREAS, The Town seeks to remove this limitation so that the Town is able to finance all project costs identified in the Development Program project list with municipal indebtedness if it so chooses; and

WHEREAS, adopting a second amendment to the Development Program (the "Second Amendment") will help further the goals of the District which include creating new employment for the citizens of the Town and the surrounding region; improving and broadening the tax base of the Town; and improving the economy of the Town and the State of Maine; and

WHEREAS, the Town Council has held a public hearing on December 18, 2017, upon at least ten (10) days prior notice published in a newspaper of general circulation within the Town, on the question of adopting the Second Amendment in accordance with the requirements of 30-A M.R.S.A. § 5226; and

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

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

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

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

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

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

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

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

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

| | |
|---------------------------|-------------------|
| Proposed to Town Council: | December 18, 2017 |
| Public Hearing: | December 18, 2017 |
| Adopted by Town Council: | December 18, 2017 |

DEC 21 2017

A TRUE RECORD
ATTEST 
TOWN CLERK, BRUNSWICK, ME

EXHIBIT A

**NOTICE OF PUBLIC HEARING
TOWN OF BRUNSWICK**

Regarding

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

And

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

**December 18, 2017
at the
Brunswick Town Office at 85 Union Street, Brunswick, Maine,
The Public Hearing will be at 7:00 p.m.**

The purpose of the public hearing is to receive public comments on the approval of the Second Amendment to the development programs for the municipal tax increment financing districts identified above, development programs for which were first adopted on October 24, 2013 and first amended on September 14, 2016, pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended.

The districts are also known as the “Landing TIF” and the “Airport TIF.” The Landing TIF district consists of 542 acres of property located at the former Naval Air Station Brunswick and the Airport TIF district consists of 146 acres of property located at the former Naval Air Station Brunswick.

All interested persons are invited to attend the public hearing and will be given an opportunity to be heard at that time. The Second Amendments are available for review by all interested parties at the Town Clerk’s Office in the Brunswick Town Hall, 85 Union Street, Brunswick, Maine and at the Curtis Memorial Library, 23 Pleasant Street, Brunswick, Maine.

DEC 21 2017

A TRUE RECORD

ATTEST:

TOWN CLERK, BRUNSWICK, ME

Exhibit C
Minutes of Public Hearing

Approved
BRUNSWICK TOWN COUNCIL

Minutes

December 18, 2017

7:00 P.M. – Regular Meeting

Council Chambers

Town Hall

85 Union Street

FEB - 9 2018
A TRUE RECORD
ATTEST: *[Signature]*
TOWN CLERK, BRUNSWICK, ME

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

Councilors Absent: Councilor John M. Perreault

Town Staff Present: John S. Eldridge, III, Town Manager; Fran Smith, Town Clerk; Julia Henze, Finance Director; Linda Smith, Economic Development Director; Anna Breinich, Planning and Development Director; Ken Brillant, Fire Chief; Jared Woolston, Town Planner; and TV video crew.

Chair Alison Harris called the meeting to order. The Town Clerk provided roll call and acknowledged that the meeting was properly noticed.

Chair Alison Harris led the Pledge of the Allegiance.

Adjustments to Agenda:

To add Item 162 - The Town Council will consider a letter of support for a Trout Unlimited grant through the Sewell Foundation for conservation and restoration of Mare Brook and other waters in Brunswick.

Recognition of outgoing Council members Sarah E. Brayman and Daniel E. Harris (*This item was discussed at 7:07 p.m.*)

Chair Alison Harris introduced this item.

Councilor Jane Millett recognized Councilor Sarah Brayman and presented her with a plaque on behalf of the Council.

Councilor Sarah Brayman made a few remarks.

Councilor David Watson recognized Councilor Daniel Harris and presented him with a plaque on behalf of the Council.

Councilor Daniel Harris made a few remarks.

(ADDED) Recognition of Anna Breinich (Retiring)

Manager Eldridge and Charles Frizzle recognized Ms. Breinich for her ten years of service.

Ms. Breinich made a few remarks.

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Chair Alison Harris spoke about her time as Council Chair and thanked the Council and staff.

CONSENT AGENDA *(This item was discussed at 7:25 p.m.)*

- a) Approval of the minutes of December 4, 2017
- b) Approval of a Municipal Quitclaim Deed for property depicted as Map 041, Lot 011, Sub 000, Typ 012
- c) Acceptance of a section of Botany Place Drive
- d) Acceptance of a parcel of land off Hemlock Road

Councilor Kathy Wilson moved, Councilor Suzan Wilson seconded, to approve the consent agenda. The motion carried with eight (8) yeas.

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

PUBLIC COMMENTS (for items not on the agenda) *(This item was discussed at 7:25 p.m.)*

Alicia Heyburn, 215 Pennellville Road, spoke about concerns with the proposed tower on Pennellville Road.

Kristin Collins, Town Attorney, spoke regarding this item and responded to questions from Councilor Stephen Walker.

CORRESPONDENCE *(This item was discussed at 7:33 p.m.)*

Councilor Jane Millett stated the Council had received several pieces of correspondence regarding the item on the discontinuance of Pine Street.

UPDATE ON COMMITTEE ACTIVITIES *(This item was discussed at 7:34p.m.)*

Reports were given on the following committees: the Teen Center Advisory Committee, the Brunswick Downtown Association, the Fire Station Task Force, the Finance Committee, and the School Building Committee.

MANAGER'S REPORT

a) Financial update *(This item was discussed at 7:45 p.m.)*

Manager Eldridge provided this report.

b) Report on holiday trash and recycling pick-up schedule *(This item was discussed at 7:45 p.m.)*

Manager Eldridge provided this report.

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c) Dog licensing reminder (This item was discussed at 7:46 p.m.)

Manager Eldridge provided this report.

PUBLIC HEARING

154. The Town Council will hear public comments on an application for a renewal special amusement license for the Brunswick Lodge of Elks #2043, 179 Park Row, and will take any appropriate action. (Town Manager Eldridge) (This item was discussed at 7:47 p.m.)

Chair Alison Harris opened the public hearing.

Fran Smith, Town Clerk, introduced this item and responded to questions from Councilor Jane Millett.

Chair Alison Harris closed the public hearing.

Councilor Suzan Wilson moved, Councilor David Watson seconded, to approve a special amusement license for the Brunswick Lodge of Elks #2043, 179 Park Row. The motion carried with eight (8) yeas.

155. The Town Council will hear public comments on a proposed Cook's Corner Omnibus Municipal Development and Tax Increment Financing District Development Application, and take any appropriate action. (Town Manager Eldridge) (This item was discussed at 7:48 p.m.)

Chair Alison Harris opened the public hearing.

Manager Eldridge introduced this item, stating it was for a new tax increment financing district in the Cooks Corner area.

Linda Smith, Director of Economic Development, provided a quick overview of the proposed TIF. She added that Shanna Cook Mueller, Town Attorney for the TIF, was present if the Council had questions. Ms. Smith showed the boundaries and included parcels that are most likely to have growth so the most value can be captured over the next thirty years. The Town believes it is on the threshold of some economic growth in this area. Housing is not typically included, but it is included this time since the new owners of the housing units are interested in doing infill. The rest of the TIF focuses on economic development. This will help support the Council's economic goals for east Brunswick and the rest of community.

Councilor Jane Millett asked Ms. Smith to emphasize that the Council is not voting to approve the road, just setting the stage for possible funding options.

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Ms. Smith said this is the opportunity to support development projects like roads, recreational trails, and even the downtown area. Support is not being asked for an individual activity, but for the establishment of the TIF district to possibly fund future projects.

Councilor Stephen Walker said the infill in the residential area, with up to 150 new units, could equal many more children. He asked if there is anything in the TIF to offset the educational costs or to support educational funding.

Ms. Smith responded that traditional TIF districts do not support education funding. In the MRRA TIFs, the adverse impact of the base closure was articulated and it was allowed to have the agreement include education costs as a development program activity for those two TIFs, but this would not be entertained for this proposed TIF.

Councilor Stephen Walker responded he hoped the benefit of this TIF would offset those costs in other ways and provide support for future schools.

Chair Alison Harris asked Ms. Smith if the benefit of the TIF is that it shelters tax dollars, which could potentially increase our state aid to education and revenue sharing, and reduce our county taxes.

Ms. Smith responded by explaining the town is retaining more of its potential revenue and doing it in a way that it doesn't trigger how state education aid is calculated. With increased value the state isn't looking at that assessment and its potential decrease in our state aid funding.

Councilor Sarah Brayman asked why the boundary goes across the middle of Perryman Drive and not further south to the edge of the GM4 zone.

Ms. Smith responded that this was part of the discussion of where to literally draw the line, and it seemed by looking at the activity that this was a place to cut it off.

Manager Eldridge, responding to Councilor Sarah Brayman's question asking if the boundaries could be adjusted in the future, said that they could be. He added a TIF is limited in acreage and value and some of the discussion had been around what was expected beyond this line. He confirmed Councilor Sarah Brayman's comment that this TIF's boundaries could have been bigger.

Ms. Smith added this is also looking at how much activity is expected over a period of time.

Councilor Suzan Wilson said retaining value is sheltering value. This is the part of the discussion where the public can understand how the state funding comes into play. She explained how the state calculates their aid based on assessments and values. So if there is new growth and it is not sheltered, the state uses those numbers, which leads to less money for the town.

There was no public comment on this issue.

Chair Alison Harris closed the public hearing.

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There was no objection to taking action tonight.

Councilor David Watson moved, Councilor Daniel Harris seconded, to adopt a Town Council resolution “Designating the Cook’s Corner Omnibus Municipal Development and Tax Increment Financing District and Adopting a Development Program for Such District”. The motion carried with eight (8) yeas.

(A copy of the TIF Resolution and related materials will be attached to the official minutes.)

156. The Town Council will hear public comments regarding a proposed Second Amendment to the Brunswick Landing II Omnibus Municipal Development and Tax Increment Financing District Development Program, and take any appropriate action. (Town Manager Eldridge) *(This item was discussed at 8:01 p.m.)*

Chair Alison Harris opened the public hearing.

Chair Alison Harris said this item is almost identical to item 157 that relates to the Airport district.

Manager Eldridge said this is a minor amendment that allows the funding of projects with debt service in this TIF district, which is common in most TIF districts.

There was no public comment on this issue.

Chair Alison Harris closed the public hearing.

There was no objection to taking action tonight.

Councilor Jane Millett moved, Councilor Stephen Walker seconded, to adopt a Town Council resolution “Adopting the Second Amendment to the Brunswick Landing II Omnibus Municipal Development and Tax Increment Financing District Development Program.” The motion carried with eight (8) yeas.

(A copy of the TIF Resolution and related materials will be attached to the official minutes.)

157. The Town Council will hear public comments regarding a proposed Second Amendment to the Brunswick Executive Airport II Omnibus Municipal Development and Tax Increment Financing District Development Program, and take any appropriate action. (Town Manager Eldridge) *(This item was discussed at 8:03 p.m.)*

Chair Alison Harris opened the public hearing.

Manager Eldridge said this is the same amendment the Council just approved and would allow for funding projects with debt service in this TIF district.

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There was no public comment on this issue.

Chair Alison Harris closed the public hearing.

No objection to taking action tonight.

Councilor Jane Millett moved, Councilor Kathy Wilson seconded, to adopt a Town Council resolution “Adopting the Second Amendment to the Brunswick Executive Airport II Omnibus Municipal Development and Tax Increment Financing District Development Program.” The motion carried with eight (8) yeas.

(A copy of the TIF Resolution and related materials will be attached to the official minutes.)

158. The Town Council will hear public comments for amendments to Chapter 11 – Marine Activities, Structures and Ways providing for late fees and changes to lottery and expiration dates, and amendments to the Master Fee Schedule to reflect these fees, to be enacted on an emergency and regular basis and will take any appropriate action. (Town Manager Eldridge) (This item was discussed at 8:04 p.m.)

Chair Alison Harris opened the public hearing.

Fran Smith, Town Clerk, introduced this item.

There was no public comment.

Chair Alison Harris closed the public hearing.

Councilor Kathy Wilson moved, Councilor Jane Millett seconded, to waive the Council rules to allow the Council to vote tonight. The motion carried with eight (8) yeas.

Councilor Suzan Wilson moved, Councilor Kathy Wilson seconded, to adopt amendments to Chapter 11 – Marine Activities, Structures and Ways and the Master Fee Schedule, to clarify language for late fees and lottery dates, on an emergency and a regular basis, as stated in the proposed language. The motion carried with eight (8) yeas

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

NEW BUSINESS

159. The Council will consider action on a request by Bowdoin College for a discontinuation of a portion of Pine Street to aid in the flexibility of the design and placement of accessory buildings for the upgraded Whittier Field Complex, and take any appropriate action. (Town Manager Eldridge) (This item was discussed at 8:08 p.m.)

Manager Eldridge introduced this item.

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Matt Orlando, Senior Vice President for Finance and Administration & Treasurer of Bowdoin College, stated what the college is requesting.

Councilor Sarah Brayman asked questions, to which Mr. Orlando replied.

Councilor Jane Millett and Councilor Stephen Walker asked questions, to which Manager Eldridge responded.

John Cunningham, Eaton Peabody, attorney for Bowdoin College, spoke regarding this item.

Public Comments from the following:

Scott Overbey, 50 Chamberlain Ave

Larry Kline, 16 Hawthorne Street

Paul Ouellette, 52 Pejepscot Terrace

Councilor Sarah Brayman and Councilor Stephen Walker asked questions, to which Mr. Orlando responded.

Councilor Daniel Harris, Councilor Kathy Wilson, Councilor Suzan Wilson, Councilor Jane Millett, and Chair Alison Harris spoke regarding this item.

Councilor Sarah Brayman asked a question, to which Mr. Cunningham responded.

MOTION #1

Councilor David Watson moved, Councilor Daniel Harris seconded, to approve the order entitled “Town of Brunswick, Maine In Town Council –Order of Discontinuance of a portion of Pine Street.”

Councilor Jane Millett, Councilor Stephen Walker, Councilor David Watson, Councilor Suzan Wilson, and Councilor Sarah Brayman spoke regarding the motion.

VOTE ON MOTION #1:

Councilor David Watson moved, Councilor Daniel Harris seconded, to approve the order entitled “Town of Brunswick, Maine In Town Council –Order of Discontinuance of a portion of Pine Street.” The motion carried with seven (7) yeas. Councilor Stephen Walker was opposed.

MOTION #2

Councilor David Watson moved, Councilor Daniel Harris seconded, to authorize the Town Manager to execute the easement agreement between Bowdoin College, Pine Grove Cemetery and the Town of Brunswick, the agreement between Bowdoin College, Pine Grove Cemetery and the Town of Brunswick regarding the discontinuance of a portion of Pine Street relating to the waiver of damages for discontinuance, and any other agreements, the Town Manager, in consultation with the Town Attorney, deems necessary to implement the order of discontinuance.

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Councilor Sarah Brayman and Chair Alison Harris spoke regarding this motion.

Councilor David Watson asked questions, to which Mr. Orlando responded.

VOTE ON MOTION:

Councilor David Watson moved, Councilor Daniel Harris seconded, to authorize the Town Manager to execute the easement agreement between Bowdoin College, Pine Grove Cemetery and the Town of Brunswick, the agreement between Bowdoin College, Pine Grove Cemetery and the Town of Brunswick regarding the discontinuance of a portion of Pine Street relating to the waiver of damages for discontinuance, and any other agreements, the Town Manager, in consultation with the Town Attorney, deems necessary to implement the order of discontinuance. The motion carried with seven (7) yeas. Councilor Stephen Walker was opposed.

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

- 160. 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) (This item was discussed at 9:06 p.m.)**

Councilor David Watson spoke regarding this item.

Steve Levesque, Executive Director of MRRA, spoke regarding this item, and responded to questions from Councilor David Watson, Councilor Sarah Brayman, and Councilor Stephen Walker.

Councilor Suzan Wilson and Councilor Jane Millett spoke regarding this item.

Councilor David Watson moved, Councilor Daniel Harris seconded, to adopt “A Resolution Authorizing an Appropriation and Grant of Available Tax Increment Financing Proceeds to the Midcoast Regional Redevelopment Authority.” The motion carried with eight (8) yeas.

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

- 161. The Town Council will receive an oral report from the Human Rights Task Force, and will take any appropriate action. (Councilor Sarah Brayman, Councilor Jane Millett, and Councilor Kathy Wilson) (This item was discussed at 9:18 p.m.)**

Councilor Sarah Brayman, Councilor Jane Millett, and Councilor Kathy Wilson gave this report.

Councilor Stephen Walker spoke regarding this item.

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162. (ADDED) The Town Council will consider a letter of support for a Trout Unlimited grant through the Sewell Foundation for conservation and restoration of Mare Brook and other waters in Brunswick, and will take any appropriate action. (Councilor Stephen Walker) (This item was discussed at 9:23 p.m.)

Councilor Stephen Walker introduced this item.

Councilor Jane Millett spoke regarding this item.

Councilor Stephen Walker moved, Councilor Jane Millett seconded, for the Town to submit a letter of support for a Trout Unlimited grant through the Sewell Foundation for conservation and restoration of Mare Brook and other waters in Brunswick. The motion carried with eight (8) yeas.

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

The meeting adjourned at 9:27 p.m.

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

*Frances M. Smith
Town Clerk
December 20, 2017*

January 16, 2018
Date of Approval

Council Chair

FEB - 9 2018

A TRUE RECORD
ATTEST: 
TOWN CLERK, BRUNSWICK, ME

Exhibit D
Statutory Requirements and Thresholds Form

STATUTORY REQUIREMENTS AND THRESHOLDS
Brunswick Executive Airport II Municipal TIF District | Amendment - 2

| SECTION A. Acreage Caps | | |
|--|----------|---------------|
| 1. Total municipal acreage; | | 28,800 |
| 2. Acreage of proposed Municipal TIF District; | | 146 |
| 3. Downtown-designation ¹ acres in proposed Municipal TIF District; | | 0 |
| 4. Transit-Oriented Development ² acres in proposed Municipal TIF District; | | 0 |
| 5. Total acreage [=A2-A3-A4] of proposed Municipal TIF District counted toward 2% limit; | | 146 |
| 6. Percentage [=A5÷A1] of total acreage in proposed Municipal TIF District (CANNOT EXCEED 2%). | | .5% |
| 7. Total acreage of all <u>existing/proposed</u> Municipal TIF districts in municipality including Municipal Affordable Housing Development districts: ³ | Existing | 651.37 acres |
| Downtown Development / 89.97 acres Brunswick Landing II / 542 acres | Proposed | 146 acres |
| | Total: | 797.37 acres |
| 30-A § 5223(3) EXEMPTIONS⁴ | | |
| 8. Acreage of an <u>existing/proposed</u> Downtown Municipal TIF district; | | 89.97 acres |
| 9. Acreage of all <u>existing/proposed</u> Transit-Oriented Development Municipal TIF districts: | | 89.97 acres* |
| 10. Acreage of all <u>existing/proposed</u> Community Wind Power Municipal TIF districts: | | 0 |
| 11. Acreage in all <u>existing/proposed</u> Municipal TIF districts common to ⁵ Pine Tree Development Zones per 30-A § 5250-I (14)(A) excluding any such acreage also factored in Exemptions 8-10 above: Brunswick Landing II Municipal TIF District / 542 acres Brunswick Executive Airport II / 146 acres Molnlycke Manufacturing / 19.4 acres | | 707.4 acres |
| 12. Total acreage [=A7-A8-A9-A10-A11] of all <u>existing/proposed</u> Municipal TIF districts counted toward 5% limit; | | 0 acres |
| 13. Percentage of total acreage [=A12÷A1] of all <u>existing/proposed</u> Municipal TIF districts (CANNOT EXCEED 5%). | | 0% |
| 14. Real property in proposed Municipal TIF District that is: | ACRES | % [=Acres÷A2] |
| a. A blighted area; | | |
| b. In need of rehabilitation, redevelopment or conservation; | | |
| c. Suitable for commercial or arts district uses. | 146 | 100% |
| TOTAL (except for § 5223 (3) exemptions a., b. OR c. must be at least 25%) | | 100% |

*Note: same district as the Downtown District

¹ Before final designation, the Commissioner will seek advice from MDOACF and MDOT per 30-A § 5226(2).

² For Transit-Oriented Development (TOD) definitions see 30-A § 5222 sub-§§ 19-24.

³ For AH-TIF acreage requirement see 30-A § 5247(3)(B). Alternatively, Section B. must exclude AH-TIF valuation.

⁴ Downtown/TOD overlap nets single acreage/valuation caps exemption.

⁵ PTZ districts approved through December 31, 2008.

STATUTORY REQUIREMENTS AND THRESHOLDS
Brunswick Executive Airport II Municipal TIF District | Amendment - 2

| SECTION B. Valuation Cap | | |
|---|-----------------|--------------|
| 1. Total TAXABLE municipal valuation—use most recent April 1; (4/1/2017) | \$2,300,363,500 | |
| 2. Taxable Original Assessed Value (OAV) of proposed Municipal TIF District as of March 31 preceding municipal designation—same as April 1 prior to such March ²¹ . | 0 | |
| 3. Taxable OAV of all <u>existing/proposed</u> Municipal TIF districts in municipality excluding Municipal Affordable Housing Development districts: Downtown Development / \$71,082,500 Molnlycke Manufacturing / \$0 Brunswick Landing II / \$0 Brunswick Executive Airport II / \$0 | Existing | \$71,082,500 |
| | Proposed | 0 |
| | Total: | \$71,082,500 |
| 30-A § 5223(3) EXEMPTIONS | | |
| 4. Taxable OAV of an <u>existing/proposed</u> Downtown Municipal TIF district; | \$71,082,500 | |
| 5. Taxable OAV of all <u>existing/proposed</u> Transit-Oriented Development Municipal TIF districts: | \$71,082,500* | |
| 6. Taxable OAV of all <u>existing/proposed</u> Community Wind Power Municipal TIF districts: | 0 | |
| 7. Taxable OAV of all <u>existing/proposed</u> Single Taxpayer/High Valuation ⁶ Municipal TIF districts: | 0 | |
| 8. Taxable OAV in all <u>existing/proposed</u> Municipal TIF districts common to Pine Tree Development Zones per 30-A § 5250-1 (14)(A) excluding any such OAV also factored in Exemptions 4-7 above: Brunswick Landing II Municipal TIF District / \$0 Brunswick Executive Airport II / \$0 Molnlycke Manufacturing / \$0 | 0 | |
| 9. Total taxable OAV [=B3-B4-B5-B6-B7-B8] of all <u>existing/proposed</u> Municipal TIF districts counted toward 5% limit; | 0 | |
| 10. Percentage of total taxable OAV [=B9÷B1] of all <u>existing/proposed</u> Municipal TIF districts (CANNOT EXCEED 5%). | 0% | |

*Note: same district as the Downtown District

| COMPLETED BY | |
|--------------|-------------------|
| NAME: | Julia Henze |
| DATE: | December 28, 2017 |

⁶ For this exemption see 30-A §5223(3)(C) sub-§§ 1-4.