

June 12, 2014

**Minutes of the Washington County Commissioners'  
Regular Meeting held  
June 12, 2014  
in the Commissioners' Conference Room  
Machias, Maine**

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**Attending the meeting were:  
Commissioner Christopher Gardner  
Commissioner John Crowley, Sr.  
Commissioner Vinton Cassidy  
Betsy Fitzgerald, County Manager  
Carla Manchester, Administration  
Ken Daye, SCEC  
Josh Rolfe, RCC  
Rich Rolfe, Jail  
Sharon Strout, Deeds  
Judith Alexander, Treasurer's Office  
Jill C. Holmes, Treasurer  
Michael Hinerman, EMA  
Heron Weston, Unorganized Territory**

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The meeting was called to order at 3:52 p.m.

**Approval of the May Public Hearing minutes  
(May 8, 2014) (Crowley / Cassidy, 3-0)**

**Approval of the May regular meeting minutes  
(May 8, 2014) (Crowley / Cassidy, 3-0)**

**AGENDA ITEM: Monthly and Quarterly Reports**

The Commissioners were provided monthly reports in their meeting packets. (See attached)

Mike Hinerman reported that new radios were being replaced by Roger Holst of PCT Communications. The old radios are not narrowband radios, therefore unusable. A generator is being replaced as well. Mike asked the Commissioners what method of disposal should be used. Commissioner Gardner stated that the radios are undoubtedly obsolete and may be recycled. Mike stated that he will retain a list of each piece of equipment with the relating serial number. By consensus, the Commissioners agreed that the generator is still of use and should be kept for use if needed or go out for public bid. County Manager Betsy

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Fitzgerald noted that there is an old cabinet from the Registry of Deeds that is no longer needed. Commissioner Gardner stated that county department heads should have an opportunity to review the discarded furniture or equipment. If there is not a use for it in another department then it should be put out to bid.

**AGENDA ITEM: Payroll Status Change Notices**

The Commissioners signed two payroll changes that were presented last month. The payroll changes for the reclassification of Dennis Worcester from full-time permanent to full-time temporary patrol deputy and hiring of Blaine Silk for full-time patrol deputy were tabled until the changes could be clarified. County Manager was given authorization to seek clarification and execute these changes. She explained that Dennis Worcester would not continue as full-time but stay on as part-time. Blaine Silk was hired to replace Dennis. Both payroll changes were signed by the Commissioners.

By consensus and without prejudice, the Commissioners accepted the resignation of Lisa Yearber as part-time Emergency Communications Specialist effective 05/09/14.

Also by consensus and without prejudice, the Commissioners accepted the resignation of Jennifer Ward as part-time Corrections Officer effective 06/13/14.

With the recommendation of Sheriff Smith,

**\*MOTION\*** Commissioner Cassidy moved to hire Darrell Daniels as a part-time Corrections Officer effective 06/01/14 not to exceed 32 hours per week except for training and emergency purposes. Commissioner Crowley seconded the motion which passed 3-0.

**\*MOTION\*** Commissioner Crowley moved to hire Elizabeth McAdams as a part-time Corrections Officer effective 06/01/14 not to exceed 32 hours per week except for training and emergency purposes. Commissioner Cassidy seconded the motion which passed 3-0.

**\*MOTION\*** Commissioner Crowley moved to hire Bryan J. Albee as a part-time Corrections Officer effective 06/01/14 not to exceed 32 hours per week except for training and emergency purposes. Commissioner Cassidy seconded the motion which passed 3-0.

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Sheriff Smith requested that Dennis Worcester be reclassified from temporary full-time patrol deputy to a part-time deputy effective 06/06/14. By consensus the Commissioners recognized the reclassification of Dennis Worcester to part-time Patrol Deputy not to exceed 32 hours per week except for training and emergency purposes.

**AGENDA ITEM: Signatures on Six-month Certificate**

The six-month certificates for Cody Fenderson and Matthew Carter were signed.

**AGENDA ITEM: Introduction of Public Record policy**

County Manager Betsy Fitzgerald presented a written Public Record policy. She stated that it clarifies the stance the County has regarding the management of records and ensures compliance with the Maine Freedom of Access law, 1 MRSA § 401, *et seq.* The county attorney has reviewed the policy. Betsy also noted that the written policy being presented is nothing more than what is being done now. Commissioner Gardner pointed out that this policy, as with all policies, is ever evolving and may be reviewed and changed.

**\*MOTION\* Commissioner Cassidy moved to adopt the Public Record Policy as presented. Commissioner Crowley seconded the motion which passed 3-0.**

**AGENDA ITEM: Signatures on Meal Allowance policy**

County Manager Betsy Fitzgerald presented the updated Meal Allowance policy for the Commissioners to sign. This policy was approved during the April meeting and is effective as of 04/10/14.

**AGENDA ITEM: Permission to use the Courthouse Parking Lot for Machias Wild Blueberry Festival**

Centre Street Congregational Church has made a request to the Commissioners to use the County Courthouse parking lot on Court Street for the Machias Wild Blueberry Festival as in previous years.

**\*MOTION\* Commissioner Gardner moved to approve the use of the County Courthouse parking lot by the Centre Street Congregational Church for the Machias Wild Blueberry Festival. Commissioner Cassidy seconded the motion which passed 3-0.**

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Commissioner Gardner asked that the record reflect that the Centre Street Congregational Church has permission to use the parking space in its entirety.

The meeting was adjourned at 4:05 p.m. Commissioner Gardner asked for a motion to reconvene for the purpose of entering into Executive Session.

**\*MOTION\*** Commissioner Crowley moved to go into Executive Session pursuant to Title 1 MRSA § 405-A 6E to discuss a legal issue. Commissioner Cassidy seconded the motion which passed 3-0. It was 4:06 p.m.

**\*MOTION\*** Commissioner Crowley moved to come out of Executive Session. Commissioner Cassidy seconded the motion which passed 3-0. It was 4:25 p.m.

There were no motions or decisions made after Executive Session.

**Adjournment 4:25 p.m.**

**Attest:** \_\_\_\_\_  
Carla J.R. Manchester, Admin. Asst.

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**Minutes of the Washington County Commissioners'  
Unorganized Territories Regular Meeting  
held June 12, 2014  
in the Commissioners' Conference Room  
Machias, Maine**

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**Attending the meeting were:  
Commissioner Christopher Gardner  
Commissioner John Crowley, Sr.  
Commissioner Vinton Cassidy  
Betsy Fitzgerald, County Manager  
Carla Manchester, Administration  
Ken Daye, SCEC  
Josh Rolfe, RCC  
Rich Rolfe, Jail  
Carly DelSignore, Edmunds Twp.  
Aaron Bell, Edmunds Twp.  
Michael Griffin, Whiting  
Matt Lewis, Maine Stream Finance  
Sharon Strout, Deeds  
Judith Alexander, Treasurer's Office  
Jill Holmes, Treasurer  
Michael Hinerman, EMA  
Clyde Brown, Edmunds  
Leslie Robinson, Edmunds**

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Commissioner Gardner called the meeting to order at 3:01 p.m.

**Approval of the May U.T. meeting minutes  
(May 8, 2014) (Crowley / Cassidy, 3-0)**

**AGENDA ITEM: Monthly Report**

The monthly report was submitted and is attached.

Interim U.T. Supervisor Heron Weston presented an Animal Control Agreement for approval by the Commissioners. The ACO agreement is for coverage for the Town of Cooper. The county attorney has reviewed the contract and it has been signed by the town officials of Cooper.

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**\*MOTION\* Commissioner Crowley moved to approve the Animal Control Contract with the Town of Cooper effective June 12, 2014. Commissioner Cassidy seconded the motion passing 3-0.**

Commissioner Gardner made an amendment to the motion. He stated that the contract is effective May, 31, 2014. The amendment was considered part of the approval motion.

Heron Weston submitted a fire coverage contract with Springfield Fire Department to cover Kossuth Township. The county attorney has reviewed the contract. Commissioner Gardner stated his concern that the contract was not clear as to the area covered by Maine Forest Service. Commissioner Crowley agreed stating that the language in the contract was too broad. Commissioner Gardner asked for a motion to authorize County Manager Betsy Fitzgerald to approve the contract with Springfield Fire Department to cover Kossuth Township once the language has been revised excepting out Maine Forest Service coverage area.

**\*MOTION\* Commissioner Cassidy moved to authorize County Manager Betsy Fitzgerald to approve the contract with Springfield Fire Department to cover Kossuth Township. Commissioner Crowley seconded the motion which passed unanimously.**

Heron stated that he has been approached by the Town of Whiting for fire coverage also. By consensus the Commissioners approved Heron to proceed with negotiations for fire coverage service for Whiting.

Heron reported that signs have been installed in Trescott and Centerville for the ATV access roads that were approved in last months' meeting.

Heron also reported that the second shellfish conservation event has been completed and the total number of commercial licenses has already surpassed last years' sales.

The design and location of the proposed dry hydrant at the Cathance Boat Launch has been developed. Heron has received positive feedback and has been assured by the Maine Department of Inland Fisheries & Wildlife engineer that he will support the proposal. The U.T. office is currently working on the sketch and written proposal to be submitted within the next week.

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Heron has reviewed the new FEMA flood zone maps for the U.T. Commissioner Gardner asked what changes were made. Heron stated that the only updated areas were the coastal townships of Trescott and Edmunds. County Manager Betsy Fitzgerald noted that the new flood maps now reflect some areas that were in flood zones have been moved out of that zone. Michael Hinerman added that the new maps are better defined. Commissioner Gardner requested a copy of these maps. County Manager Betsy Fitzgerald stated that the new maps are available in her office. Commissioner Gardner requested a copy of the old flood zone maps also.

**AGENDA ITEM: TIF Grant Committee Update**

A report was submitted and is attached. U.T. TIF Administrator Ken Daye stated that he had five projects that have been reviewed by the TIF Grant and Loan Committee to present for their consideration.

Leslie Robinson of Edmunds has submitted a request for a \$10,000 Grant and \$10,000 Loan to help her establish a for-profit equine boarding, training and sporting facility. She would be able to board and care for approximately six to eight horses. She has worked closely with a business counselor to develop and evaluate this proposal. TIF Administrator Ken Daye noted that the Loan Committee recommended denial of this loan request with a 3-2 vote. Commissioner Gardner stated that, although the TIF committee has concerns, he was glad to see an effort to offer the loan as an option. Commissioner Cassidy pointed out that in previous discussions the Commissioners stated that they were interested in seeing more loan proposals as an option for those that may not be able to acquire a bank loan. Ken stated that the concerns regarding a loan have been discussed with Ms. Robinson and expects there will be an honest effort to clear this up. Commissioner Gardner inquired as to whether there is collateral to be offered. Ken stated that there is, and Ms. Robinson has a strong business plan in place. Commissioner Cassidy asked if this project had the potential of being successful without both grant and loan. Ken stated that both are essential. Commissioner Crowley commented that the objective of the TIF funds is to help initiate businesses in the U.T. Commissioner Gardner stated that, with that in mind, it is important to look at the business and asked if Ms. Robinson had any comments to add for the Commissioners to consider while making their decision. Ms. Robinson stated that owning this business is a dream and passion of hers and she is determined to make it work. Commissioner Crowley pointed out that it would provide recreational

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opportunities. Commissioner Gardner added that the business would provide a good blend of recreational and tourism opportunities. Commissioner Gardner thanked the committee for providing all the details of the whole package.

With the recommendation of the TIF Grant Committee,

**\*MOTION\* Commissioner Cassidy moved to approve Grant #1405-04-NBT request of \$10,000.00 for Leslie Robinson of Robinson's River Bend Ranch. (Cassidy / Crowley, 3-0)**

Overriding the TIF Loan Committee,

**\*MOTION\* Commissioner Cassidy moved to approve Loan #LR-TIF-05-28-14 request of \$10,000.00 for Leslie Robinson of Robinson's River Bend Ranch. (Cassidy / Crowley, 3-0)**

Ken Daye then introduced James Robinson, owner and operator of Dennys River Tractor Service. Mr. Robinson has requested a TIF Grant in the amount of \$7000 to replace his roadside mower and acquire new equipment to diversify his business. The TIF Grant Committee recommended the approval of this grant based on Mr. Robinson's personal investment and the potential for business and employee growth. Ken noted that Mr. Robinson also has a two-year contract to work on the Sunrise Trails.

**\*MOTION\* Commissioner Crowley moved to approve Grant #1405-03-CP request of \$7,000.00 for James Robinson of Dennys River Tractor Service. (Crowley / Cassidy, 3-0)**

Commissioner Gardner asked about the provision for applicants that may liquidate after receiving TIF grant money as it pertains to all recipients of TIF funds. Ken stated that the provisions in the application spell out that any awards where grant funds are invested in tangible property, the grant term shall be 4 years in length. If the grantees sell, transfer or dissolve tangible property acquired with a TIF Grant, the grantee will be held liable for up to the full amount of their initial award amount.

Next, Ken Daye introduced Mike Griffin of Edmunds. The TIF Committee recommended both the grant request of \$15,000 and loan request of \$45,000 that will enable Mr. Griffin to create a new business in the U.T by establishing a lobster trap and bait shop. One stipulation of

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the Committees' recommendation for the loan is the borrower is to provide evidence of payment of outstanding tax obligations prior to the loan closing. The start-up will immediately create one full-time position and one part-time position. A portion of the funds will be used to renovate an existing home and garage to provide a space for the business. A large portion of the funds will be used to purchase a stand-alone bait cooler / freezer.

Approving the project in its entirety

**\*MOTION\* Commissioner Cassidy moved to approve Grant #1405-06-CP request of \$15,000.00 for Mike Griffin of Coastal Trap Shop (Cassidy / Crowley, 3-0)**

and;

**\*MOTION\* Commissioner Cassidy moved to approve Loan #MG-TIF-05-28-14 for \$45,000.00 for Mike Griffin of Coastal Trap Shop (Cassidy / Crowley, 3-0).**

Ken Daye introduced Clyde R. Brown of Brown's Tractor Service. Ken summarized the purpose of Mr. Brown's application request for a Grant of \$15,000 and a loan of \$15,000. Ken stated that the Loan Committee recommended approval of the loan for the total amount of the request, however; they recommend a reduction of the grant award by \$5,000. After some discussion, Commissioner Cassidy stated that he has the same concerns as before; the total amount requested for both the loan and grant were needed to assure Mr. Brown's successful purchase of a work truck. Commissioner Crowley asked if the purchase would enhance work production. Mr. Brown replied that he would not be able to work anymore than he already does. Commissioner Crowley then asked how many people the business employed. Mr. Brown answered that he only employs one other person than himself and stated that he has experienced difficulty in finding people to work. Commissioner Crowley decided to "step out on a limb" and support the approval of the full amount of both grant and loan requests.

**\*MOTION\* Commissioner Crowley moved to approve Grant #1405-02-CP request for \$15,000.00 for Clyde R. Brown of Brown's Tractor Service (Crowley / Cassidy, 3-0)**

and;

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**\*MOTION\* Commissioner Crowley moved to approve Loan #CB-TIF-05-28-15 request for \$15,000.00 for Clyde R. Brown of Brown's Tractor Service. (Crowley / Cassidy, 3-0)**

Commissioner Gardner inquired as to whether there was collateral on all loans. Ken Day answered to the affirmative.

The last and final TIF grant and loan proposal was from Tide Mill Organic Farm in Edmunds. The applicants, Aaron Bell and Carly DelSignore, were present and introduced. Ken stated that the applicants have been working on a plan to develop a poultry processing facility starting with a feasibility study three years ago. They have been gathering support and have secured half the money needed. The grant request for \$15,000 and the loan request for \$200,000 is the remaining needed to construct and outfit the poultry processing facility. The size of the loan request gave reason to pause as it is the largest TIF loan amount to be considered to date. Mr. Bell stated that the processing facility is going to be important to the farm going forward and will enable year-round production. Ken noted that the processing plant will create a slight increase in employment. Commissioner Cassidy asked how the loan would be secured. Ken replied that the collateral is a "hodgepodge" of assets. Commissioner Cassidy stated that it is a lot of money, but has potential of creating lots of jobs and lots of activity. Commissioner Gardner stated his concern of the sizable amount of money requested but commented that it is within the cap limit that can be approved. Commissioner Crowley pointed out that Tide Mill Farm has a history of a successful farm business. Commissioner Gardner noted that it would make a big impact in the community and be a component in keeping working farms in the County.

**\*MOTION\* Commissioner Crowley moved to approve Grant #1405-05-CP request for \$15,000.00 for Tide Mill Organics. (Crowley / Cassidy, 3-0)**

**\*MOTION\* Commissioner Crowley moved to approve loan #B-TIF-05-28-14 request for \$200,000.00 for Tide Mill Organics. (Crowley / Cassidy, 3-0)**

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**AGENDA ITEM: Public Comment**

None.

**ADJOURNMENT**

**3:52 p.m.**

**ATTEST:**

**Carla J.R. Manchester, Admin. Asst.**

June 23, 2014

**Minutes of the Washington County  
Commissioners' Meeting held  
June 23, 2014  
in the Commissioners' Conference Room  
Machias, Maine**

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**Attending the meeting were:  
Commissioner Christopher Gardner  
Commissioner John Crowley, Sr.  
Commissioner Vinton Cassidy  
Betsy Fitzgerald, County Manager  
Carla Manchester, Administration  
Jill Holmes, Treasurer  
John Hamer, County Attorney**

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Commissioner Gardner opened the meeting at 3:00 p.m.

The purpose of the meeting was to enter into executive session to discuss a legal issue pursuant to Title 1 MRSA § 405-A 6 E.

**\*MOTION\* Commissioner Crowley moved to go into Executive Session pursuant to Title 1 MRSA § 405-A 6 E to discuss a legal issue. Commissioner Cassidy seconded the motion which passed 3-0. It was 3:01 p.m.**

County Attorney John Hamer was present on the phone.

**\*MOTION\* Commissioner Cassidy moved to come out of Executive Session. Commissioner Crowley seconded the motion which passed 3-0. It was 4:35 p.m.**

**\*MOTION\* Commissioner Cassidy moved to approve the payment of June 12, 2014 invoice from Donald Brown for \$2,140.00. Commissioner Crowley seconded the motion which passed 3-0.**

Attorney Hamer will be sending a letter to Attorney Brown regarding the invoice.

Payment of the June 2, 2014 invoice for \$2,016.00 was not approved for the following reasons:

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- This invoice relates to Mr. Brown's work for the Sheriff in opposing an investigation initiated by the Board.
- The investigation is being conducted under the Commissioners' authority to review the Sheriff's operations and shall ensure that the law enforcement functions required under the budget are being adequately performed as stated in 30-A M.R.S.A. Section 401 (2).
- On June 3, 2013, ten months before this matter arose, the Board sent a letter to the Sheriff indicating he could consult with the Commissioners prior to engaging an attorney for assistance with future matters that he intended to be paid for by the taxpayers.
- He did not, so the services were not authorized.
- It was not necessary for the Sheriff to oppose this Board's investigation.
- The services do not relate to the Sheriff's public duties.
- We find the invoice is not a necessary incidental expense that is just and proper, and incurred in the performance of the Sheriff's public duties for the purposes of 30-A M.R.S.A. Section 373 (2)

At the request of Commissioner Crowley the following was read into the record of these proceedings by Commissioner Gardner.

June 3, 2014

Letter addressed to Sheriff Donald Smith:

Dear Sheriff:

It has come to our attention through the media and other sources that it was your intention to pursue the unemployment appeal on two recent county employees utilizing your personal attorney. In the media reports it may have appeared as though there was some question regarding your authority to do so but that was only because we as Commissions were caught off guard by the actions and we wanted to make sure we had all the facts before making any definitive statements on the matter.

Having had time to do so, please let us clear up any confusion on the matter. The County Commissioners are by law the head of County Government and as such the body of jurisdiction in all employment matters and therefore our decision is the final decision of this county. To be clear, that decision is to not pursue any further appeal.

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Again, as was stated in the news accounts this is not because we necessarily agree with the decisions made, it is because we have to make decisions based upon the totality of circumstances and with the best interest of the taxpayers in mind. With that in mind, we do not have any reasonable belief that a further appeal, without new information, would bring any different ruling at this time other than what has already been made by outside review. As such we cannot continue on a course of action that would only cost the taxpayers regardless of ours, or anyone else's, personal feelings in the matter.

We apologize for any confusion you may have had as to your level of responsibility in the proceedings. You certainly did serve as a chief witness in this matter for the County in the original proceedings but that is the extent of your responsibility.

Let this letter serve as a point of clarity and notification that our decision is the final decision of this county and that any further pursuit would not be sanctioned by the Commissioners as an official act of the county. Being unsanctioned, no legal expenses or any other expenses in this matter will be approved by our office for payment by the taxpayers. Please see that your attorney is made aware of this as well.

As you and your office are well aware, this has been a year fraught with employee resignations, terminations, internal investigations and other legal matters whose costs are adding up very quickly. We, as Commissioners, have shown great deference to your office in allowing you to hire your personal attorney and other outside attorneys to represent and defend you in these matters, even at times without prior consultation. However, as the body responsible for the budget, the stark budget realities of all of this is making it necessary that we engage in a more formal discussion on legal costs in the future. Therefore, going forward, please see that consultation is made with the Commissioners' Office prior to engaging in any legal matters that you intend to be covered at the taxpayer's expense in order to ensure that they in fact can be covered by the County.

As the chief elected officials of this County, we have the sometimes difficult task of making decisions that, although we may personally dislike, are in fact the best decision that can be made under the circumstances. WE know that there will be times that this

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will bring disagreement but unfortunately such is the nature of the unique responsibilities each of us carry to the people of this County.

Any questions in regards to this, please contact our office.

Sincerely,

/s/

Christopher Gardner, Chairman  
Washington County Commissioners

**Adjournment 4:50 p.m.**

**Attest:** \_\_\_\_\_  
**Carla J.R. Manchester, Admin. Asst.**