

September 12, 2019

**Minutes of the Washington County Commissioners'  
Unorganized Territories Regular Meeting  
Held September 12, 2019  
in the Washington County Probate Courtroom  
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, Administrative Assistant  
Nathan Pennell, Washington County Soil and Water, DERC&D  
Dean Preston, UT  
Paula Johnson-Rolfe, Sheriff's Office  
Lynn Dwelley, Emergency Management Agency  
Mike Crabtree, Chief Deputy  
Josh Rolfe, Regional Communications Center  
Jill Holmes, Treasurer  
Carlene M. Holmes, Probate**

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Commissioner Gardner called the meeting of the Unorganized Territories to order at 1:30 p.m.

Prior to the start of the meeting, the public meeting for the proposed Washington County budget for F/Y 2020 was held.

**Approval of the U.T. meeting minutes of August 8, 2019  
(Crowley / Cassidy, 3-0)**

**AGENDA ITEM: Monthly Report**

Unorganized Territories Supervisor Dean Preston's monthly report was submitted. (See attached).

Dean reported it is a busy time of year for his office. There are several outstanding summer maintenance projects in the works.

Dean reported MDOT is on day 3 of the 7-day Mays bridge replacement project. Dean stated there has been a good police presence monitoring the by-pass route and have had no reported problems at this time.

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Dean stated he has received a letter from MDOT regarding a possible turnback of West Street in Big Lake Twp. back to the County. This would mean the UT would gain approximately 0.3 miles of paved way for

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summer and winter maintenance. Commissioner Crowley asked Dean for his opinion on the matter. Dean stated he was not in favor of it as it is not good to have more roads to maintain. Commissioner Gardner asked if the County has a choice to accept the roadway. Dean responded that the County does not have a choice. Dean does have concerns about the decrease in contractors interested in plowing roads.

Dean reported of an emotional situation that has developed in Centerville. Dean stated the UT office was notified on August 14<sup>th</sup> by MDOT Region Traffic Engineer, Bruce Mattson, that the Kayla Stream bridge needed to be posted at 5 tons. Dean explained that it makes that bridge almost useless. To give an example, Dean stated a bus weighs between 5 to 10 tons. There is no obvious re-route. Dean stated he has initiated research to seek a solution to move forward. Dean has secured a structural Engineer to develop a design for a replacement bridge. Dean stated he has concerns that with winter coming, there are citizens on the other side of the bridge needing oil deliveries and possible emergency services. Commissioner Gardner agreed this is a serious problem should any citizens need emergency services. Dean stated snow removal operations will need to take place as well. There is no suitable detour. Dean reported he has also tasked the Engineer to develop a plan for replacement to include a temporary bridge during construction. Dean stated he plans to make contact with the peat operations, wood operations, fuel delivery and snow removal operations to notify them of the situation. Dean stated he is acting on this situation as quickly as possible to rectify the issue. Dean noted that normally bridges are a shared expense between local and State, but since this is a short bridge on a low-use roadway the responsibility lies completely on the County. Dean hopes to have solutions to offer in the October meeting.

**AGENDA ITEM: Discussion on a Food Sovereignty Ordinance**

Dean stated he has been approached by a citizen regarding the possibility of enacting of "A Food Sovereignty Ordinance" in Washington County Territories. Dean stated a discussion is needed and

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more research is required. Dean shared some facts with the Commissioners that he has about food sovereignty ordinances:

- A state law was passed in 2017 that gives local governments the authority to enact ordinances regulating local food distribution without state interference;

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- The Maine Food Sovereignty Act decentralizes regulations for direct producer to consumer sales allowing local communities to create their own network of distribution and regulation;
- 21 Maine towns have passed an ordinance and 44 more are considering passing an ordinance. Machias and Lubec have passed their own ordinance;
- Supporters of food sovereignty want local food producers to be exempt from state licensing and inspections as long as the transactions are between the producers and the customers for home consumption or when the food is sold and consumed at community events;
- The ordinance will allow face to face exchanges for food and farm products free of State regulations;
- The ordinance excludes meat and poultry products;
- The Department of Agriculture charges a \$25 annual fee to issue a license that covers food prep and processing. Licensed producers use the department services and gets thousands of dollars in services for that \$25 fee.

Dean asked the Department of Agriculture how food sovereignty would work in our community. Dean stated the Department of Agriculture will not comment. Renee Gray, Lubec Town Manager, confirmed that Lubec has passed a food sovereignty ordinance. Renee stated the ordinance works well for Lubec and allows producers to sell on the road-side to consumers. Josh Rolfe spoke as a representative for the Machias Board of Selectman. Josh stated Machias has also passed a food sovereignty ordinance. Dean asked why enact an ordinance, who polices the transactions, what kind of risks are there and who is liable. Paula Johnson Rolfe, also a representative for the Machias Board of Selectman, stated that it is written in the ordinance that a Local Food and Community Self-Governance Ordinance exempts food producers in the town from certain state laws relating to food processing and the town holds no liability. Dean stated the UT does not typically have ordinances and he has no prior experience with creating one. Dean has

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contacted some of his counterparts for feedback. Commissioner Gardner stated his understanding of exchanges between a local producer and those that want to buy products is between the two and no one is held liable. Dean stated he is concerned because we are a society of litigation. Dean stated he will continue to research the subject. By consensus, the Commissioners approved the development of an ordinance draft that Dean will present for review at the October Commissioners' meeting.

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Dean stated he is preparing a snow plow removal contract that will be presented during the October meeting.

Dean presented a fire protection agreement with the Princeton Fire Department for fire-fighting services in Codyville Twp. This agreement is for the term of July 1, 2019 through June 30, 2024 for an annual stipend of \$1800.00 plus the per call rate from the UT fire personnel/equipment rates schedule.

**\*MOTION\* Commissioner Cassidy moved to approve the fire protection agreement between Princeton Fire Department and Codyville Twp. as presented. (Cassidy / Crowley, 3-0.)**

Dean presented a solid waste disposal agreement with the Town of Machias for residential solid waste disposal for Twps. 24, 29, 30 and Day Block Twp. The agreement is a 1-year term from September 1, 2019 to August 31, 2020 for an annual stipend of \$2,180.00.

**\*MOTION\* Commissioner Crowley moved to approve the solid waste agreement between the Town of Machias and Twps. 24, 29, 30 and Day Block Twp. as presented. (Crowley / Cassidy, 3-0.)**

**AGENDA ITEM: TIF Grant Committee Update**

A report was submitted and is attached.

Ms. Hatton was not present. County Manager Betsy Fitzgerald presented the three action items for the Commissioners' consideration.

A grant for \$10,000.00 for Citizens Organization for Rural Education (CORE) has been requested. This is an economic development planning grant to develop a written, economic, feasibility report for the

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Greater East Grand Economic Planning Region. This project is to help fund the first real attempt to address rural decline in the Greater East Grand area. Betsy stated the Grant Committee recommends approval by a vote of 3-0-0.

**\*MOTION\* Commissioner Cassidy moved to approve grant #1908-03-EDP for CORE in the amount of \$10,000.00 as presented. (Cassidy / Crowley, 3-0.)**

A recommendation for a grant repayment for Mike Griffin was presented. The recommendation is to add the \$15,000.00 grant repayment to his existing loan and extend the term of the loan. The monthly payment

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will remain the same for the duration of the loan.

**\*MOTION\* Commissioner Cassidy moved to approve the grant repayment plan for Mike Griffin as recommended by the Grant Committee. (Cassidy / Crowley, 3-0.)**

County Manager Betsy Fitzgerald reviewed the five revisions to the EDI grant program. During the September meeting, the Commissioners directed the Grant Committee to finalize revisions to the program. The EDI program will now be referred to as an EDI Forgivable Loan and the revisions are as follows:

- The one-time forgivable loan amount is not to exceed \$10,000.00 and is subject to a 2-1 match;
- The Grant Committee will determine the benchmark(s) for each application;
- The term and collateral for the loan will be determined at the time of application in case the benchmark(s) are not met and collateral will be secured prior to the disbursement of funds;
- The loan will be 100% forgiven after two years if the benchmark(s) have been met;
- At the end of the two-year period, if the benchmark(s) have not been met, interest will begin to accrue and monthly payments will begin the following month. The interest rate will be the TIF interest rate at the time.

**\*MOTION\* Commissioner Crowley moved to approve the finalized revisions to the EDI Forgivable Loan program as presented. (Crowley / Cassidy, 3-0.)**

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**AGENDA ITEM: Signatures on Downeast Wind, LLC Professional Fee Reimbursement Agreement**

County Manager Betsy Fitzgerald presented an agreement for Professional Fee Reimbursement between the County of Washington and Downeast Wind, LLC. Betsy explained the agreement is in anticipation of the wind project also known as APEX Clean Energy that has been previously presented to the Commissioners. The agreement states that the developer shall reimburse the County for reimbursable costs not to exceed \$30,000.00. "Reimbursable Costs" shall mean all reasonable and documented outside professional costs, legal fees, accounting fees and other costs reasonably incurred by the County in reviewing the Developer proposal. Commissioner Gardner suggested the agreement be reviewed by County Attorney John Hamer. Commissioner Gardner stated this is just a review and not a forward lean on a decision for the

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project itself.

**\*MOTION\*** Commissioner Cassidy moved to approve and sign the Professional Fee Reimbursement agreement between County of Washington and Downeast Wind, LLC (APEX) as presented. (Cassidy / Crowley, 3-0.)

**AGENDA ITEM: Public Comment**

County Manager reported the BAC re-elected Lewis Pinkham as chairman. BAC meetings were scheduled and are as follows:

- Tuesday, October 1<sup>st</sup>
- Tuesday, October 15<sup>th</sup>
- Tuesday, October 22<sup>nd</sup>
- Tuesday, October 29<sup>th</sup>

All meetings will be held at the 28 Center Street Conference Room and will begin at 9:00 a.m.

**ADJOURNMENT**

2:15 p.m.

**ATTEST:**

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Carla J.R. Manchester, Admin. Asst.