

April 12, 2018

**Minutes of the Washington County Commissioners'
Unorganized Territories Regular Meeting
held April 12, 2018
in the Probate Courtroom
Machias, Maine**

**Attending the meeting were:
Commissioner Christopher Gardner
Commissioner John Crowley, Sr.
Commissioner Vinton Cassidy
Betsy Fitzgerald, County Manager
Carla Manchester, Administration
Mike Hinerman, Emergency Management Agency
Lora Whelan, Quoddy Tides
Nancy Oden, Clean Earth Farms
Nancy Harrison, Lubec
Edward Harrison, Lubec
Susan Hatton, SCEC
Reid Albee, County Wide News
Sharon D. Strout, Registry of Deeds
Paula Johnson-Rolfe, WCSO
Rich Rolfe, Jail Administrator
Barry Curtis, Sheriff
Mike Crabtree, Chief Deputy
Josh Rolfe, RCC
Julie Jordan, Downeast Broadband Utility
Darrell Daniels, Jail
Lyman Holmes, Porter Memorial Library
Jill Holmes, Treasurer**

There were two tax abatement hearings prior to the start of the regular meetings. The meeting for Unorganized Territories business was called to order at 4:06 p.m.

**Approval of the U.T. meeting minutes of February 8, 2018
(Crowley / Cassidy, 3-0)**

AGENDA ITEM: Monthly Report

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

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Dean reported the Municipal Cost Component Bill, LD 1862, had its public hearing on March 20, 2018. There was discussion on two specific points but neither concerned Washington County.

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Dean continues to be engaged in the de-organization of Codyville. As the U.T. Office begins its budget development process, it will be determined the impact that Codyville will have in each of the budget lines. The U.T. office will be prepared to assume responsibility of municipal services for the citizens of Codyville Twp. as of July 1, 2019. Dean noted Codyville will be the 35th township in Washington County.

Dean stated the Shellfish Conservation annual report was submitted to Department of Marine Resources. (See attached report)

Both Dean Preston and Heron Weston have become certified as Municipal Shellfish Wardens through the DMR program.

Dean attended the Fisherman's Forum on March 2nd in Rockland. He stated the forum gave him the opportunity to network with several other Shellfish programs up and down the coast of Maine. Best practices for reseeding, predator control and basic health of the shellfish resource were topics of conversation.

Dean reported that final snow removal contract payments have been made. Dean will be scheduling meetings with each contractor to discuss any concerns and preparations for the next season. The snow removal contract #9 for Big Lake Twp. expires this season. Dean will be prepared for the bid process this summer. Other contracts will be reviewed but Dean does not see any changes occurring.

The U.T. office received a request for addresses for Bear Island in Sakom Twp. Dean stated he had not done much in the way of addressing on an island. An S.O.P. (Standard Operating Procedure) was developed in order to accomplish this request. The S.O.P. will be implemented on four islands when the weather permits.

Dean stated the Septage Spreading Site opened for the season on April 9, 2018. The annual report for the 2017 season has been submitted to the Maine Department of Environmental Protection. (Report is attached)

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Dean noted several local septic haulers have expressed a concern that with the closing of the Batson site in Addison there will be a shortage of dumping capacity in the County. The Batson site had a capacity of approximately 800,000 gallons but was closed by DEP due to operating without a license. The U.T septage site has a capacity of 200,000 gallons. The U.T. office has located a five-acre site to

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lease and license for dumping in Marion Twp. providing an additional 200,000 gallons of capacity. Dean stated the U.T. office is currently looking for another site west of Machias. The U.T. office is in hopes to have the licensing process complete by late summer. Commissioner Gardner inquired why the U.T. is taking action when the Batson site served more than U.T. Dean explained that he saw it as an opportunity to help and to generate revenue. Dean noted the Batson site may still get licensing to operate in the future.

The Town of Topsfield has moved to enter into an agreement with the U.T. for ACO services. Topsfield officials have signed the proposed agreement. Dean presented the proposed agreement for the Commissioners' review and signatures. This will be a three-year agreement for Washington County U.T. to provide ACO Services to Topsfield beginning July 1, 2017 through June 30, 2020. There will be an annual charge of \$200.00 plus a per call rate. The per call rate is \$14.00 per hour. The \$200 fee will help fund training.

***MOTION* Commissioner Cassidy moved to sign the agreement between U.T. and Topsfield for ACO Services as so described. Commissioner Crowley seconded the motion which passed 3-0**

Dean noted the office of U.T. is now providing ACO services in Cooper, Topsfield and the Unorganized Territories. Dean will model the ACO services after the fire services. The benefits to providing the ACO services is having mutual aid in nearby towns and bringing State training to Washington County rather than going to Augusta.

AGENDA ITEM: TIF Grant Committee Update

A report was submitted and is attached.

TIF Administrator, Susan Hatton presented four action items and several updates for the Commissioners' consideration.

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Susan gave a summary of a TIF grant request from Downeast Broadband Utility. DBU and Eastern Maine Electric Cooperative have been approached by the Post Road Foundation and the office of Senator King to consider submitting an application to be one of three selected to partner with the Post Road Foundation on a pre-feasibility study. The request of \$8000.00 would be a portion of the funds needed to participate in a feasibility study that would examine models for combining fiber optic broadband with other community infrastructures (smart grid technology). Other funds would be provided by Eastern

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Maine Electric Cooperative and other community partners. Susan stated the potential for the contribution of federal funds to combine the infrastructure and to complete the buildout would give our region an opportunity to serve as the role model for the rest of the nation. Julie Jordan, Director of DBU, stated this is a chance for a great project. Commissioner Gardner asked if the funds would benefit U.T. areas only. Ms. Jordan stated the project would not specifically benefit the U.T. areas but will greatly impact them. Commissioner Gardner questioned TIF specific to U.T. funds being used for the benefit of all Washington County. Susan stated the project will be gone if grant does not happen. Dean Preston stated the funds being requested is community matching funds. The Grant Committee felt that \$8,000.00 was an appropriate contribution. Commissioner Cassidy stated it would be wise to not let the opportunity pass. Ms. Jordan stated the five to six-month study would start in May and would be complete by the end of 2018. Commissioner Gardner asked who would own the information from the Study. Ms. Jordan replied the community partners: Sunrise County Economic Council, Eastern Maine Electric Cooperative, Downeast Economic Development and Downeast Broadband Utility would own the information. Commissioner Gardner asked if the information could be sold. Ms. Jordan replied the information could not be sold. Commissioner Gardner stated he would prefer that other towns be asked to provide funds for the study. However, given the timeframe restraints Commissioner Gardner stated the grant is a small investment with big returns. Commissioner Gardner would opt to approve with reservations.

***MOTION* Commissioner Cassidy moved to approve the Economic Development Planning/County match grant, #1803-01-EDPCM in the amount of \$8000.00 for Downeast Broadband Utility. Commissioner Crowley seconded the motion which passed 3-0.**

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Commissioner Gardner requested an addendum be added to the motion to approve the grant to Downeast Broadband Utility. DBU is to keep Dean Preston, U.T. Supervisor, updated and involved in the progress of the study.

Susan stated Leslie Robinson of River Bend Ranch, is requesting a one-year extension on her grant agreement. Ms. Robinson has had difficulties in locating the equestrian riding arena. Ms. Robinson began work on the arena but had to relocate it. She has found a suitable location but will not be able to complete the arena within the grant terms. The Grant Committee suggest a six-month extension

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with the condition Ms. Robinson has a signed lease for land to build the arena. Commissioner Gardner asked how much of the grant funds have already been received by Ms. Robinson. Susan replied that all \$10,000.00 was drawn down and received by Ms. Robinson when the grant was first approved. Commissioner Gardner stated that practice is not acceptable. Susan noted the TIF Grant policy has since been changed. Commissioner Gardner noted his concerns of the probability of success for Ms. Robinson's business and inquired what Ms. Robinson has accomplished towards her business goals. Susan stated Ms. Robinson has completed renovations and upgrades to the barn and other buildings. Ms. Robinson is in the process of reviewing her business plan and will continue with the project in the spring. Susan explained if the extension is not given, Ms. Robinson will not meet the terms of the agreement. Commissioner Gardner inquired if there are receipts. Commissioner Gardner continued by stating if the terms of the agreement are not met, reimbursement of funds will be required and a determination of the amount to be reimbursed will be needed. Noting that all except the arena has been done, Commissioner Gardner stated the need to give ample opportunity for Ms. Robinson to be successful. Commissioner Cassidy asked what is set up for a check and balance system for TIF grants with no collateral in place. Dean Preston interjected that for larger fund amounts there is something in place for collateral. But grants are high risks. Ms. Hatton's visits to the sites checking on progress is the check and balance. When a grant is being approved with no collateral it is a risk. Dean stated the Grant Committee believes it is worth the risk to jump start Economic Development.

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***MOTION* Commissioner Crowley moved to approve the request for a one-year extension on the grant for Leslie Robinson of River Bend Ranch with the recommendation that within six months there must be a lease for land not to be less than five years. Commissioner Cassidy seconded the motion which passed 3-0.**

Ms. Hatton presented recommendations for modifications of grant policies.

- Grant requirements will include what will happen should the grant terms not be met. (i.e. - reimbursement of a portion or percentage of the funds)
- Nature Based maximum fund amounts be reduced from \$100,000.00 to \$50,000.00 with only one grant outstanding at a time per recipient.

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- There shall be a 2-1 match for loan to grant funds.

Commissioner Gardner stated grants that are paid should be reimbursed with receipts kept for recordkeeping. Dean Preston was in agreement. Dean stated the large loans are already managed in that way but it would be good practice to treat the smaller loans and grants in the same manner. Commissioner Gardner agreed this would be a good gatekeeping practice.

***MOTION* Commissioner Crowley moved to approve the recommendations for modification of grant policies as so presented.
Commissioner Cassidy seconded the motion which passed 3-0.**

Ms. Hatton presented an historical view of fund allocations and awards to the Washington County U.T. TIF program with recommendations for the 2018 distribution of new TIF funds. (See attached). After reviewing, Commissioner Gardner inquired about the encumbered of \$27,884.57 from the first EDP grant for the LURC hearings. Ms. Hatton explained the plantations were not originally planned to be included. LUPC was over budget by \$13,503.40. As a result, from the Grant Committee meeting, the request is to use \$13,503.40 from the EDP LURC grant to cover the LUPC overage and then release the remaining \$14,381.17, putting the amount back to the line from which it was pledged.

***MOTION* Commissioner Crowley moved to approve the recommendations for modification of grant policies as so presented.
Commissioner Cassidy seconded the motion which passed 3-0.**

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Commissioner Gardner stated the recommendations for the 2018 distribution of new TIF funds was a base line to simply set the budget. Commissioner Gardner acknowledged it was a fair and reasonable start for the coming year.

***MOTION* Commissioner Cassidy moved to approve the recommendations for the 2018 distribution of TIF funds as so presented.
Commissioner Crowley seconded the motion which passed 3-0.**

AGENDA ITEM: Public Comment

Nancy Oden asked to present her concerns about the management of TIF funds. As in the past, Ms. Oden stated one of her concerns is that the process to get TIF funds has become too complex for U.T. citizens. Her recommendation is for the County to cancel the contract with SCEC and handle all TIF funds in-house. Commissioner Gardner explained that the contract to manage the TIF funds has been held with SCEC. The Board of Commissioners decided to renew the contract with SCEC for

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one year with the intention of putting out an RFP this year. In this way, the contract would not be terminated with SCEC without advanced notice, and the RFP process will allow other entities to submit a bid. Lora Whelan of the Quoddy Tides asked if any the TIF documents were public documents. Commissioner Gardner responded that TIF documents are public, but some information would be redacted for privacy of the applicants. The whole program is public; therefore, documents are public and files need to be accessible to the public.

Ms. Oden also recommends that each family household living in the UT be given the amount of \$1,000.00 to help with their household expenses since the TIF money belongs to the people of the U.T. Commissioner Gardner stated that is against the law and the guidelines of the TIF Agreement. Ms. Oden stated she had been in touch with the State and was told the County Commissioners can do anything they want with the TIF funds. Commissioner Gardner strongly stated that Ms. Oden was given misinformation. Commissioner Gardner explained that is simply not how the TIF agreement works. Commissioner Gardner agrees that the funds should be used for good projects to benefit the U.T. However, Commissioner Gardner stated that if and when the Board of Commissioners feel the program is not being used or working properly, the TIF funds will be returned to the State. The amount returned

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would then be funds available to all unorganized territories throughout the State of Maine and not just solely for Washington County. Ms. Oden insisted the money should be distributed per her recommendation to each family within the U.T. Commissioner Gardner suggested Ms. Oden get something in writing within the confines of a legal document from the State of Maine. The Board of Commissioners will manage the TIF funds to the letter of the law.

Ms. Oden's final concern was that she felt the Washington County website is missing information and also needs information updated. Commissioner Gardner stated the Administrative Office was unaware of missing or outdated information. Ms. Oden asked if the Commissioners would like her to look through the website and report any missing or outdated information. Commissioner Gardner acknowledged the County would gladly accept information for the purpose of having complete or updated information on our website.

ADJOURNMENT

5:25 p.m.

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ATTEST:

Carla J.R. Manchester, Admin. Asst.