

Carrabassett Valley Selectmen's Meeting

4:30 p.m. Monday December 17th, 2018 at the Town Office

Agenda:

Review and sign 2018 Payroll Warrants:

Review and sign 2018 Town Expenditure Warrants:

1. **MINUTES** from previous meeting (December 3rd, 2018) re attached.

2. **UPDATE ON PROPOSED NEW "MOUNTAIN" FIRE STATION PROJECT AND RELATED DISCUSSION ABOUT GOING OUT TO BID FOR CONSTRUCTION MANAGEMENT SERVICES:** We have made progress on putting together a 'Request for Proposals (RFP) for Construction Management Services' to assist in the completion of the proposed new "mountain" fire station. The proposal calls for a lump sum price for "pre-construction" services and a percentage of construction costs for construction of the project. As proposed, the Town would have the right to end services at the end of pre-construction services. The pre-construction services consist of: assisting the Town committee in refining a concept plan, developing a site plan (needed topo survey, well sewer line and utility layout), hiring an architect, developing conceptual budget plans and working with the committee throughout this process. We hope to have a draft of an RFP at the meeting.

The Fire Chief and Town Manager would like to review the RFP with the Board and to determine the Board's wishes in regards to starting the process of soliciting interest ("Request for Qualifications" process) for hiring a construction management company for this project. This process is not likely to lead to an expected solid estimated project cost by the March Town Meeting. However, there be may be other options to consider.

Upon selection of a firm, we would negotiate a price for pre-construction services and a percentage price for services beyond pre-construction services. We will explain more at the meeting.

3. **POTENTIAL EASEMENT PROBLEM RELATED TO THE PROPOSED PURCHASE OF THE 250-ACRE "TED JONES LOT":** We have recently discovered an issue with the easement from this lot to the Carriage Road. An easement undoubtedly does exist to a small portion (approximately 1.5 acres) of this lot that is closest to the Carriage Road. This is part of the old "Ken Packard Lot". Unfortunately, that easement does not apply to the remainder of the lot which was not part of the "Ken Packard Lot". This easement to the Packard lot was granted by Dead River Company which owned the land between this lot and the Carriage Road. This land is now owned by the Penobscot Indian Nation (PIN). We have had recent correspondence with representatives of PIN and the suggestion

that came out of those discussions is to send a letter to PIN (Land Committee) to determine if they would be interested in talking to us concerning the Town obtaining an easement for the whole of the Jones property. We are in the process of drafting that letter. We would hope to hear from PIN relatively soon if they would be interested in talking to us about this. The outcome of whether or not the Town can obtain an easement for the whole of this property is obviously important as to whether or not the Town moves forward with seeking Town voter approval to purchase the lot.

4. **PROPOSED MARIJUANA ORDINANCES AND POSSIBLE SCHEDULE OPTIONS FOR MOVING FORWARD:** We expect to see very soon (separate) copies of 1) a proposed medical marijuana business regulation ordinance, 2) a proposed adult use marijuana business regulation ordinance and 3) an ordinance to amend the Town's Zoning Ordinance to allow medical and adult use marijuana consistent with the first two ordinances. These ordinances are being produced by the attorney Amanda Meader of Ellis and Meader of Augusta whom that the Selectmen approved to hire at the last meeting. As you know, these ordinances are being developed to assist the Town in the event that the decision is made for the Town (Selectmen) to present these ordinances for the Town to vote upon at the March Town Meeting (or during the day of with the availability of absentee ballots). We will email copies of these Draft ordinances as soon as we received them (possibly as early as Friday (Dec. 14th). We will also post a copy of these on the Town's website.

It is important to note the public hearing requirements. We have proposed an attached schedule **IF** the Selectmen wish to move forward with this process and if they wish to have a referendum vote on the day of the March Town Meeting. It is a shorter process if a vote is considered in the "open" Town Meeting (the night of the Town meeting). We will explain the schedule at the meeting.

The Marijuana Businesses Ordinance Committee is meeting on December 19th to discuss "where we stand in the process" and to possibly review these ordinances. The deadline for responses to the Survey Monkey Survey regarding whether or not the Town should allow marijuana businesses is December 15th (so far, the response has been slow). The Planning Board may also present some recommendations at their upcoming meeting.

5. **LETTER FROM FRANKLIN COUNTY SHERIFF SCOTT NICHOLS:** Please see attached. An informational meeting is scheduled for 6:00 p.m. on December 18th in the Franklin County Court house to present information concerning possible proposed legislation that would eliminate the "tax cap" that jails are currently under as a result of the 2015 State Jail Consolidation Act.
6. **AGREEMENT FOR LEASE OF TOWN-OWNED SNOWMAKING PUMP:** See attached proposed agreement related to a snowmaking pump that the Town purchased a few years ago to make snow in the early season at the Outdoor Center. Sugarloaf has no current intentions of making snow as the process proved to be very inefficient. Rick

Knowlton, CV property owner and President of the Sugarloaf Water Association is also President of Maine Water Company and they are experimenting with making snow from their residue water stream from their Rockport, Maine facility. They are interested in renting our Town owned snowmaking pump to determine if this might work for their purposes. As you can see from the proposed agreement Maine Water Co. would like rent this for \$1,000/month. They may be interested in purchasing this pump from the Town if this works for them.

7. APPOINT CHRIS PARKS AS CODE ENFORCEMENT OFFICER EFFECTIVE JANUARY 1ST

8. REVIEW OF 2018 TOWN WORK PLAN: If time allows, we could briefly review the status of the items on the 2018 Work Plan that was presented in April.

9. DISCUSSION OF POTENTIAL SALARY INCREASES FOR TOWN EMPLOYEES FOR 2019: We will provide the Board with a spreadsheet of current salaries of Town employees and discuss potential inflationary increases. The Consumer Price Index (Northeast) increase was 2.3% in October and 1.9% in November 2018.

10. INFORMATIONAL:

- Marijuana Businesses Regulation Committee Meeting: Dec. 19th.
- Next Selectmen's Meeting Date: Jan. 7th??

**TOWN OF CARRABASSETT VALLEY
MINUTES OF SELECTMEN'S MEETING
December 3, 2018**

Board Members Present: **Bob Luce** **Jay Reynolds**
 Karen Campbell **John Beaupre**

Others Present: **Dave Cota** **Tim Flight**
 Mark Lopez **Kate Ray**
 Larry Warren

Bob Luce opened the meeting at 4:30 p.m. and welcomed those present.

Expense warrant #49 in the amount of \$118,722.41 was reviewed and signed by Selectmen.

Payroll warrant #47 in the amount of \$23,594.25 was reviewed and signed by Selectmen.

The minutes from the November 19, 2018 meeting were review. Jay Reynolds made a motion to approve the minutes as written. John Beaupre seconded the motion. Motion approved.

Dave Cota discussed a proposal from Sugarloaf to offer commercial dog sled rides on the Golf Course. It's been done in years past, but not for some time. The staging area would be in the "bone yard" across from Bigelow Station. The owners on Village on the Green expressed some concern earlier about this taking place adjacent to the homes on the 1st, and 2nd holes of the golf course, so the rides will be take place along the river and away from residences. This would need to be approved by the Selectmen as any uses other than golf operations on the golf course must be approved by the Town. Kate Ray (Dogsled Maine) was in attendance to provide more information on the program. She is carrying \$1M liability, as required by Sugarloaf. All her dogs are rescue dogs. This will start as soon as approved, and there will be signs at all points of entry. John Beaupre made a motion to approve this. Jay Reynolds seconded the motion. Motion approved.

Mark Lopez was in attendance to discuss a potential purchase of a police car. This has been done numerous times in the past, where the Town makes the purchase with a lease purchase agreement for three years, which Sugarloaf signs. At the end of the purchase agreement, the vehicle is transferred to Sugarloaf. This is no cost to the Town, but it enables the Police Department to get vehicles using the Town's municipal purchasing power. Bob Luce asked why they preferred a pick-up versus an SUV. Mark explained that it's easier when they are hauling equipment and signs, though it's not as ideal for patrolling. This would be a pick-up replacing an existing pick-up. Jay Reynolds made a motion to approve the purchase price from Quirk Auto and the lease agreement to Sugarloaf. John Beaupre seconded the motion. Motion approved.

Dave Cota updated the Selectmen on the funding from FEMA for the repairs from the October 2017 flood. He anticipates receiving \$213,844 (75% of the expenses) from FEMA, as well as \$43,388 (15% of the expenses) from the State. There had been some discussion about moving some of the funds into a "Narrow Gauge Pathway Reserve", which would require a Town vote. Funding for some of the smaller

repair projects may be in by the end of December. The balance should be in during March or April, and the money is obligated. The State funding has to go through State appropriations after July 1, but there's no reason to believe the Town will not receive the money. Additionally, Dave is applying for administrative funding, which could produce up to \$16,000. This money could be used for flood mitigation such as the stream crossing on the Outdoor Center Road. Dave provided a spreadsheet for the Selectmen to review in detail, and he offered some recommendations as to where the funding could be directed, once received, with the Narrow Gauge Pathway fund requiring a vote of the Town. John Beaupre complimented Dave Cota on his perseverance on getting all the repairs made and getting funding through emergency management entities.

Dave Cota discussed Christmas Eve schedule with the Selectmen, noting that everyone has vacation time left to be used, and it's typically a very slow day. The Board of Selectmen agreed that employees do not need to use a vacation day to take the day off and close the Town Office that day. John Beaupre made a motion to close the Town Office for Christmas Eve day. Jay Reynolds seconded the motion. Motion approved.

Dave Cota provided information on potential financing options for the proposed purchase of the 250 acre "Ted Jones" Land and to make improvements at the Information Center, detailing both a 15-year note and a 20-year note. John Beaupre suggested that the 15-year note would be preferable, so as to not strap the town or future Board of Selectmen for a longer period. Dave Cota noted that the current bond for the purchase of the State Lot is going to expire in 2020. After 2020, if these projects are approved, the annual payment would level off to nearly what it is now.

Informational:

Dave Cota reported to the Selectmen that he met with the Planning Board to discuss the draft Marijuana ordinance that was worked on last summer. Chris Parks has been providing a great deal of assistance. The Planning Board will review the draft ordinance and provide their input. The Marijuana Committee will be meeting again on December 19th, and the results from the Survey Monkey may be available for that meeting. Dave has been speaking with an MMA attorney, and they've been helpful, but they are not going to review the ordinance. Dave feels that the Town needs legal support, and he has spoken with the same attorney who has been working with Farmington, Damariscotta and a couple of other towns with proposed marijuana businesses ordinances. There's \$3,000 in the Town's legal account at this time. Dave said he can send a copy of the draft ordinance to the Selectmen or the new ordinance that may come out of the work the attorney (Amanda Meader of Ellis and Meader of Augusta). He would like the Selectmen's authorization to proceed with legal review. The Selectmen were in favor of having a legal review.

Dave Cota reported that Mark Leathers a resident of CV and a licensed forester, would like to serve on the Forestry Committee. John Beaupre made a motion to appoint Mark to the Forestry Committee. Jay Reynolds seconded the motion. Motion approved.

Dave Cota reported that the Airport Clearing Project will wrap up for the season this week and resume in the spring. They will also be doing the clean-up at that point. Karen Campbell suggested adding lupine to beautify the area once the work is done. This cutting is required by FAA due to the required clearance for approaches.

Nomination papers for elections will be available on December 19th. They need to be returned by January 28th. The following terms are up for election:

- Two 3-year terms for Selectmen
- Two 3-year terms for School Board
- One 1-year term for School Board
- Two 3-year terms for Sanitary District Trustee

Meeting adjourned.

Respectfully submitted,
Lynn Schnorr

Time Table for Zoning and Ordinance Change Adoption

Zoning Amendments:

Planning Board:

Would need to hold a public hearing and a notice would need to be posted at the Town Office at least 13 days prior to this hearing and two notices would need to be published in the local paper: one at least 12 days prior and the second at least 7 days prior to the hearing. No requirement in terms of timing with town meeting or vote.

Referendum (Secret Ballot) Vote (absentee ballots and vote during day of Town Meeting):

Selectmen:

60 days prior to Town Meeting (in our case Jan. 13th): Selectmen must certify to the Town Clerk the 'Ballot Questions' to be voted upon at the Referendum (the title of the ordinances not the actual text of the ordinance).

The actual Ordinances (text) and absentee ballots need to be available at least 30 days prior to the referendum vote (available Feb. 13th for a March 13th vote).

Referendum or Open Town Meeting:

Selectmen:

Must hold a public hearing at least 10 days prior to the election or referendum and must post a notice of the hearing (same as Town meeting notice) at least 7 days prior to the hearing and the notice must contain a return—same as Town meeting Warrant).

Must post the actual Town Meeting Warrant with copies of Ordinances at least 7 days in advance of Referendum/Town Meeting.

Proposed Schedule if a Referendum Vote is preferred for Vote on Ordinances:

Prior to Jan. 13th: Selectmen Certify to the Town Clerk the Ballot Questions (could be as much as three questions (Medical Marijuana Business Ordinance, Adult Use Marijuana Business Ordinance and Ordinance for related Zoning Changes)

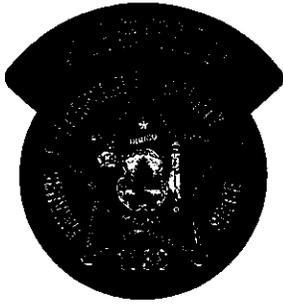
End of January: Planning Board Public Hearing (for proposed Zoning Ordinance Amendments—see notice requirements)

Middle/End of January: Selectmen's Public Hearing: (proposed new Ordinances—see notice requirements)

Beginning of February: Selectmen sign Certified Copy of Proposed Ordinances

February 11th: Attested Copies of Proposed Ordinances and Absentee Ballots available
(Note: Absentee Ballots for Town elected officials will be available on Jan. 29th)

March 13th, Town Meeting Referendum Vote



Franklin County Sheriff's Office

Scott R. Nichols, Sheriff

Steve Lowell, Chief Deputy

Business Office: (207) 778-2680

Toll Free: (800) 773-2680

Fax: (207) 778-9064

123 County Way
Farmington, ME 04938

December 5, 2018

Town of Carrabassett Valley
RR 1 Box 2138
Carrabassett Valley ME 04947

Dear Dave & Selectpersons,

I would like to extend an invitation to you to attend an important informational meeting regarding current tax cap on the county jail and how it affects budgeting in Franklin County. The date will be December 18th at 6pm at the Franklin County Court house in the Superior Courtroom.

The implementation of public law "An Act to Reverse Jail Consolidation" in 2015 allowed Maine counties to regain control of their respective jails. This dissolved the old "State Board of Corrections" which was a state takeover of county jails. The original idea behind the BOC (Board of Corrections), was to freeze jail budgets at 2007 levels, change the mission of some jails into temporary holding facilities (72hrs), and have all counties send their jail money to the state which in turn redistributed the funds to the larger jails. In a nutshell it was not self-sustaining and it failed after eight years.

The problem with its end was that the new law that disbanded the BOC did not end the tax caps imposed upon the counties. Using Franklin County jail as an example, in 2007 it cost 1.6 million to run a fully operational jail with even more personnel than we have today. Eight years later when we got the jail back and reopened it cost more to run the same facility even with fewer staff. This eight year freeze created a gap which did not allow for normal increases in costs over the years which ranged from 3% – 4%. By the time we reopened we had the true cost to open the jail, but could not tax out the true cost. We could only tax out 3% over the 2007 level which consistently left us a gap in funding at the beginning of each new budget cycle that required the county to access the jail fund surplus to keep us functioning. That surplus is now nearly exhausted and we are looking at another new cycle coming up in March.

I have found that the county budget process is a very arduous and conservative process. Any increases are heavily scrutinized. The County Commissioners and the Budget Committee should be trusted with the process and be allowed to oversee the jail budget in the same manner they do the county budget.

The intent of this meeting to explain the situation in person, answer your questions and gain consensus regarding submitting legislation that would exempt us from this small but important portion of the law.

Sheriff Scott R. Nichols

A handwritten signature in black ink, appearing to read "Scott R. Nichols", is written over a horizontal line. The signature is fluid and cursive.

EQUIPMENT RENTAL AGREEMENT

This agreement, made and entered into this date of December 17, 2018 by and between The Town of Carrabassett Valley, located at 1001 Carriage Road, Carrabassett Valley, ME hereinafter called LESSOR, and Maine Water Company of 93 Industrial Park Road, Saco, ME hereinafter called LESSEE.

In consideration of the payments and rentals hereinafter provided for and of the terms and conditions hereof, the Lessor hereby agrees to lease to the Lessee, and the Lessee hereby agrees to lease from the Lessor, the following described equipment belonging to the Lessor for the period from December 17, 2018 through May 15, 2019:

MAKE	MODEL	DESCRIPTION	RATE
HKD	40hp	Portable Snowmaking Pump	\$1000/month

Above equipment to be used in operations at the following described location:
855 Rockland Street, Rockport, ME

PAYMENT:

Lessee agrees to pay Lessor for use of the equipment rental as follows:
\$1,000.00 payable with order and covering first month's rental, receipt of which is hereby acknowledged by Lessor, and the balance payable in advance on the 15th day of each month in four installments of \$1000.00 each and commencing with the date of January 15, 2019 and ending on April 15, 2019.

DELIVERY AND RETURN OF EQUIPMENT:

Lessee shall pick up the equipment at the Outdoor Center in Carrabassett Valley, ME and return the equipment to the same location on or before the end of the lease term.

REPAIR AND MAINTENANCE OF EQUIPMENT:

Lessee shall, at the Lessee's own expense and risk, keep the Equipment in good repair, appearance and condition, normal wear and tear excepted. Lessee shall supply all parts that are necessary to keep the Equipment in operable condition.

POTENTIAL PURCHASE OF EQUIPMENT:

If Lessor considers the sale of the Equipment to Lessee at any time during the period of the lease, Lessee shall be credited with all rental payments paid towards the agreed upon purchase price.

INDEMNIFICATION:

The Lessee agrees to defend, indemnify, and hold harmless the Lessor, its officers, agents, and employees against any and all liabilities, causes of action, judgments, claims or demands, including attorney's fees and costs, for personal injury (including death) or property damage arising out of or caused by the rental of Equipment under this Agreement by Lessee, its subcontractors, agents or employees.

NO ASSIGNMENT:

Lessee shall not assign this agreement without the prior written consent of the Lessor.

By signing this lease, Lessee agrees to the terms and conditions set forth on this contract. Any different or additional terms whether written or otherwise are hereby objected to and shall have no legal force or applicability whatsoever.

MAINE WATER COMPANY

TOWN OF CARRABASSETT VALLEY

LESSEE: _____ LESSOR: _____

Its: _____

Its: _____

TOWN OF CARRABASSETT VALLEY 2018 WORK PLAN

In addition to normal Town Operations the following is a review of 2018 Town projects/initiatives

- Put out to bid and construct the new Campbell Field Bridge: *Completed.*
- Put out to bid and complete the Airport Tree Clearing Project (2018/2019): *Clearing Completed; Finish in the spring and early summer.*
- Continued monitoring and pursuing potential F.E.M.A. funding for damage caused by the 2017 late October Flood and for replacement of the Campbell Field Bridge. *Completed; final funding will come in 2019.*
- Hire "Code Enforcement Officer/Assessor in Training": *Completed.*
- Complete the structural repairs to the Transfer Station building: *Completed; more work to do in 2019 with additional funding.*
- Continued forest management on the public Lot: *2018 Plan Completed.*
- Continued mountain bike trail development: *Additional Trail built; Ongoing in 2019 and beyond with continued funding.*
- Town Marijuana Ordinance Committee (retail and growing ordinances, etc.): *Committee formed; much completed with possible Town vote in March of 2019. This has been very time consuming.*
- Continued planning for the "Mountain" Fire Station: *After reviewing the potential for utilizing 'construction management services' for this project with the Selectmen this was put on hold until we recently received a signed M.O.U. from Boyne to lease the new building lot to the Town. We are currently developing a 'Request for Proposals for construction management services'. We probably will not have a firm cost estimate for this project for the 2019 March Town Meeting. However, committee work, and engineering, and possibly bidding could happen in 2019 and other options for voter approval could be looked at by the Selectmen.*
- Continued discussion with Sugarloaf regarding involvement in a Caribou Dam Project: *We've helped Sugarloaf identify Franklin County T.I.F. funding.*
- Review options to add additional Hangar Space at the Airport with the Airport Committee and Airport Consultant: *Concept Plan Completed. An actual project is probably a few years out.*
- Complete sealed vault outhouse at the Information Center site or other site option and research cost for install septic system for the Info Center building for staff: *Completed outhouse; concept plan for Info Center expansion plan completed; funding request may go to March Town meeting.*
- Work with representatives of Maine High Peaks concerning a possible expansion of the Information Building (to include new well and septic system): *Same as above.*
- Investigate changing the set up at the Transfer Station for placement of Demo Debris: *Not enough funding to hire engineering due to the extent of the transfer station*

structural project completed in 2018. Include funding in the 2019 budget for engineering and construction.

- Look at the feasibility and cost effectiveness of purchasing a used backhoe for the Transfer Station: *Same as above. Look at purchasing a backhoe in 2019.*
- Complete an update of Town emergency management plan (Fire Chief/EMA) and assess best placement for a generator that the Town funded (\$25,000). Make this a priority for 2018: *Completed. Look at providing a generator for the AGC and Library in the near future?*
- Repair of chimney/roof at Outdoor Center building: *Completed; extensive work on the outside (top) of the large field stone chimney completed.*
- Repair of dasher boards on Outdoor Center skating rink: *Completed.*
- Improvements to the Outdoor Door Center Road and related drainage: *Engineering Completed on steam crossing. Complete construction in 2019; hope to use new F.E.M.A. funding for some of this cost (this is probably a \$20,000 to \$30,000 project).*
- Committee to review flooding and erosion issues in the Twin Brook area (Planning Board/CEO): *Waiting for Walsh Engineering to complete watershed study of that area.*
- Replace decking on the Munzer Recreational Bridge (put out to bid?): *Completed.*
- Recreation Committee: study of adding additional storage space (Recreation Committee): *Completed; funding for storage building and addition to the pavilion may be voted upon at the 2019 March Town meeting.*
- Work with Sugarloaf and others regarding Employee Housing Options (Selectmen John Beaupre to assist in the research): *Other than calls to Maine State Housing to looking at funding possibilities no progress; Sugarloaf has provided some additional housing; our Transportation System will extent service to Eustis this season along with providing a second bus from Farmington to Sugarloaf which was very successful in 2018.*
- Complete the trail bridge inventory on the Public Lot and start developing a long-term replacement plan: *Inventory completed; removal and replacement of some of the bridges on Trail 29 with culverts and all but one bridge replaced with concrete panel bridges completed in 2018. The entire bridge replacement program is probably a 3-4 year project.*
- Review Campground possibilities? *No easy solutions at this time.*
- Attempt to research all (old) existing Town Ordinances and develop a "Codification" of Ordinances: *Completed by Nick Aschauer who interned with the Town this past summer (thank you Nick!).*
- Create Volunteer Airport Manager Position? *Work on this in 2019? Two members of the Airport Committee have been very helpful especially with overseeing the fuel system.*
- Complete efficiency lighting project in the Town Office: *Completed. Could look at the existing fire station for 2019.*
- Possibly increase marketing for the Mt. Bike program (Club and Maine Huts doing a lot of social media now).
- Put plowing of Town Roads out to bid for two-year bid: *Completed.*
- 2018 Town Newsletter: *Completed.*

Other 2018 Projects that came up during the year:

- Purchase of Ted Jones Lot: *Possible easement issues but we have moved this along.*
- Huge Increases in Recycling Costs: *Made changes in not providing transportation avoidance costs to associations and continued review of recycling options.*

2019:

- Continuation of some of the projects noted above
- Pay system (charging) for deposit of tires and other materials at the Transfer Station
- Possibly look at additional projects to produce energy cost savings.
- Continue to monitor Recycling Options