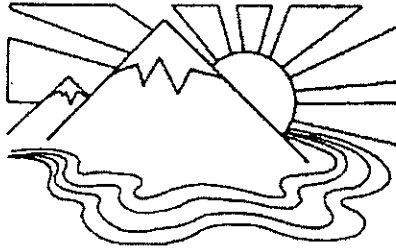


Carrabassett Valley Select Board Meeting
4:30 p.m. Monday January 9th, 2023 at the Town Office



The Town provides a zoom link for members of the Public to link into Town of Carrabassett Valley Select Board and other public meetings. To participate by zoom you must use the link provided in an email from the Town (this link is the same for any Town public meeting and is provided on the email in which the Board or Committee Agenda was sent out in). You may also obtain this link by sending an email to the town office (townofcv@roadrunner.com) during normal business hours.

Join Zoom Meeting:

<https://us02web.zoom.us/j/5312682243?pwd=TGxrUExKcXdqQTdlZUZhYUVteG5GZz09>

If you need to “phone in”:

Dial by Phone – 1-929-205-6099 US (New York)

Meeting ID: 531 268 2243

Passcode: 04947

Review and sign Payroll Warrants: #52 (\$27,226.58), #54 (\$22,081.96) and #1 (\$8765.56)

Review and sign Expenditure Warrants #53 (\$120,124.77), #55 (\$57,016.05) and #2) \$42840.40)

AGENDA:

1. MINUTES of the previous meeting (December 22nd, 2022) attached.

2. MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN AND FRANKLIN COUNTY FOR THE TOWN'S SHARE (\$6,599.18) OF COUNTY WIDE UPGRADED COMMUNICATION AND INFORMATION TECHNOLOGY (provided by Information Management Corp.) for Franklin County. As we understand it, the entire project costs are \$744,000. This is a one-time cost. We are currently paying IMC \$4,000 per year for our system. A copy of the MOU is attached. The Police Chief will be present to answer any questions you may have.

3. POSSIBLE CONTRACT ZONING ORDINANCE: The Housing Coalition has been discussing alternative municipal zoning options that would allow primarily higher housing density in areas where housing is allowed within the communities including Carrabassett Valley. This is a somewhat standalone ordinance that, if approved by the Town, would allow the Planning Board and Board of Selectmen and ultimately the voters of the Town to approve certain projects on a

“contract basis” to be developed. Such projects would only be allowed in zoning districts in which the use involved is allowed. Essentially, the “contract” could allow for higher densities, less set back and parking requirements as examples. Contract conditions for a particular project would be reviewed by the Planning Board and then sent to the Select Board for review and then, potentially, sent to a Town Meeting vote.

Mark Green, the Housing Coalition Executive Director, has been working on this and has provided the attached information. Mark has met and continues to work with the Code Enforcement Officer and the Town Manager on this. The draft proposed ordinance is similar to other communities who have adapted these ordinances. We do not have all the answers at this time, and we are not asking for Board approval of a model ordinance at this time. The Planning Board will be reviewing this information at their January 12th meeting. If the Planning Board conceptually agrees “to entertain the concept” and Select Board also agrees to this, we would like to send this out for legal review and assistance in developing this for further consideration. While this draft may (or may not) be acceptable to the Town, other communities in our area may also be looking at this as the Housing Coalition is looking at potential affordable employee housing development options for this entire area.

4. CONSULTANT SELECTION FOR THE TOWN’S COMPREHENSIVE PLAN UPDATE: The Consultant Selection Committee met on January 5th and has tentatively narrowed the selection down to one of the three consultants, the low bidder being the Musson Group at \$67,500. The Committee plans to meet with this consultant in the very near future to hopefully, finalize this process. There is currently \$45,000 in this account and we will need to budget the difference in 2023 or spread the difference over two years?

5. SET A DATE FOR A PUBLIC HEARING FOR RELICENSING OF A RETAIL MARIJUANA LICENSE FOR JARCO, LLC. (Jan. 30th?). As you may know, they are going to be housed in the building currently under construction across from the Airport.

6. WE WOULD LIKE TO SET UP A ZOOM MEETING IN THE VERY NEAR FUTURE WITH AS MANY SELECT BOARD MEMBERS (and/or Budget Committee members) AS ARE INTERESTED WITH CAMDEN WEALTH MANAGEMENT TO REVIEW THE TOWN’S CURRENT INVESTMENTS. The Town’s reserves (and excess cash) have been invested with Camden for many years. The investments are in U.S. Securities and Bonds which had “a bad year”. While our investments show a loss these are only “paper losses”. These investments are “layered” in different years and when the bonds mature, we will receive the full value of the principle but if we were to sell these bonds before maturity, we will lose money. It would be good if some of the Select Board could sit in on this meeting to understand the current financial environment and what lies ahead for our investments (no need to panic!).

2023 BUDGET CONSIDERATIONS: If time allows, we will present a brief list of some of what appear to be large budget increase requests for 2023.

SETTING A DATE FOR THE BUDGET COMMITTEE MEETINGS: January 24th and, if necessary, Jan 26th?

INFORMATIONAL:

Bids are due at 4:00 p.m. on January 19th for construction of the so called 'Stoney Brook Trail Pod Parking Lot'.

The Carrabassett Valley Trails Committee (mountain bike trail coalition) is meeting at 1:00 p.m. January 20th at the Town Office.

Town of Carrabassett Valley
Minutes of the Select Board Meeting

December 22, 2022

Location: Carrabassett Valley Town Office Conference Room

Time: 4:30-5:45

Topic: COLA increase for town employees; Golf Course Greens Committee report

Board Present: John Beaupre, Karen Campbell, Lloyd Cuttler, Bob Luce, Jay Reynolds

Others Present: Dave Cota, Sue Davis, Sasha Gillespie, Wendy Russell, Karl Strand, Annie Twitchell,

Chair Bob Luce opened the meeting at 4:30. Town Manager Dave Cota noted that there were no payroll warrants to sign as payroll had ended the day before. Board members offered to stop in the office next week to sign as needed.

Minutes of the December 12 meeting were reviewed. Karen Campbell made a motion to approve the minutes as written, seconded by John Beaupre. The motion was approved. Cota then announced that Sue Davis would be taking the minutes going forward, replacing recently retired Lynn Schnorr.

COLA increase for Town employees

Cota noted that merit increases will be covered in executive session at the end of the meeting.

For annual wage adjustments, Cota explained that the Town has been alternating between providing an inflationary percentage and providing an equal amount of pay increase for full-time employees, combined with a percentage increase for part-time employees. Inflation is currently 6.4% for the Northeast.

Cota included a spreadsheet showing employee salaries from 2018 through 2022, a spreadsheet showing different potential inflationary dollar amount increase options and a recent survey of other municipality projected increases, which he noted was "all over the place." Cota felt that a 4.6% increase was fiscally responsible. Lloyd Cuttler suggested 5%, given the numbers. Bob Luce was comfortable with Cota's suggestions that it be a dollar amount this year and a percentage next year. John Beaupre made a motion for a \$3,000 raise for full time employees and 5% for part time. Karen Campbell seconded the motion. It passed with a unanimous vote.

Green's Committee report

The Golf Course Greens Committee met Wednesday, December 21, to review possible capital and maintenance projects for 2023. Maintenance and capital projects are partially covered by the Golf Course Reserve Fund: Sugarloaf as leasee and Carrabassett as lessor/owner each contribute \$45,000/year, recently increased from \$10,000 to \$20,000, now \$45,000. The reserve fund currently has a \$150,000 balance.

Golf Course Superintendent Ryan Blake put together a needs list that was reviewed by the committee to include:

1. Complete drainage project on the 6th green in the spring, est. \$40K to \$50K: contract out
2. Complete drainage projects of green area #s 2, 13 and 14. Est. \$50K: in the fall, in house
3. Pave additional cart paths, c. \$50K: Sugarloaf did \$50K. of improvements last year

4. Rebuild and drainage work on #7 fairway, c. \$200K project—to be done in conjunction with par-3 golf course 2-3 years down the road?
5. Purchase radio signal booster (upgrade to the irrigation system), c. \$10K

Jay Reynolds made a motion to move forward with \$110,000 from reserve to address the issues as listed. Lloyd Cuttler seconded the motion. Karen Campbell asked about the responsibility to taxpayers, if there would be a locals discount on passes. Cota acknowledged that others have raised the same questions, suggesting it has been addressed. The board approved the motion unanimously.

New par-3 golf course

Sugarloaf general manager Karl Strand explained that the proposed par-3 golf course, an extension of its recently approved West Mountain Development, will relieve some pressure on the 18-hole course. Addition of a 9-hole course would offer golf to people who are doing other things in the area, provide more children programming opportunities along with giving kids possibilities for practice rounds, and learning opportunities for beginning golfers. Others reported that it's an attraction to regular golfers as well.

Strand noted that building 9-hole courses was a growing practice among the country's major courses. Regarding Sugarloaf's plans, he added that premier golf course design firms were backed up all over the country. He expects to have more information in a few months.

There was some discussion of adding the #7 fairway project to the estimated \$2,500,000 par 3 course funding, bumping it to c. \$2,800,000. However, Bob Luce questioned "kicking the can down the road" on a project that has been identified for years.

Workforce Housing Coalition update

John Beaupre, also president of the new Workforce Housing Coalition board, reported that they had signed a purchase-and-sale agreement with Jordan on a 7-acre parcel next to Dollar General in Kingfield. This gives the housing effort great momentum. Beaupre is especially appreciative of the strong board. Cota suggested informing the County Commissioners of their progress, which Beaupre thought was an excellent suggestion and will do.

Executive session

At 5:20, Bob Luce announced going into executive session per title 1, section 405 subsection 6 to discuss two merit pay increases. Reynolds made the motion, seconded by Campbell and passed unanimously. The Board came out of executive session at 5:32.

Reynolds moved to grant a \$1/hour raise to treasurer Sasha Gillespie in addition to the inflationary increase, seconded by Campbell. The motion passes unanimously.

The board set the next meeting date tentatively to January 9, 2023.

Campbell then moved to adjourn, seconded by Reynolds and passed unanimously. The meeting adjourned at 5:45.

Respectfully submitted, Sue Davis,

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (the "MOU") is entered into this ___ day of December, 2022, by and between **FRANKLIN COUNTY, MAINE**, a governmental entity organized and existing under the laws of the State of Maine, whose mailing address is 140 Main Street, Suite 3, Farmington, Maine 04938 (the "County") and the **INHABITANTS OF THE TOWN OF CARRABASSETT VALLEY**, a municipality organized and existing under the laws of the State of Maine, whose mailing address is 1001 Carriage Road, Carrabasset Valley, ME 04947 (the "Town").

WITNESSETH

WHEREAS, the County contracts for and coordinates the provision of certain public safety communication and information technologies for a number of municipalities and other entities located within Franklin County (the "Services"); and

WHEREAS, the County has contracted with Information Management Corp. ("IMC") for the substantial upgrade of the Services, to be paid for in part with the County's allocation of funds provided under the American Rescue Plan Act of 2021 ("ARPA"); and

WHEREAS, the Town has agreed to reimburse the County for a portion of the cost of these upgraded Services; and

WHEREAS, the Parties wish to memorialize this obligation in the form of this MOU.

NOW THEREFORE, the County and the Town hereby enter into this MOU as follows:

1. **Town's Reimbursement.** The Town agrees to reimburse the County for a portion of the cost of the upgraded Services, in the amount of **\$6,599.18** (the "Amount"). The Amount represents a total of **\$4,675.81** allocated to the fee for licensing the upgraded Services; **\$1,563.37** allocated to the cost of maintaining the upgraded Services; and **\$360.00** allocated to the subscription fee for the upgraded Services.

2. **Deadline for Reimbursement.** The Town shall remit full payment of the Amount to the County, as specified in Paragraph 1 above, on or before June 30, 2024. The Town has the option, but not the obligation, to make partial payments until the Amount is paid in full.

3. **Binding Effect; Remedies.** Notwithstanding anything to the contrary, the Parties intend for this MOU to constitute a formal agreement that shall bind the Parties consistent with the terms and conditions outlined herein. Failure of the Town to remit the Amount on or before the date specified in Paragraph 2 above shall constitute a breach of this MOU, which shall enable the County to pursue any and all remedies available to it at law or in equity.

4. **Miscellaneous.** If any provision of this MOU is held to be illegal or unenforceable by a court of competent jurisdiction, such provision shall be severed and shall be inoperative, and the remainder of this MOU shall remain operative and binding on the Parties. Failure of either party to enforce any provision of this MOU shall not be deemed as a waiver of any future right of that

party to enforce the same provision. This MOU may not be amended except in writing signed by duly-authorized representatives of both Parties. This MOU represents the complete and final agreement between the Parties regarding the content outlined herein, to the exclusion of all prior or contemporaneous agreements, either oral or written.

The undersigned parties hereto have signed this Memorandum of Understanding on the date first written above.

WITNESS:

FRANKLIN COUNTY, MAINE

By:

Amy Bernard, its County Administrator

WITNESS:

INHABITANTS OF THE TOWN OF
CARRABASSETT VALLEY

By:

Dave Cota, its Town Manager

MEMO

To: Dave Cota, Town Manager and Chris Parks, CEO
From: Mark Green, Workforce Housing Coalition
Subject: Proposed Contract Zoning Ordinance
Date: 1/1/23

Included with this memo is a proposed contract zoning ordinance which is taken almost totally from one adopted by the Town of Dayton. I did incorporate a few small sections from other ordinances where I felt it was needed. I reviewed the information Chris provided to me when he researched the issue and looked at contract zoning ordinances that are currently in place in Standish, Sanford, Portland, Castine, and Saco. All are similar so I choose the Dayton example because it is a relatively small Town (2100), it was simple, straight forward and I thought well done. It also gives the authority to approve the contract zone to the Select Board which is unusual for a small Town but does make a fairly arduous process a little simpler.

Obviously, what I have provided to you needs a thorough review by both of you and an attorney, but I hope it can be a starting point for the Town of Carrabasset Valley. As mentioned, when we met recently, I am hoping that CV will be willing to take the lead on adopting a contract zoning provision that can serve as a model for other neighboring communities.

Following is a summary, in a bullet format of the proposal along with things I learned as I did my research.

Things I learned

- Contract zoning is typically a separate section of a municipality's zoning ordinance that is "free standing". If a contract zone is approved, the applicant would still need to go through the planning review process to get approval for their development. The only difference is that an approved "contract" between the developer and the municipality would outline the unique requirements this development must comply with. The approved contract then typically is attached to the zoning ordinance as an appendix.
- According to State law a contract zone must meet the following three criteria:
 - It must be consistent with the municipality's growth management plan (comprehensive plan).
 - Establish rezoned areas that are consistent with the existing and permitted uses in the original zone.
 - Only include conditions and restrictions that relate to the physical development or operation of the property.

Summary of Proposal

- Areas conditionally zoned under this proposed ordinance must be consistent with, the existing and permitted uses within the original zone of the affected property. In other words, you could not use contract zoning to permit a use that was inconsistent with the original zone.

- Process:
 - The applicant submits an application to the Planning Board which includes a concept plan; a proposed contract, an explanation of the zoning changes requested, and other information to help the Planning Board determine if the request complies with the ordinance.
 - The Planning Board must conduct a public hearing with appropriate notice including notifying all abutters and providing them with copies of the proposed conditions and restrictions.
 - During the review the Planning Board is given some discretion regarding the conditions and restrictions they may impose on the property but they can only include conditions and restrictions that relate to the physical development or operation of the property.
 - The Planning Board must make a recommendation to the Select Board that the proposal meets the four standards listed below. A favorable recommendation to the Select Board requires a positive finding on all four standards. If the Planning Board makes a negative finding on any of the standards, its recommendation shall be a negative recommendation. The Planning Board shall base its recommendation on whether the rezoning:
 - Is for land with an unusual nature or location
 - Is consistent with the Town's growth management program and comprehensive plan.
 - Is consistent with, but not limited to, the existing uses and permitted uses within the original zone.
 - The conditions proposed are sufficient to meet the intent of this section.
- After public hearing the Select Board may approve a positive recommendation of the Planning Board. As written, they may not override a negative recommendation of the Planning Board or modify the proposal. CV could give the Select Board this authority and they could also chose to send the proposal to the Town Meeting for approval. Dayton is the only "Town Meeting" community that I found that gave the Select Board authority to approve a contract zone. In the larger communities where the Town/City Council is also the Legislative body the Council approves the contract zone.

I hope this is helpful. Please let me know if you have questions.

CARRABASSETT VALLEY
PROPOSED CONTRACT ZONING
January 1, 2023

SECTION 1. PURPOSE

Occasionally, competing and incompatible land uses conflict; and traditional zoning methods and procedures such as variances, conditional use permits, and alterations to the zone boundaries are inadequate to promote desirable growth. In these special situations, more flexible and adaptable zoning methods are needed to permit differing land uses in both developed and undeveloped areas, and at the same time recognize the effects of change. In consideration of a change in zoning classification for a particular property or group of properties, it may be determined that public necessity, convenience, or the general welfare require that certain conditions, limitations or restrictions be made or imposed on the use or development of the property for which a change in zoning classification is otherwise appropriate. Such conditions are deemed necessary to protect the best interests of the property owner, the surrounding property owners and the neighborhood, all other property owners and citizens of the Town of Carrabassett Valley, and to secure appropriate development consistent with the Town's growth management program and comprehensive plan.

SECTION 2. AUTHORIZATION.

Pursuant to 30-A M.R.S.A. § 4352 (8), the Town of Carrabassett Valley hereby authorizes contract zoning for the conditional zoning of property, where for reasons such as the unusual nature or the unique location of the property, the Town finds it is necessary or appropriate to impose, by agreement with the property owner, certain conditions or restrictions in order to ensure that the conditional zoning is consistent with the Town's growth management program and comprehensive plan. Contract zoning shall be limited to property for which a rezoning is requested by the owner or other person with sufficient right, title and interest. Nothing in this section shall be interpreted to permit an amendment that is not consistent with the Town's growth management program or comprehensive plan. Areas conditionally zoned under this provision shall be consistent with, but not limited to, the existing and permitted (whether permitted or conditional) uses within the original zone of the affected property or properties. By "contract zoning" this section means both contract and conditional zoning as enabled in 30-A M.R.S.A. § 4352 (8).

SECTION 3. APPLICATION CONTENTS.

A request for contract rezoning shall include a written petition to the Planning Board requesting a rezoning, including the following.

- A. Evidence of right, title or interest in the affected property.

- B. A plot plan showing the boundaries of the parcel and its dimensions including the current Zoning District boundaries.
- C. A conceptual development plan showing the approximate layout of all buildings, structures, streets, driveways, parking areas and other significant improvements to be constructed on or above the surface of the ground plus any proposed open spaces, conservation areas, buffer areas or other features of the development.
- D. A detailed statement of the proposed use of the property and the precise zoning change requested. The Planning Board may propose additional conditions or restrictions.
- E. A proposed contract zoning agreement.
- F. A statement explaining how the rezoning is consistent with the Town's growth management program and comprehensive plan, as well as a listing of the permitted and existing uses within the original zone.
- G. The name address and telephone number of the property owner and the applicant, if the applicant is not the owner.

SECTION 3. HEARING AND NOTICE

- A. The Planning Board shall conduct a public hearing before forwarding its recommendation to the Select Board under this provision.
- B. Notice of the public hearing shall be posted in Town Hall at least thirteen (13) days before the public hearing. Notice of the public hearing must be published two times in a newspaper of general circulation with the first notice appearing at least seven (7) days before the hearing.
- C. Public hearing notices shall be mailed to the owner of the property to be rezoned and all abutters to that property at their last known address. If the property is within its source water protection area, notice must also be sent to a public drinking water supplier. Such notice shall be sent out at least seven (7) days prior to the public hearing, and must contain a copy of the proposed conditions and restrictions with a map indicating the property to be rezoned.
- D. Failure of any property owner to receive a notice shall not necessitate another hearing or invalidate any action by the Planning Board or Select Board.
- E. The cost of publishing and mailing the notices shall be borne by the applicant(s).

SECTION 4. CONDITIONS AND RESTRICTIONS.

Conditions and restrictions imposed under this section shall relate only to the physical development and operation of the property and may include, by way of example:

- A. limitations on the number and types of uses permitted.
- B. conditions on the scale and density of development, including the height, lot coverage and other space and bulk provisions.
- C. specifications for the design and layout of buildings and other improvements.
- D. schedules for commencement and completion of construction.
- E. performance guarantees securing completion and maintenance of improvements, and guarantees against defects.
- F. preservation of open space and buffers, and protection of natural areas and historic sites.
- G. provision of municipal services required by the development.
- H. provisions for enforcement and remedies for breach of any condition or restriction, including the timing of the effective date of the change and its repeal should conditions not be met
- I. the dedication of conveyance of property for public purposes, including but not limited to, streets, easements, parks and utility systems.

SECTION 5. RECOMMENDATION TO SELECT BOARD

The recommendation to the Select Board shall include the following:

- A. A proposed contract zoning agreement that includes any conditions or restrictions recommended by the Planning Board.
- B. The conceptual development plan submitted by the developer.
- C. A finding on each of the four standards listed below. A favorable recommendation to the Select Board requires a positive finding on all four standards. If the Planning Board makes a negative finding on any of the standards, its recommendation shall be a negative recommendation. The Planning Board shall base its recommendation on whether the rezoning:

- i. Is for land with an unusual nature or location,
- ii. Is consistent with the Town's growth management program and comprehensive plan.
- iii. Is consistent with, but not limited to, the existing uses and permitted uses within the original zone.
- iv. The conditions proposed are sufficient to meet the intent of this section.

SECTION 6. REVIEW AND APPROVAL BY SELECT BOARD

The Select Board shall be authorized, after public hearing duly held and noticed, to approve a contract zone amendment to the Zoning Ordinance that has received a positive recommendation of the Planning Board, but only after the Select Board shall have adopted the findings of the Planning Board recommending such amendment

SECTION 7. STATUS OF AMENDMENTS

Amendments to the zoning map and ordinance made under this section may be amended or repealed by the Select Board or by majority vote of the Town Meeting.

SECTION 8. OTHER PERMITS

A contract zoning amendment shall be in addition to, and not in lieu of, other permits that may be required for a particular project or use. An applicant may seek other permits at the same time as he, she, or it is seeking the contract zoning as if the contract zoning were already in effect, or may seek such other permits after the Select Board have approved the zoning amendment. If the applicant seeks approval before final action by the Select Board on the amendment, the Planning Board shall make its approval of these other permits contingent on the Select Board's approval of the contract zoning amendment.