

# **Carrabassett Valley Selectmen's Meeting**

## **4:30 p.m. Monday July 27th, 2020 at the Town Office**

### **Agenda:**

**Notice:** Please note, we are now allowed to hold public meetings allowing up to 50 people to attend. However, like entering the town office, we are requiring anyone who wishes to attend to use the hand sanitizing station at the door and to wear a mask (throw away masks are provided at the town office door also).

Depending on how many people wish to attend and concerns over COVID-19 citizens may wish to participate by **REMOTE ACCESS AS PROVIDED BELOW**. Remote Access Participants will hear all the proceedings and will be allowed to speak.

In addition, the State Legislature passed emergency legislation to allow public proceedings through remote access during the "State of Emergency" under guidelines.

**We have set up a remote access process as follows:**

- Participants call into this number: 1-425-436-6390
- Enter code following prompts: 668536 (it will then tell you to press the # symbol)
- Once the moderator joins all those on the line can join as well---Please announce yourself when asked.

**Meeting will start at 4:30 p.m.**

Review and sign 2020 Payroll Warrants:

Review and sign 2020 Town Expenditure Warrants:

**MINUTES** from previous meeting (July 6th, 2020) are attached.

### **APPROVAL OF CONTRACT WITH VIRGINAL WRIGHT FOR PHASE ONE OF WORK WITH THE HISTORY COMMITTEE TO CHRONICLE THE HISTORY OF CARRABASSETT VALLEY IN A BOOK:**

Please see enclosed copy of the proposed contract. This is Phase One of this project (August 15<sup>th</sup>, 2020 to June 30<sup>th</sup>, 2021) for a lump sum cost of \$12,500. Phase Two (the last phase) is projected to happen from July 1, 2021 to June 30<sup>th</sup>, 2022. As you know, the Town appropriated \$12,500 (along with a carried forward balance of \$2,000) for Phase One of this project.

**BRIEF UPDATE ON NEW FIRE STATION PROJECT:** We will provide a brief update.

**ROUTE 27 TRAFFIC RELATED CONCERNS:** We received a concern regarding passing lanes (dotted yellow lines) on Rt. 27 that allow vehicle to pass in and out of the area between the

Carriage Road and S-turns. In addition, we have received requests in the past to reduce the speed limit in that area from 55 to 50. Also, we have received previous requests to reduce the speed limit from CVA north to the other side of the Sugarloaf Access Road. We have met with our area MDOT Traffic Engineer who is evaluating these concerns.

**MUNICIPAL PARTNERSHIP GRANT PROGRAM:** With the help of the Franklin County Healthy Community Coalition program we are in the process of applying for grant funding from the State (as part of the CARES ACT---Keep Maine Healthy 2020 Municipal COVID-19 Awareness Campaign) Financial Assistance for Maine Municipalities and Tribal Governments to Help Keep Maine Residents and Visitors Safe This Summer and Fall for eligible municipal costs related to COVID-19 for the period of Aug. 1<sup>st</sup> through October. This involves additional staffing, PPE equipment, signage, masks, sanitizer stations, some community outreach, etc. Deb Bowker will be the contact person for the Town (as much of this has to do with the AGC and recreational facilities).

#### **INFORMATIONAL:**

---Penobscot Indian Nation Roads remain posted in Carrabassett Valley with the exception of the Carriage Road. They have responded to us that a representative of PIN will be in touch with us as soon as their offices are open (due to COVID-19).

---We have advertised the full-time Town Treasurer's Position. Applications are due by August 10<sup>th</sup>.

---We have been told that we will receive the final payment from F.E.M.A. of \$12,004.49 in the near future for the mitigation work we did (replacement of the large culvert road crossing on the Outdoor Center Road.

**TOWN OF CARRABASSETT VALLEY  
MINUTES OF SELECTMEN'S MEETING  
July 6, 2020**

<b>Board Members Present:</b>	<b>Bob Luce Karen Campbell John Beaupre</b>	<b>Lloyd Cutler Jay Reynolds</b>
<b>Others Present:</b>	<b>Dave Cota Tom Butler Ray Stone John McCatherin Joanna Buffum Brian Demshar Maria McMorron Deb Bowker Ashley Farrar Tim Flight</b>	<b>Maria Morrell Annie Twitchell Neal Trask Axelle Dervisevic Don Fowler Kerry Ouellette Leah Ross Anne Poirier-Flight Mark Leathers</b>
<b>Present via Phone:</b>	<b>Wayne Cobb Barbara Moore Liz Stefany Jim Mat lack Linda Mefa Ann Burt</b>	<b>Lynn Schnorr Tom Cromwell Claudine Pied Jim Benoit Priscilla Dana Bert Polchies</b>

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Bob Luce opened the meeting at 4:32 p.m. and welcomed those in attendance. Dave Cota asked phone-in callers to identify themselves for the record.

Payroll warrant # 28 in the amount of \$30,490.59 was reviewed and signed by Selectmen.

Expense warrant # 29 in the amount of \$20560.64 was reviewed and signed by Selectmen.

The minutes of the June 22, 2020 Selectmen's meeting were reviewed. Lloyd Cutler made a motion to approve the minutes as written. Jay Reynolds seconded the motion. Motion approved via roll call.

Dave Cota reported to Selectmen on a pending legislative bill (L.D. 2094, "An Act to Implement the Recommendations of the Task Force on Changes to the Maine Indian Claims Settlement Implementing Act"). He provided supporting information to Selectmen, including a copy of a letter from Governor Mills regarding her thoughts on the bill. He said it's a complex legislation and he hoped to provide some background. He said the Town of Carrabassett Valley has appreciated their relationship over the years with the Penobscot Indian Nation, and in his 20 years, he's met with their land committee annually and has met several times with the Tribal Council. He recognizes that they are the largest land-owner in Carrabassett Valley and the Town has appreciated the generosity of the Nation use of their lands for access to snowmobile, ATV, Nordic Skiing and Mountain Bike trails along with access across the Carriage Road. The Town, in turn, has contributed to youth activities and has contributed to the maintenance of the

Carriage Road. Further, Sugarloaf Mountain Corporation has provided ski packages for the Tribe and passes to the Golf Course, which have been auctioned for the Penobscot Indian Nation (PIN) Youth Program. Dave would like to clarify that the Town has generally enjoyed a good relationship with the PIN, contrary to some rumors that have circulated. He said that in the past however, the Town has not had an interest in allowing PIN CV lands to be converted to Federal Trust Lands.

In 1980, the Tribes were given 3000 acres of land and \$81,000,000 to buy lands. Some of those lands were put in trust lands, such as Alder Stream Township, north of Carrabassett Valley. Dead River Company did not want to sell the Alder Stream Lands to PIN without also selling their Carrabassett Valley lands. The Carrabassett Valley lands were purchased as "fee lands". Fifteen years ago, there was a request from PIN to seek interest in converting their CV lands to Federal Trust land. When any tribe wishes to convert to trust lands, they need a vote of the town in order to do that. After a lot of deliberation, the Town did not feel that the land should be put into Federal Trust, as it would take land use authority away from Town land use regulation and give it to the Nation and/or Federal Bureau of Indian Affairs.

The Town has just recently become aware of L.D. 2094, which would by-pass the Town's authority on that decision. There is no municipal representation on the task force that has been developing the bill, which is a major concern. Dave does not believe many municipalities understand what the potential impacts may be. The Tribes would need to go to the Federal Bureau of Indian Affairs to have their lands placed in trust without approval of the respective towns. In Carrabassett Valley, there are 24,000 acres involved. Under this bill, the Tribes could purchase land in any municipality and place it into trust, which would exclude the respective town of any authority over the land use. Additionally, if the land is put in trust, there would be no property taxes paid on the land to the municipality or state. Dave said that public comments continue to be received by the Judicial Committee of the Legislature. If they re-convene this year, it may be a limited agenda, but that's unknown at this time. If they do not re-convene, the bill dies and would need to be taken up again in January. Dave said the Town certainly wants to continue a good relationship with PIN, and hopes to continue to work with the Tribe into the future.

Lloyd Cutler expressed concern for the entire state, based on Governor Mills' letter, in that the State of Maine should have concerns about the bill. He would like to learn more as to how this evolved, since the municipalities were not part of the discussion on the task force. He would like to explore how middle ground can be reached, but he would like to see more time and dialog given to the matter, since the Selectmen have only been made aware of this within the past week. He said the Selectmen are more than willing to meet with PIN in person to learn more about this.

A Resident of Carrabassett Valley asked what is paid to the Town annually for the PIN lands. Bob Luce said that the lands are classified under the State's Tree Growth Law which reduces the value and the amount of property taxes paid to the Town is \$50,000 annually. Another Resident asked if any other states have similar laws to the one that is being proposed. Dave Cota said he is not sure, as it's new to the Town and very complex. Maria McMorrell noted that first the land was taken away from the Tribes and then given back. She would like to see what's right rather than what's easy.

Burt Polchics spoke as a Tribal member and said that prior to the 1980 Settlement Act, the Tribes involved (PIN and Passamaquoddy's) owned 2/3 of the State of Maine. They were able to purchase some of the land back, land that they already owned. The Settlement Act has only

worked well for the State and Municipalities, but not the Tribes. They are fighting to be honored by the State. The State did create a Task Force, and they reviewed how the Settlement Act has been working. The \$50,000 tax revenue could be a negative for the Town, but in order to make the relationship better with PIN, there should be a look at the positives. Though the town may not have control over what happens on PIN land, the native way is not to control things, but to live with the land, which may be a benefit to the Town. The concern about a casino may or may not be what PIN wants to do with their land. On Indian Island, there's a challenge with housing. Some of the members may want to work at Sugarloaf or in Carrabassett Valley and would need a place to stay. It does not have to be a negative. PIN has been trying to put the land in trust for years now, and he feels it's about time.

Barbara Moore said she does not believe she's heard any plans to put the land in trust. Their main goal in changing the Settlement Act is that they want to be able to develop businesses. Dave Cota said that the language in the bill is very clear that the goal is to convert fee land to trust land. He said the Town has very progressive land use standards, and there's concern about the loss of Town control over future land use. He noted that the Tribe did a real estate assessment through federal grant in 2005. It provided for residential and commercial development, but nothing has been acted on by PIN since that time. Development can be done now under the existing Settlement Act and through Town channels to work together toward that development that was outlined in that assessment. Bert Polchics said that if it's left as it is, the Town takes taxes off that land, and any development would be taxed at a higher rate. PIN feels this is their land and any tax revenue should go directly to the Tribe. If they develop housing for their Tribal membership or a business, that would create more for the Town of Carrabassett Valley or Sugarloaf, since it may bring in more tourism. They are always looking to be good neighbors, but they want to handle their own taxes and land use. Lloyd Cuttler said he agrees that this should be looked at in friendship, and he would like to see discussions take place between the Town and PIN, since he feels it could be beneficial to both entities. He feels the bill is too "all encompassing" and potentially faces defeat because it is too over-reaching. Dave Cota said that a TIF arrangement might work well in this instance. Bert said that the terms in L.D. 2094 are some of the most important areas that have been problematic for all of the Tribes in the State of Maine with the Settlement Act. The Settlement Act was one of a kind, since it had never been done before and was an experiment that doesn't work. L.D. 2094 is trying to bring things back in line with the rest of the country. It doesn't cover everything, but it does cover those things that were most important to the Tribes. The changes would have to be agreed to by the State and the Tribes. He said the changes historically have only been approved when it benefits everyone else but the Tribe. Ashley Farrar said she feels the word "control" is troubling, so she agrees with Bert on that matter, and she asked what else would be a loss to the Town. Dave Cota said the Town has developed as a ski resort town over the years with a high standard for development, and there would be no way to know what could potentially happen if development were to take place without any municipal oversight, not just in Carrabassett Valley, but in any town in the State. Ashley asked if there was some agreement that could be reached with the PIN. Dave Cota said that if the land were to go into trust, it would be forever, and he would like to work with PIN. Bert Polchics said that in all the years, he asked if the Tribes have developed anything that would be dangerous to the surrounding towns or the environment. He said not once has any other Tribe put forth anything that would be harmful to the surrounding communities or any resources, since it would go against the grain of the people, since they do not wish to create harm. Carrie Ouellette asked why the Town has not asked the PIN what the Town can do for them. She feels that if the Town knew more about the goals of PIN, there may be better understanding. She said Sugarloaf has made a big impact in the woods, air quality and water quality. Lloyd Cuttler reiterated that the Selectmen just learned about this, and he does

feel that it behooves all parties to meet and discuss it. Dave Cota said that he has been to Tribal Council Meetings and has worked hard to listen over the twenty years that he's been in his role. A question as to why nothing was enacted with the 2005 land assessment. Bert Polchics said that, in his opinion, they need to know what can happen on their land and what the resources are. He noted that there are regulations within trust land, such as dealing with the EPA. He said their regulations are more stringent than what most municipalities, state and federal government require. A participant asked what the differences are in the regulations. Dave Cota said he didn't know the answer to that question. John Beaupre said that he feels the most important outcome of tonight's meeting would be a conduit for continued dialogue. He would like to have future one-on-one meetings with Tribal members, since there has been a lack of face-to-face dialogue. He would like to see the Town and PIN talking more into the future. Barbara Moore said that she does not want to be seen as representing Indian Island, and it's difficult because the parties really should be sitting down together. She said it's new to her to learn that the Town is concerned about L.D. 2094, and she wanted to learn what the Town's concerns are. Lloyd Cuttler said that, since the process has stopped due to the virus, it may have opened up an opportunity for talking while the bill is pending. Bert Polchics said that he appreciates the willingness to meet, but previously when the PIN was trying to put the land into trust, the meetings didn't go all that well. He said he makes a habit of going into local diners when he travels, and he tries to get involved in discussion, since he will learn more, since he said that many opinions of the people of Maine are polluted from fear-mongering. His people have been here since creation, and they would not do anything against their traditional and cultural ways. Their battle has been against those who attempt to control who they are, on their own land. The Tribes should not have to worry about an outside entity controlling who they are and what they do as a nation. Regardless of whether L.D. 2094 passes, the Tribes are still trying to put the land into Federal Trust and the Town has blocked it. He would like to see respectful meetings, not only with the leaders of the Town and Tribes. Joanna Buffum said that it seems to her that the worse case scenario is loss of control for the Town, but the PIN would like to be able to make an income from their land. Dave Cota said that the PIN does make considerable income through forestry practices on their land. He said that L.D. 2094 is very broad and does not just focus on this area or just the PIN. It's different in an organized town versus an unorganized territory, such as Alder Stream. He agrees that an open dialogue is the best approach. Dave Cota suggested that all present take the time to read the proposed legislation, since there is much more in the bill than just trust land and property taxes. There was a question as to whether the PIN owned the land prior to the incorporation of the Town. Dave Cota said that the Town was incorporated in 1972 and the Settlement Act passed in 1980. Bert Polchics noted that the PIN owned the land long before the Town was incorporated, and they have not forgotten their effort to get the land put into trust. He said the more the municipalities and State take from the Tribes, the less they can do for their people, and the relationship can always be better, but they do not want to be controlled. He said that none of the municipalities consider how it affects the Native Nations, and the Nations are the ones protecting air quality and water quality.

#### Informational:

Household Hazardous Waste Day: July 11<sup>th</sup>, 9am to noon at Kingfield Transfer Station.

Ski Museum of Maine is scheduling their annual recognition event. They are selling ad space for \$125 for 1/8 page ad. John Beaupre made a motion to proceed. Jay Reynolds seconded the motion. Motion approved via roll call.

Dave Cota reported that there will be a Town Treasurer's position opening October 1<sup>st</sup>, so he would like to advertise the position soon in order to allow for a September 1 decision on applicants. The position will be advertised in the 'Irregular' and on the Town's website.

Meeting adjourned.

Respectfully submitted,

Lynn M. Schnorr  
Secretary to Board of Selectmen

### **Agreement to Purchase Services**

THIS AGREEMENT, made July \_\_, 2020, is by and between the Town of Carrabassett Valley (the TOWN), and Virginia M. Wright (WRIGHT ) for the period August 15, 2020, through June 30, 2021, hereinafter called "Phase One," at which time the contract will be null and void unless a renewal is agreed upon by both parties.

WITNESSETH, that for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the TOWN, WRIGHT hereby agrees with the TOWN to perform the project described in Rider A, and under the terms of this Agreement. The following riders are hereby incorporated into this Agreement and made by part of it by reference:

Rider A — Specifications of Work to be Performed

Rider B — Payment and Other Provisions

Furthermore, WRIGHT expressly acknowledges that the material contributed by her hereunder, and her services hereunder, are being specially ordered and commissioned by the TOWN for use in connection with the written history of Carrabassett Valley. The Work contributed by WRIGHT hereunder shall be considered a "work made for hire" as defined by the copyright laws of the United States. The TOWN shall be the sole and exclusive owner and copyright proprietor of all rights and title in and to the results and proceeds of the services hereunder in whatever stage of completion. If for any reason the results and proceeds of WRIGHT's services hereunder are determined at any time not to be a "work made for hire," WRIGHT hereby irrevocably transfers and assigns to the TOWN all right, title and interest therein, including all copyrights, as well as all renewals and extensions thereto.

WRIGHT agrees that the TOWN may make any changes or additions to the Work prepared by WRIGHT, which the TOWN in its sole discretion may consider necessary, and may engage others to do any or all of the foregoing, with or without attribution to WRIGHT. WRIGHT further agrees to waive any so-called moral rights in the Work.

WRIGHT represents that, except with respect to material furnished to her by the TOWN, WRIGHT is the sole author of the Work and all of WRIGHT's services are original with her and not copied in whole or in part from any other work; that WRIGHT's Work is not libelous or obscene, or knowingly violates the right of privacy or publicity, or any other rights of any person, firm or entity.

IN WITNESS WHEREOF, the Town of Carrabassett Valley and Virginia M. Wright, by their representatives duly authorized, have executed this agreement in two original copies.

TOWN OF CARRABASSETT VALLEY

By: \_\_\_\_\_ Date: \_\_\_\_\_  
[DAVID COTA, TOWN MANAGER]



AND

By: Virginia M. Wright Date: 7/10/2020  
Virginia M. Wright, independent writer and editor

## **Rider A**

### **Work Statement and Payment Provisions**

#### **Background**

Virginia M. Wright is a writer and editor with decades of magazine, book, and newspaper experience in Maine. She worked for more than a decade as a senior editor of Down East and Maine Homes magazines. She has written countless in-depth articles, profiles, place features, and several small books.

#### **Purpose**

The purpose of this project is to chronicle the history of Carrabassett Valley in a book. The book will trace the story of this rugged, beautiful place, from the geological forces that created it, through the various settlements whose ideas, interests, and actions have shaped its character, to the town it is today. By exploring how people have used the environment, the kinds of homes, businesses, roads, and infrastructure they've built, the ways they've interacted, and their shared passion for the outdoors, we'll develop a portrait of this distinctive town. The final product will be a book that combines stories, oral histories, photographs, and documents into a detailed, accurate, and affectionate account. The book will serve as both an authoritative record and a keepsake for anyone who loves or is interested in Carrabassett Valley.

#### **Phases**

The book will be researched, written, and produced in two phases.

Phase 1: August 15, 2020–June 30, 2021.

Phase 2: July 1, 2021–June 30, 2022 (subject to contract renewal)

#### **Activities To Be Undertaken in Phase 1**

1. Working and meeting regularly with the Carrabassett Valley History Committee to assess the materials it has gathered and how they help tell the town's story.
2. Contacting and working with archives, such as the Maine Historical Society and the Maine State Museum, to find other records and documents that shed light on Carrabassett Valley's history.
3. Interviewing residents, including town founders and early movers and shakers, to gather firsthand accounts of the town's fledgling years and beyond.

4. Pulling together these materials into an engaging narrative about the town's history and distinctive character. The text will employ traditional chapters, marginalia, sidebars, and captions to offer many entry points to engage the reader.
5. Collecting promising pictures and documents, getting appropriate permissions and documentation to allow the committee to use those materials in both book and online form, and making publication-quality scans.
6. On-going and timely communication with the committee during the contract period to update the committee on findings and any potential issues.

## **REPORTING REQUIREMENTS**

WRIGHT agrees to submit periodic progress reports to describe activities conducted during the reporting period and progress toward completing the contract activities. Progress reports and new chapter drafts will be delivered to the TOWN by the following dates:

By: December 1, 2020 for the time period August 15, 2020–November 15, 2020 Initial report  
By: March 1, 2021 for the time period November 16, 2020–February 15, 2021 Interim report  
By: June 1, 2021 for the time period February 16, 2021–May 15, 2021 Final report with work projections for Phase 2.

### **Reporting Format:**

1. WRIGHT agrees to submit other information relating to contract performance as requested by the TOWN. This may include three or more in-person project updates at meetings of the committee.
2. WRIGHT agrees to provide drafts of sections completed during the relevant time period, along with any photo permissions acquired.
3. WRIGHT agrees to submit invoices according to the following schedule:

By: December 1, 2020 for the time period August 15, 2020–November 15, 2020  
By: March 1, 2021 for the time period November 16, 2020–February 15, 2021  
By: June 1, 2021 for the time period February 16, 2021–May 15, 2021

Payment will be made in equal lump sum installments of \$4,166.

## **Rider B**

### **PAYMENT AND OTHER PROVISIONS**

1. PHASE ONE AGREEMENT: LUMP SUM AMOUNT: \$12,500

2. INVOICES AND PAYMENT: The TOWN will pay WRIGHT based on submission of periodic invoices and reports, as detailed in Rider A. Payments are subject to WRIGHT's compliance with all items set forth in this Agreement.

3. BENEFITS AND DEDUCTIONS: WRIGHT understands and agrees that she is an independent contractor for whom no Federal or State Income Tax will be deducted by the TOWN, and for whom no retirement benefits, survivor benefit insurance, group life insurance, vacation and sick leave, and similar benefits available to town of Carrabassett Valley employees will accrue. WRIGHT further understands that annual information returns, as required by the Internal Revenue Code or State of Maine Income Tax Law, will be filed by the TOWN with the Internal Revenue Service and the State of Maine Bureau of Revenue Services, copies of which will be furnished to WRIGHT for her income tax records.