

March 10, 2011

**Minutes of the Washington County Commissioners
Unorganized Territories Regular Meeting
held March 10, 2011
in the Commissioners' Conference Room
Machias, Maine**

Attending the meeting were:
Commissioner Christopher M. Gardner
Commissioner Kevin L. Shorey
Commissioner John B. Crowley, Sr.
Dean Preston, UT Supervisor
Gail Popham, Administration
Donnie Smith, Sheriff
Mike St. Louis, Chief Deputy
Robert Gross, Jail Administrator
Mary Zidalis, Jail
Mike Hinerman, EMA
Judy Alexander, Financial Accountant
Sharon Strout, Registrar of Deeds
Darlene Wallace, Deeds
Jim Lucas, Buildings & Grounds
Joshua Rolfe, RCC
Diane Smith-Halkett, SCEC - TIF Administrator
Eleody Libby, WC:OC
Susan Corbett, Axiom Technologies
Mark Berry, Down East Lakes Land Trust
Susan Aygarn, Landvest Regional Forest Manager
Kathleen Caso, Calais
Richard Clock, Calais
Trevor Hold, Wesley
Phil Duggan, DECP
Sharon Mack, BDN

County Manager Betsy Fitzgerald was unable to attend.

AGENDA ITEM: Approval of the February 3, 2011 Regular UT Meeting Minutes

MOTION Commissioner Crowley moved to approve the February Regular UT Meeting Minutes as presented. Commissioner Shorey seconded the motion. Commissioner Gardner stated that he would like to make a friendly amendment

March 10, 2011

to those minutes by adding into the motion to have the County become a guarantor of a \$100,000 line of credit for the Down East Ambulance Authority, it is to be clear that the backing for this line of credit is supported by the UT taxes. The motion passed unanimously.

Commissioner Shorey noted that the Commissioners would sign the amended minutes at the next meeting.

AGENDA ITEM: Monthly Report

(See attached) UT Supervisor Dean Preston noted the highlights of his monthly report. Some areas in the UT had reduced sand/salt reserves and so he had ordered more. He noted there would be a Shellfish Conservation Committee meeting on March 23rd at 6:00 p.m. Fire and ambulance protection contracts were up for renewal and would be reviewed soon before June and July. He also noted that he has been looking for better internet service for places in the UT and that he had been in contact with Time Warner and Axiom Technologies for help. One more item was that he was trying to establish more animal control services and develop a plan for a local pound/shelter.

AGENDA ITEM: Payroll Change Notice - new hire, part-time Animal Control Officer/Shellfish Warden

With Mike Hinerman's help in the interview process, and after contacting work and personal references, UT Supervisor Dean Preston recommended the hiring of Kevin Nelson as the new part-time Animal Control Officer/Shellfish Warden for the UT.

***MOTION* Commissioner Crowley moved to hire Kevin Nelson part-time as Animal Control Officer/Shellfish Warden for the UT. Commissioner Shorey seconded the motion which passed unanimously.**

It is noted that he is not to work more than 32 hours a week except during training or in an emergency.

AGENDA ITEM: Update on LURC discussion with counties

Commissioner Gardner began by stating that the reason the counties with UTs are discussing LURC is with the intent of disbanding LURC and making its duties the responsibility of County Commissioners. He told the audience that the idea is to follow much of LURC's statewide policies, at the same time keep decision making local because government, in his opinion, closest to the people is the most effective. The goal is for each county to take care of their own.

March 10, 2011

He added that there are five bills pending in the legislature looking to accomplish this. To ensure that if the County gets such jurisdiction, that the best decisions are made and properly executed, he proposed looking at using TIF money to get legal representation, which after some discussion was determined would cost approximately \$30,000.00.

With that:

***MOTION* Commissioner Shorey moved to apply for \$30,000.00 from the Planning and Development TIF account to hire counsel to help the County transition into taking over LURC duties in the Washington County UTs. Commissioner Crowley seconded the motion.**

Discussion ensued with Diane Smith-Halkett, Administrator of the TIF Fund, as to the proper procedure to take if it was clearly possible to use such money for said purpose. The question of whether the Taxation Committee would be in support of this idea was discussed and it was the general consensus that there would probably be some in support of and some against the idea.

The motion, which was on the floor and seconded, passed unanimously.

Kathleen Caso of Calais stood to commend the Commissioners on this endeavor saying that she knew of instances where LURC had devastated people. More discussion was had about the way this plan may work out. Getting recommendations on the choice of counsel was agreed to by consensus.

AGENDA ITEM: TIF Loan Committee update

(See attached) Diane Smith-Halkett of SCEC told the Commissioners that an economic planning grant application in the amount of \$16,000 had been submitted by the Maine Coast Heritage Trust for a project to collect data on converting large blueberry acreage to organic production. This would be for year one of a four year project with the total budget being \$96,800.00

***MOTION* Commissioner Shorey moved to approve the \$16,000.00 economic planning grant to the Maine Coast Heritage Trust (a private non-profit organization) to study the idea of converting regular blueberry acreage into organic acreage. Commissioner Crowley seconded the motion which passed unanimously.**

March 10, 2011

More discussion followed regarding whose land might be involved, the guidelines that make a product organic and the amount of risk involved.

AGENDA ITEM: Update on Downeast Lakes Land Trust activities

Mark Berry, Executive Director of the Downeast Lakes Land Trust, began by stating that the Trust is requesting an endorsement by the Commissioners for their DLLT West Grand Lake Community Forest Project. The goal of the Project is to acquire 21,700 acres of forest, wetland, and shore frontage in interior Washington County and manage the land sustainably for timber production, wildlife habitat and public recreation, to benefit the local and regional economy. Mr. Berry also wanted to thank the Commissioners for the TIF grant that helped the Trust with the cost of roadwork they undertook last fall. He noted that said work probably prevented a catastrophe of the infrastructure of the forest roads.

***MOTION* Commissioner Crowley moved to agree to write a letter of support for the Downeast Lakes Land Trust West Grand Lake Community Forest Project. Commissioner Shorey seconded the motion which passed unanimously.**

AGENDA ITEM: Susan Aygarn, Regional Forest Manager of Landvest, Timberlands Division: concerns of status of 18/19 Road in Berry Twp. and Twp. 19 ED

Ms. Aygarn began her presentation by telling the Commissioners that the land abutting the 18/19 Road is privately owned but recognizing it as a County Road would allow for FEMA funds to be applied for to address repairs needed to be done from the damage caused to it from the December, 2010 and January, 2011 storms. Discussion revolved around whether or not the County had continually maintained it. It was determined that the County's maintenance had been sporadic and that St. Regis Paper Co. had also done and paid for some maintenance. Also noted was that a public hearing was held in 1982 where it was Decided to stop winter maintenance. Ms Aygarn believes that FEMA funds may be available for repairs to washed out bridges and also noted that damage was caused to the salmon habitat so that would benefit from repairs also.

UT Supervisor Dean Preston stated that abandonment occurs by the passage of time and lack of maintenance. He said that isolated acts of maintenance do not demonstrate that the road is considered a

March 10, 2011

public way. He stated that the UT wants to continue to regard it as abandoned.

More pros and cons of abandoning the road were discussed along with estimated costs to repair it, depending on how involved those repairs might be. EMA Director Mike Hinerman noted that even if a claim is applied for, that doesn't guarantee funds. Cost sharing was also discussed. Ms. Aygarn stated that the land owners have agreed to pay 25% of costs. In the end, the Commissioners felt that they did not have enough information to make a decision.

***MOTION* Commissioner Shorey moved to table a decision on whether to consider the 18/19 Road as an abandoned road or keep it as a "public way".**

UT Supervisor Dean Preston stressed that the Commissioners decision should not be based on the chance that FEMA money might be available. The Commissioners agreed that they needed legal advice before proceeding.

Commissioner Crowley seconded the motion and requested a special meeting to be scheduled to revisit the issue. March 24, 2011 at 4:00 p.m. was scheduled. The motion passed unanimously.

AGENDA ITEM: Approval of DOT Construction Agreement in Devereaux Twp., Twps. 24, 30 and 31

***MOTION* Commissioner Gardner moved to approve and sign the DOT Construction Agreement for Devereaux Twp., Twps. 24, 30 and 31. Commissioner Shorey seconded the motion which passed unanimously.**

ADJOURNMENT

6:26 p.m.

ATTEST:

Gail Popham, Administrative Asst.