

Town of Pownal
Select Board Minutes
Monday, April 22, 2024
6:00 PM Public Hearing
6:30 pm Regular Meeting

I. **Public Hearing: Credit Enhancement Agreement – Estabrooks** by Selectperson O’Brien at 6:00. Selectperson O’Brien stated we have reached an agreement with Estabrook’s for their project on Route 9. We will refund 50% of taxes for the first 5 years, 35% for the second five years and 25% for the last 5 years. Isabelle Oechsle from IOV Community Planning gave a summary of the TIF agreement. She stated it does allow the Town to enter into Credit Enhancement Agreements. The TIF district allows us to use increased valuation for certain projects that include Credit Enhancement Agreements. The current agreement would be approximately \$277,000 for the first 5 years, \$230,000 for the second 5 years, and \$165,000 for the last 5 years based on the projections we sent in with the application. Now if the mil rate changes or property valuation rises faster there may be an opportunity for increased revenue for the town but also in the agreement. Based on the projections the agreement works out to be about \$673,000 at the current mil rate. We do have a cap in the agreement of \$750,000 which is the limit we have in the TIF district so if something changes, we would not be able to go over the \$750,000. Selectperson O’Brien summarized that valuation in a TIF district is sheltered from the State Revenue Sharing formula, the RSU5 formula and the county taxes. That money we take in can be used for infrastructure projects, and it can offset salaries for those overseeing the TIF. There were no questions or comments. Tom Estabrooks, on behalf of his family and employees, thanked the Select Board and town for partnering on this project. This agreement makes a big difference for them getting to the future phases of the project. He appreciates the support. The public hearing was closed at 6:07 pm.

II. **Call to Order** by Chair Morris at 6:30 pm.
Members Present: Jon Morris, Andy O’Brien, Kate Day
Town Administrator: Becky Taylor-Chase
Road Commissioner: Matt Nielsen
Fire Chief: Jesse Peters

III. **Pledge of Allegiance**

IV. **Accounts Payable Warrant & Payroll Journal**

- FY24 AP Warrant #23 in the amount of \$359,894.37.

Selectperson O’Brien motioned to approve FY24 AP Warrant #23 in the amount of \$359,894.37. Selectperson Day seconded the motion.

Discussion: None

Vote: Yes 3; No 0

- Payroll Journal #424 in the amount of \$8,671.69.

Selectperson O'Brien motioned to approve Payroll Journal #424 in the amount of \$8,671.69. Selectperson Day seconded the motion.

Discussion: None

Vote: Yes 3; No 0

V. Minutes of the Previous Meeting

VI. Public Comment – Non- Agenda Items

Susan Briggs Peters, representing the Fire Company, asked if they could participate in Toys for Tots and put a bin in the lobby of the Town Office. The Select Board approved the participation and placement of the bin.

VII. Department Head Reports

(Department head reports can be viewed on their respective website page(s))

- Select Board

Selectperson O'Brien stated there have been several calls about the Allen Road bridge underpass. Maine DOT regional office has been contacted to express our dismay at their response to the road. Chair Morris asked if they gave any recommendations. Selectperson O'Brien stated they did not. Our Road Commissioner will be following up with them tomorrow. Matt Nielsen (Road Commissioner) he spoke with the DOT foreman that they have a plan in the works to do some infrastructure work over there. They did not confirm a date and time. It is an issue and safety hazard that they are not addressing. Chair Morris asked if there is a "24-hour rule". Mr. Nielsen stated there is a 24-hour rule, but protocol is different if it falls outside their normal business hours. Chair Morris asked once we receive a phone call does the clock start ticking for the Town to fix or the State to fix. Mr. Nielsen stated for the state to fix since it is a state road. It is not the Town's responsibility to fix the problem on the state road, but many times Public Works has gone out to try to correct it for safety reasons and for the greater good. He will check in to make sure the work is done. Chair Morris asked what would happen if we closed the road. Mr. Nielsen stated he was not sure. Chair Morris stated there is a backup of vehicles due to the condition of the road. Mr. Nielsen stated they will keep an eye on it and try to fix it the best they can while we wait for the state to come down.

VIII. New Business

- Jordan Smith

Mr. Smith passed out handouts to the Select Board members and read a prepared statement regarding his medical cannabis extraction facility. The following has been summarized and you can view the full recording on the Town's YouTube channel. He has come before the Select Board to request the signing of a required state form stating his business is grandfathered. In 2022 the State started requiring municipal approval. The Code Enforcement Officer declined signing the document this year stating Pownal has no ordinances for this business so therefore the Town cannot sign the document. His attorney, Jill Polster, was in attendance. Chair Morris asked for the Select Board's approval to allow

her to speak as she is not a resident. In December 2018 Town's were given a little bit more control over regulation of a home caregiver business. If the business has been in operation prior to that the Town must continue to allow him to operate. She states that the letter provided in 2022 by the CEO at the time is sufficient to prove he falls under the grandfather law. If the business was in operation prior to December 2018 the town does not need an ordinance to allow him to continue to operate. The Town provided a copy of our attorney's legal review on the situation which she does not dispute except for the grandfather clause interpretation. She is asking that the Select Board authorize the Town Clerk or Code Enforcement Officer to approve the required state document. Chair Morris asked the Town Administrator to read Natalie Burn's legal review of the request. Selectperson O'Brien stated that he feels Natalie is in sync with her assessment and that letter from the previous CEO is null and void in her view. Selectperson Day stated that Natalie has an understanding of the letter from 2022 and finds that to be confusing. Chair Morris commented that the Select Board has no authority to sign the document. The Town has no authority to regulate marijuana and we have ordinances with which our CEO can evaluate your proposal. After further discussion of the interpretation of being grandfathered and whether the Town needed an ordinance the Select Board stated they will send the letter from the state which lists the licenses he has had over the years and get her legal opinion. The item is tabled until we get clarification from the town's attorney.

- **Map 6, Lot 2**

We had the town attorney do a title search as there was some question about whether the Town owned the property. The attorney agrees with the assessor and mapping company that is a mapping error and the Town does not own the property. Selectperson O'Brien motioned to remove tax map 6, lot 2 as town owned property. Selectperson Day seconded the motion.

Discussion: None

Vote: Yes 3; No 0

- **Mallett Hall Buildings & Grounds Committee update**

Kathy Hogue, Chair of the committee, stated the committee just did their spring review and wanted to give an update and get some clarification about who is responsible for certain items. She asked who owns the bottle shed. Susan Briggs Peters stated it was the fire company. Mrs. Hogue stated there are some rotting boards that should be replaced. Mrs. Peters stated the fire company will take care of it. The hearse house has some branches on the roof from the last storm and who would be responsible for taking care of those. Mr. Nielsen will remove the branches. Selectperson O'Brien asked if she would need any help with moving stuff out of the offices. Mrs. Hogue stated there are a couple of items that will require help. There is some plaster repair that will need to be done and will need to be painted. She asked what we should do with the wool blankets that are in the basement. They would need to be cleaned. Selectperson O'Brien asked what they were for. Chair Morris stated they were donated in case we needed an emergency shelter.

- **Economic Development & Sustainability Committee: Farmers' Market Sub Committee Request**

Chair Morris stated we received an email from Suan Peters on behalf of the Economic Development & Sustainability Committee to create a farmers' market subcommittee. Selectperson O'Brien stated a subcommittee would be formed by the committee itself. Chair Morris stated the office will need to get some communication out. The Town Administrator stated we can put a special block in the Constant Contact going out that week.

- **Credit Enhancement Agreement**

Selectperson O'Brien motioned to approve an agreement with EF&G LLC for a credit enhancement agreement consisting of 50% rebate for the first 5 years, a 35% rebate for the second 5 years and a 25% rebate for the last 5 years for the first 15 years of the TIF district with a limit of up to \$750,000 and have IOV Community Planning draft the agreement for attorney review. Selectperson Day seconded the motion.

Discussion: None

Vote: Yes 3; No 0

- **Town Warrant Draft – Attorney Notes and Solid Waste Recommendation**

The town attorney has reviewed the warrant and suggested we make the Floodplain ordinance one article. That way if it is voted down the 2009 plan would still be intact. This renumbered the remaining articles. The percentage on the abatement article needs to be corrected to 4.5%. Those were her two edits. We discussed amending your solid waste amount to include money to order bags should the PAYT article not get repealed. Selectperson O'Brien motioned to change the PAYT line from \$1,000 to \$13,000 and we change the Select Board recommendation to \$166,223. Selectperson Day seconded the motion.

Discussion: None

Vote: Yes 3; No 0

- **RSU5 Notice of Election**

Selectperson O'Brien motioned to sign the RSU5 notice of election. Selectperson Day seconded the motion.

Discussion: None

Vote: Yes 3; No 0

- **Election Clerk Appointment**

Selectperson O'Brien motioned to approve the election clerk list (attached) as election clerks with oath beginning May 1, 2024, and expiring April 30, 2026. Selectperson Day seconded the motion.

Discussion: None

Vote: Yes 3; No 0

- **Cart Sizes for Casella Automation**

Casella reached out to ask what size the town would like. The typical size is 64 gallons. Some feedback is they are too large for the senior population and too small for families. They can opt to order a few of the 48 gallons ones. They can go as low as 32 gallons and as large as 96 gallons. Casella manages the initial delivery and any replacements. The initial delivery is covered by the contract through taxation but any replacement the resident will pay Casella directly.

- **Trek Across Maine Request**

Chair Morris stated the letter felt a bit larger request than originally. When we spoke, it was asked for the town office lot to be a resting stop, but they are planning on 3 different tents for rest, medical and mechanical and porta potties. The Road Commissioner met with Mr. Eastman, and they will be setting up in the back and will make sure the fueling station is free and public works can get equipment out if needed. Selectperson O'Brien motioned to allow Mr. Eastman and the American Lung Association for a stop for the Trek Across Maine and we authorize Jon Morris to sign the letter. Selectperson Day seconded the motion.

Discussion: None

Vote: Yes 3; No 0

IX. Old Business

Chair Morris asked for an update on the electronic sign. The RFP is out and is due back in two weeks. On the May 13th meeting the Select Board will open the bids. The Mallett Hall Buildings and Grounds Committee has asked to be involved so the Town Administrator suggests they review and submit their recommendation at the May 28th meeting.

Chair Morris asked for an update on the brown tail moth t-shirts. The Town Administrator emailed Ms. Winkler but it was school vacation week, so she probably had not seen the email yet. Chair Morris asked about the deadline. The Town Administrator stated we are coming up on the deadline. Invoices need to be submitted in the next couple of weeks and the reimbursement will happen by June 30th. He asked if there is enough money to cover the Woodlands project. The Town Administrator stated she had communicated with the grant facilitator and answered a couple of clarifying questions and she felt it would be reimbursed under the grant.

X. Correspondence

Chair Morris asked how many phone calls were received about trash. Selectperson O'Brien stated he did not get any. The Town Administrator had emails; some were communication from the drivers. Kathy Hogue stated the truck came by before 7 am. She called them and they were going to send a truck back, but it never came. Chair Morris stated we need to start logging calls and emails so we can discuss breach of contract.

The Town Administrator received a couple of emails that people are having a hard time hearing the recording if audience members are staying seated so just a quick reminder to come up to the standing microphone with questions or comments.

Chair Morris asked if we had received any feedback from the school about the use for the Town Meeting. The Town Administrator stated we are not going to know until right before the town meeting.

XI. Any Other Business

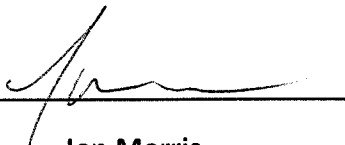
XII. Adjournment

Selectperson O'Brien motioned to adjourn the meeting. Selectperson Day seconded the motion.

Discussion: None

Vote: Yes 3; No 0

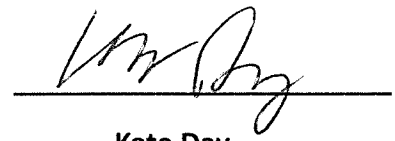
The meeting adjourned at 7:53 pm.



Jon Morris



Andy O'Brien



Kate Day

	A	C	D	E	F
1	Name	Party	Oath Begins	Oath Exp.	
2	Kathy Hogue	U	5/1/24	4/30/26	Warden
3	Judy Ballantine	D	5/1/24	4/30/26	Election Clerk
4	John Best Sr.	D	5/1/24	4/30/26	Election Clerk
5	Tamara Bowdren	D	5/1/24	4/30/26	Election Clerk
6	Alan "Bo" Chesney	D	5/1/24	4/30/26	Election Clerk
7	Elizabeth Dolci	D	5/1/24	4/30/26	Election Clerk
8	Fred Fauver	D	5/1/24	4/30/26	Election Clerk
9	Ginifir Giddinge	R	5/1/24	4/30/26	Election Clerk
10	Richard Hogue	U	5/1/24	4/30/26	Election Clerk
11	Diane Holden	D	5/1/24	4/30/26	Election Clerk
12	Jonathan Morris	D	5/1/24	4/30/26	Election Clerk
13	Paul Nelson	U	5/1/24	4/30/26	Election Clerk
14	Liza Nichols	U	5/1/24	4/30/26	Election Clerk
15	Heidi Richards	D	5/1/24	4/30/26	Election Clerk
16	Joan Rolfe	R	5/1/24	4/30/26	Election Clerk
17	Jackie Vine	D	5/1/24	4/30/26	Election Clerk
18	Andrew Wyatt	U	5/1/24	4/30/26	Election Clerk
19	Kathy Wyatt	U	5/1/24	4/30/26	Election Clerk
