

## Kingfield Selectmen Meeting Minutes

Monday October 19<sup>th</sup>, 2015, 6:00 PM Webster Hall 38 School Street

**Attendance:** Heather Moody, Wade Browne, Raymond Meldrum, Brian Hatfield, Leanna Targett Raylene Tolman, Dee Menear, Jim Boyce, Angela Boyce, Raegan Larochelle, Polly MacMichael, Rob MacMichael, John Hagerstrom, John Goldfrank, David Guernsey and Tammy Goldfrank.

Absent: John Dill

Meeting called to order at 6:00pm

Selectman Meldrum makes a motion to accept meeting minutes as written. Seconded by Selectman Hatfield. All in Favor.

At 6:02p.m. Chairman Moody calls for a motion to recess the selectmen's meeting to open a public hearing for Amendments to the Town of Kingfield Municipal Development and Tax Increment Financing (TIF) District Development Program. Motion is moved by Selectman Meldrum. Seconded by Selectmen Browne. All in favor.

Chairman Moody states that the amendment package has been available to the public for a week now and there are packages available to review tonight. Basically the highlights of the TIF amendments are: To create an omnibus – this will allow the Board of Selectmen to enter into multiple credit enhancement agreements with investors without needing to submit an amendment for each CEA. Modify the district boundaries – Adding 43.09 more acres into the district. Property abutting A.R.C. ; Skowhegan Savings Bank Property; Orcutt property on Main Street known as the School House Gallery; MacMichael property on Main Street known as Rolling Fatties; Kingfield Historical Society; Portions of Pleasant and School Street (for sidewalks). Modify/define the investment plan - to alter the amount of funding allocated to particular projects. Modify the percentage captured – The original application would step the percentage to the following: year 27 -80% year 28 – 60% year 29 - 40% and year 30 -20%. With this change it would allow up to 100% capture for all thirty years of the TIF. This would give Kingfield more flexibility to decide depending on what the needs are at that particular time and therefore not handicapping future boards. Chairman Moody states that Raegan from Eaton Peabody is in attendance if there are any questions that the board cannot answer.

Chairman Moody asks for any public comment.

John Hagerstrom asks what year we are currently on with the TIF. Chairman Moody says 7 or 8. Raegan says you began the TIF in 2007. Chairman Moody says 7 years. AA, Targett says the TIF will go until 2037.

John Goldfrank says with the original TIF there were defined figures for instance with the Pops we were able to give so much for the life of the TIF however at most it was \$5,000.00 per year. With this change you could give them more or less depending on their needs. AA, Targett states that

there is no capped annual figure. Chairman Moody says yes, we could give them more one year and less the next – now there is a number in the pot that they could get up to.

John Goldfrank asks have we added the wish list that goes back 7 years ago. Chairman Moody says yes we have added, deleted and changed. Selectman Browne says the package outlines what we are changing. Chairman Moody says if you look for the pages that look like a spreadsheet, grid or table pages 7-10 there are some items that have been reworded now that we have a better understanding. AA, Targett says if you look at page 10 number 19 on the top it defines the Kingfield Pops allocation.

David Guernsey says he has one question regarding the Omnibus designation – he did see where just the selectmen could enter into credit enhancements agreements without going before a town meeting which is fine but is there a statutory requirement to hold a public hearing before acceptance or do the selectmen just establish that policy. Raegan says she can answer that – in some municipalities that are part of the provision or the selectmen can agree that it would be part of their standard procedure – to hold a public hearing to hear comments from the public or you can include it as a rule if the town would like. David Guernsey asks if things could be modified at this public hearing or if it was set in stone. AA, Targett says it could be modified. David Guernsey says he would recommend a rule be implemented to hold a public hearing. Board agrees to have this rule implemented in the amendments.

Selectman Hatfield asks does this change the valuation or the current assessment of the town. Chairman Moody says she would wonder that as well due to adding the 43 acres which are now sheltered which she doesn't think there is anything huge to worry about ARC was already in there and it is simply adding an adjoining property. Raegan says just to clarify it is not changing whatever is going into the TIF district now is part of the valuation, it is if new value is added into the district then that would not be counted towards your valuation – so whatever your valuation is now it will not decrease by putting property into the district. Chairman Moody says it won't increase say for instance the MacMichael build a 10million dollar building on their property – that would be sheltered.

Chairman Moody asks for any other public comment. Hearing none she declares the public hearing closed at 6:10pm and reopens the selectmen's meeting. She asks if there is any comment from the board.

There is no comment from the board.

Chairman Moody calls for another motion to recess the selectmen's meeting to open a second public hearing for the designation of an Arts District within the municipal boundaries. Motion is moved by Selectman Browne. Seconded by Selectmen Hatfield. All in favor.

Chairman Moody states that a map and description has been available to the general public and copies are available tonight to review and she will give the basics of an Arts District - The definition of an "arts district", per TIF statute, is a specified area within a municipality that has

been designated by the municipality for the purpose of providing employment and cultural opportunities through the development of arts opportunities, including, but not limited to, museums, galleries, arts education, art studios, performing arts venues and associated businesses.

One way that Kingfield proposes to encourage even more activity within the Arts District is by creating functional, arts-friendly infrastructure using TIF revenues. The TIF Municipal Investment Plan table refers to a “Creative Economy Arts Center and Festival Area”, which would be located within the boundaries of Kingfield’s Arts District. This space is envisioned to act as an engine of growth and innovation for cultural nonprofit organizations, artists, and art based businesses to turn out creative goods and services that generate jobs, revenue, and quality of life.

Chairman Moody asks for any questions or comments from the public. John Goldfrank states that this is attached or in conjunction with our TIF but would it help procuring or going after grants that are not TIF related. AA, Targett says no, well not that she could think of – it basically is a designation to be in conjunction with the TIF amendments. Chairman Moody says this could possibly open us up to new possibilities. AA, Targett says yes, however it is not a designation like the slum and blight. Selectman Hatfield says there could be an opportunity for matching funds as far as the arts are concerned.

John Goldfrank asks are you able to give TIF funds to businesses in the Arts District. John Hagerstrom asks if they must already be in the amended TIF documents. John Goldfrank says those dollars could be just given out to those in need. What is the dollar amount designated to those needs. AA, Targett says the main intention of the arts district is the area that was called village green and Riverfront Park to designate those areas to be able to spend TIF funds. Raegan said she would like to clarify, she heard someone say about giving money to businesses however this does not allow money or grants to art businesses this is for infrastructure that would promote arts, cultural and economic activity – it is not for funding private artists, this is more a project area that would need to be approved by DECD where you are using TIF revenues. AA, Targett says the other side of that is that we do have an investment that talks about revolving loan funds, that has been in there since the beginning and when Raegan and I discussed it we could not seem to find a town that was implementing that to have a model to work with. Chairman Moody says she remembers discussion on this years ago and it seemed as if other towns were doing this as well – which might help a small or new business with a revolving loan. AA, Targett says her suggestion would be to follow something similar to what we have for criteria with the Micro-Enterprise grants with CDBG and to follow their guidelines.

John Hagerstrom says not to beat a dead horse but is it going to be one of the areas that TIF money is planned to be spent? Chairman Moody says yes for infrastructure. John asks what the money amount is. Chairman Moody says it is in an article that is up to a certain dollar amount. AA, Targett says to look at articles like page 8 Article 10 or page 9 Article 11. Chairman Moody says that is still an up to amount and if everyone remembers we go to town meeting each year to approve spending amounts for TIF so it’s not like this board or any future board can sit here and say let’s spend ½ million dollars on a trail head – we still need to go back to the voters. John Hagerstrom says of all the articles listed – some will fall in the arts district. AA, Targett says correct. John asks if there is a section specific to the arts district. AA, Targett says she would refer

to page 9 Article 11. Chairman Moody says the plan for that comes mostly from the Village Enhancement plan that the town approved at town meeting in 2011. AA, Targett says most of this goes back even further to our 2007 comp plan.

Chairman Moody asks for any other public comment. Hearing none she declares the public hearing closed at 6:19pm and reopens the selectmen's meeting. She asks if there is any comment from the board.

There is no comment from the board.

Chairman Moody says we have two drafts of right a ways or easements for the area of Mill Street – Leanna did the first one and showed it to me and I said I am not even going to look at it unless it has something in there about the Riverfront Heritage site because to me that is the only reason I want anything to do with that – so draft number two has that in it. The only difference between draft one and two is that two has the second paragraph that the first one doesn't. AA, Targett says correct one is for just a road and two is all inclusive. John Goldfrank says that last week's irregular stated that parking was no longer an issue in Kingfield, well parking may not be an issue today but in 2018 when the road gets reconstructed and if we don't close the Mill Street spur by the Irregular then parking will become an issue again. The first draft on the road reconstruction did not show closing the spur and I calculated the loss of about 13 parking spaces part of this is because of ADA sidewalks and the way intersections need to be created – David Guernsey who understands the need for parking with the help of Wright Pierce came up with a second draft plan that has not been approved by the state shows the Mill Street being closed. The reason an easement may be beneficial for the parking on Main Street is because we need for the green apartment building down by Coburn to have another right of way easement to their building. The legal right of way we believe is that little spur – so the easement, whatever you come up with should include specifically that building for the sake of moving ahead when the road gets reconstructed. It should happen sooner than later so that Maine DOT knows what the plan is. As far as an easement goes I have never ever heard of any easement agreement happening without the interested parties sitting at a table with the elected officials or the landowners because this is for perpetuity and usually there are negotiations and discussions needed. You should consider having that type of dialogue and whether it has to be an executive session I don't know. I support it conceptually but as a business owner where you want to take my land I feel we need to have some dialogue. That is important and should be happening sooner rather than later. Chairman Moody says we don't want to take it we just want an easement to make it nicer. John says yes but there has to be understandings – I have the largest piece there and having been in my family for 35 years we need to talk about it. Chairman Moody says this board would be more than happy to sit down with the group on land owners so why don't you try to get them together. John says you're also talking about the park – have you analyzed the plans for the park, have you looked at the first draft John Edgerton created. Chairman Moody says yes. John asks do you see any flaws in it. Chairman Moody says we haven't looked at it in a while – I think it would need to go back for some tweaking before it was to happen. John says what happens with it is that I think you should take some small steps – accomplish the right a way easement for the green apartment. Chairman Moody says we haven't even been asked about the green apartment and I think the only reason

this easement has been before us is because of the plowing issue. Selectman Hatfield says it is for the plowing issue but it is also so that we have a basis to continue dialogue on all of the programs that we have been talking about. Selectman Browne says with the Village Enhancement committee that we have been trying for many years now to come up with someone who says yeah we like that idea as owners of this property, otherwise why would we want to do it. If we don't have an agreement with the owners and they can't seem to come up with one either then we have nothing so we need to start somewhere we are not going to spend more time and effort into tweaking this park or whatever they call it behind you John if we don't get something solid from the owners that says yeah were interested in something like that there.

David Guernsey says he agrees with Wade and with that Mill Street stub until the owners get together and provide another access there is no way it will work. It is a complicated thing you have a piece of land that has an unclear title you have a public right of way across that – the town does not have a road so it's going to be a lot of complicated right of way work and legal work and I haven't even approached DOT on it because we don't have any indication from the land owners that they want that. They will be losing parking and if you could stitch those two sides of building together it would make a much better down town and you would have a good pedestrian access to the parking in back its got a lot going for it but it is going to take some work and I haven't been able to put before DOT unless I have a strong indication that the people down back want it. We have spent \$500.00 with surveyors looking up that title of the spur and that status of other properties and that short stub is the only access by the public and the rest is by prescription. You want to make sure whatever you come up with for an agreement is what you want because the prescription rights will expire as a matter of law. I am very encouraged that the property owners seem to be getting together and when we have a public hearing with DOT and they see what we have been telling them about the parking issues they may come on board. I don't think at that time we will have time to have that set with the DOT plans and I am not sure how that will work out so time is of the essence with this. I am not pressuring them to hurry up the process as they are still doing some testing on the outskirts of town – if things got delayed that is ok with me they were talking about a public meeting in November but I wouldn't mind delaying until after the holidays. Chairman Moody says her thought is that the next step is to arrange a meeting with all the land owners and we can't even get them to come to a meeting whether it be in executive session or however that needs to be must be done.

Selectman Hatfield that he personally has talked with Pat Buck and Marla Ferris and they have both shown interest in an easement. In response to John's concern that the plan is not perfect I don't think we are at that stage yet we are taking baby steps by planning the area and then the next step would be to make a plan that everyone will agree to fund and then do. It is not even funded right now. David Guernsey said he would suggest to use the example from when the bank and the Orcutts got together and they just had a one page letter of intent just to work together – it is probably not legally binding. There is no way you can ask someone to make a hard fast agreement to give up their land without knowing what the final thing is going to be and logically this is a good first step. Come up with a letter of intent between the selectmen and landowners. You need to start someplace – you need to get confidence in the town to spend some money on design and working with the landowners. Before you spend another nickel as you said they need

to get together and sign something. Selectman Meldrum says he is not sure he agrees with any of it his thoughts were in the interest of safety if we went with an easement strictly for plowing purposes we would be able to open the place up, even though it's been done for years we can't legally plow that to any degree because it is private property. I went down there and looked it over the other day and by the time you put in all the shrubs and gazebos and tables you're still not going to have public parking because you're taking that area up with other stuff. As far as I can see the plowing is the main issue and that is where I would like to see this begin. David Guernsey says he could go either way about the park but he is talking about that mill street stub and the loss of parking on Main Street. If you're going to close that stub you're going to have to an alternate route for a legal access to the Corro property. Chairman Moody says we haven't even been approached on this – it has all come about because of the plowing. John Goldfrank says you have been notified on that issue. Chairman Moody says we have not been approached by the Corro's about if we close the mill street stub how are they going to get out of there. David says it is not up to them to go to you – if the town tried to close it then the lawyers will say we have an issue here. Chairman Moody says that is a whole separate issue. AA, Targett says it is but what David is trying to say is he has brought that to our attention numerous times with the Route 27 stuff. Chairman Moody says right. John Goldfrank says them having a right of way on this plowing easement is the bigger picture rather than a lease agreement for plowing that none of the owners want to sign. Now they are reading in the paper about an easement for plowing which is ok but I am thinking why not do the next step if the business owners are in agreement with the easement then they shouldn't have any issues with giving the Corro's a permanent easement as well it shouldn't be a catch 22. Chairman Moody says she is not sure why it is that we should plow a parking lot because the town doesn't plow everyone else's parking lot so basically it would be plowing it to get to our piece of land. John says you have slum and blight the legacy of the village center is slum and blight so if having the dollars with the TIF to someday pave it and lighting installed it will get more people to go down there and park and enjoy the mill pond but also as we lose parking spaces on main street if more people are willing to park down there and walk up the hill that is what you want for a vibrant business community. The so called park can only be on Longfellow's property because there is no other room for a park and the other three property owners will have just parking. I agree with David that procuring an easement for that building and tie it into plowing if the owners agree should be sooner than later. When we reconstruct 27 it would be nice to know that we will be doing something with TIF dollars.

Chairman Moody says we are talking apples to oranges this is totally new business talking about procuring an easement for the green building in exchange for snow plowing. John says an easement is an easement for the public and that green building. The public today and always has driven down Mill Street with no strings attached or legal document it's always been that way – taken for granted and nobody ever thought this would be an issue until it was brought up by somebody on the board a year ago so now were trying to fix that issue. A long term permanent solution would be an easement but don't put the park into the easement because you might kill the road – looping the two together might break the deal. Chairman Moody says she doesn't think it was lopping them together in her opinion it was quick pro quo was you want us to plow your parking areas then give us something back otherwise what is going to stop Jordan's and Trenten's and the Woodsmen from wanting the same thing. This whole thing of wanting an easement for

the Corro property is sort of new business I know we have talked about it in the past but it has not been a part of this conversation before tonight. It's not totally new to know we need one it is just new to tie it into this. John says we should incorporate them together so that it is not two easements going to the owners. Selectmen Hatfield says why we don't we all change our frame of mind right now this easement is written which is to someday provide public access as there is a plan in place right now but it is not set as it is not even funded to get access to that back area so it's not about plowing or anything else it is about access it is a reason to consider this now in order to get the easement to possibly put more there later if I understand it. If all the owners sign it today it does not mean we have to plow it now it means nothing just that we have the foundation to do something down there. Chairman Moody says it does say we will plow and maintain it. AA, Targett says yes if you are making it a public way.

Selectman Hatfield says your right but it's not the only reason it would provide public access to the properties back there. John Goldfrank says at this point in time do not incorporate a park until we sit down in executive session and talk about that plan and analyze that plan because my plan will save the taxpayers money or considerable TIF dollars. It is a very expensive plan that John Edgerton created from googling it from the sky. Selectman Hatfield says that plan is an idea. Chairman Moody says it is a concept that is not set in stone. Selectman Hatfield says if we continue to talk about that then we need to sit down, I agree it is way too much money. Chairman Moody says it is the concept of a heritage site – it is not one particular design we had to have something to start with to give people a concept or idea when they voted for it. The reason we haven't funded it is because we haven't had any indications from those landowners if they are even interested in that. Selectman Browne says that is his whole point with this – the same with the downtown park by the bank we have nothing written anywhere that is going to allow the VEC and town to put these together it's a great plan but none of the owners have said we are willing to let this move ahead. Chairman Moody says we do from the bank and the Orcutt's. Selectman Browne says it is not binding or written for us to do that it's a letter of intent but not binding so if the Orcutt's sell their property tomorrow that is null and void. Chairman Moody said when we got those it was to start sticking money away before you spent the money you would need more. Selectman Browne says something legal binding saying yes we want to do this and move forward with those ideas.

Chairman Moody says for the village green we are all set we have the letters of intent. Polly MacMichael says your right because when we bought our property from the Orcutt's that was part of the deal. Selectman Browne says he doesn't think the letter of intent is enough to have these things happening. AA, Targett says they did an agreement as an easement to convey the property. It has stipulations in it like the town had to set money aside by a certain date. Selectman Browne says what if they sell the property. AA, Targett says I don't know. Chairman Moody says I don't think you can get any more than a letter of intent until you start to break ground and then they will convey the easement. Selectman Browne says if that is legally binding then that is what I am looking for. Chairman Moody says why must it be legally binding if were not putting money aside. Selectman Browne says we are and we are spending money for an architecture design. Chairman Moody says the next step is to agree on a plan and sign an easement. Polly MacMichael says it sounds as if the next step like John said is to get the property owners together. John says it is very

hard to get the owners together – maybe Brian or Leanna can talk with each one. John says if you are going to talk about an easement for the public and parking then it would behoove you to be specific on your responsibilities that we the land owners know that in exchange for this they will know what they get. Chairman Moody says this started with what are you going to do about plowing Mill Street. Chairman Moody says until we can have a land owners meeting she would enter a motion to table this discussion. John says you are making a mistake because you should pursue it for an easement to the green apartment. Chairman Moody says the next step is to contact the Corro's and see what might work for them. John says some of the owners will sign an easement because they don't want to pay every year for plowing – last year five businesses each threw in \$200.00 for a contract with Brent Davenport to do the plowing of the parking - a few did not like that idea after many years of not paying that being said I have no problem plowing out Longfellow's out of pocket but as far as the other business owners to get all four of us together is difficult. Chairman Moody says this easement is great and Leanna has done a lot of work and I am not saying throw it in the garbage but lest table it until we figure out what we want to do and we definitely need to be thinking about the Corro easement as I didn't realize that ball was in the boards court.

David Guernsey says it is more legal this may not be an arm's length transaction with a public easement because I could see the town needing to resort to eminent domain for that spur because no one knows who owns it. The town can't just extinguish a public easement. Your need to clear title by eminent domain you're not taking anyone's property you are taking that piece of land by rights belongs to the town because no one has paid taxes on it but you need to clear that title and with the Corro's you will need to provide access or an alternative that is acceptable to them – they could resist and then you have a problem – it is not a simple process. Selectman Hatfield asks David is the Corro property whose issue is it DOT's the towns. David said it will never be a DOT issue they want nothing to do with it basically it is if the town wants to assume control of that Mill Street stub as it is not a town way - it is a public way back to the 1800's, but what the town has to do is take jurisdiction of that and close it off and to satisfy all the other rights across it if you went and took the property and closed it they would have a case of condemnation against the town and say you are depriving me access to my property which could cost money.

Selectman Hatfield asks does the proposed DOT plan impact if it was a right of way. David says the right of way is view as a public street. Selectman Hatfield asks will the parking impede that right of way. David says you won't have any parking in front of it and you need a clearance on either side of it and they have been debating if it 10 feet for a driveway or 25 feet for a road. Selectman Hatfield asks is the road committee going to make any recommendations to the town in regards to how that area gets managed if the town were to abandon it. David says we have said that we are not going to do anything with that leave it as it is and lose all that parking because unless the property owners are willing to provide alternative access to the back then we don't see there is a feasible way to do it now according to Rhobe with DOT the town could lay out a road on mill street and take the whole thing by eminent domain but the courts will decide how much each property owner is entitled to and I don't think we want to do that. It is not a simple thing and we have not really perused it, well several years ago we sent a letter to all the owners and laid this out and said what do you think about it with a questionnaire and I think we got back half some were opposed,

some used it as an opportunity to vent some didn't send it back and I felt at the time before the state had the preliminary plans that they didn't understand it well but as it becomes obvious like John said when you are going to lose 13 parking spots that becomes a big deal and that would threaten the viability of the commercial center of downtown so I think there is a possible solution but if the property owners who are impacted by this don't want to step up to the plate to give an easement for the same use that everybody has been using and it's not going to change a thing and even then we might not be able to make it work. Selectman Meldrum makes a motion to table the easements until they reconvene at a later date. Seconded by Selectman Browne. All in Favor.

Chairman Moody says next item is to review and sign the Special Town Meeting Warrant. Board agrees and signs warrant as presented.

Selectman Hatfield says he would like a quick resolution to what we decided we tabled this but there was some sort of suggestion that we get together with all the land owners which I don't support – that is not the Mill Street society of people who owns buildings there. Chairman Moody says right they are not an association. Selectman Hatfield says there is nothing so I don't support that and I think the next step is where this is new information about this situation that we should look into that and if we don't continue with the easements then we are not going to make any more progress. Chairman Moody says it sounds to me like the owners don't even want us to plow they are perfectly happy – and I don't want anything to think that the heritage site is tied in with any other plans like the village green they are different plans – so regardless if that falls apart if the village green wants to move ahead that is something that can be discussed. The people did vote for that and it makes me nervous that we keep going back to the town meeting and asking them again it is almost like we are wanting a different outcome – we want to be careful we are doing what the townspeople want us to do. Selectman Browne says we need the groundwork in place first for these projects – something either the town needs to put more effort into making something happen down there or not at all. Selectman Hatfield says this is it the easement Leanna drafted the only change is to remove the five years – that is it – if we table it were getting nowhere. Chairman Moody says we are not tabling it forever just until we get more information we were thrown a curve ball. Selectman Browne says if the green building need to be put into this than I agree with that. Selectman Hatfield says instead of tabling it we are going to research whether the green building. Chairman Moody says we are tabling it for tonight until more information or we will be here until midnight.

Chairman Moody asks for "other". Selectman Browne asks are we all set for the auction. AA, Targett says yes – one of her others is that she just got a copy of the purchase and sales agreement and it the same as last year but she does need to let Keenan Auction Company know who will be the signing authority. It is agreed that Wade or Raymond will sign. Selectman Browne asks is there any word on getting stuff out of there. AA, Targett says the contractor has been getting his stuff out but we have not heard from the owner. Selectman Browne asks do we need to worry about that. Chairman Moody says no it becomes unclaimed property. Selectman Browne asks have we gotten any more information on the Tufts Pond road from Wright Pierce. AA, Targett says not yet he came up again last week to do some more review and she expects to have something in a few weeks. Selectman Hatfield asks how the waste water project is coming

along. AA, Targett says it is coming along; last week was the second week of having actual workers on site. They already have one station lifted and the building lifted – slow progress but it is coming together. Selectman Browne suggests taking some photos and putting them on the web so the townspeople might understand the process of what is being done. Selectman Browne says Winters Inn is all hooked up on our sewer line and the road is patched up and all done. Chairman Moody says yes – they had a free barbeque the other night everything was great the place has been brought back to its original origins. AA, Targett says she has an “other” Public works expressed wanting to get vehicle inspections done at the garage, well they want Travis to hang his license there and get the building certified as a fleet inspection which would be the town equipment, dump trucks and fire trucks. Chairman Moody would like to think about it. Selectman Browne says he likes the idea. Chairman Moody says let’s talk about it next meeting.

Motion to adjourn by Selectman Browne. Seconded by Selectman Hatfield. All in Favor