

FRANKLIN COUNTY COMMISSIONERS MEETING AGENDA

LOCATION: Franklin County Commissioners Conference Room 2nd Floor

DATE AND TIME: May 21, 2024 @ 3:30 P.M.

The Franklin County Commissioners' meetings are open to the public. This meeting is also available virtually via [Video Conferencing](#), [Cloud Phone](#), [Webinars](#), [Chat](#), [Virtual Events](#) | [Zoom](#). Here is the meeting ID# 492 510 0482 passcode 030621.

Axelson Abatement Hearing

APPOINTMENTS: None

NEW BUSINESS:

- 1. Clerk's Report**
- 2. Treasurer's Report**
- 3. FY2025 – Commit Taxes**
- 4. Appoint TIF Committee Members**

OLD BUSINESS:

MISCELLANEOUS:

WARRANTS: County AP, UT, ARPA and Payroll

ADJOURNMENT:

Meeting Packets are available to view by clicking on the link below:

[Agendas & Minutes - Franklin County, Maine \(franklincountymaine.gov\)](https://franklincountymaine.gov/agendas-minutes)

**County Commissioner's Meeting
Agenda Discussion and Analysis
May 21, 2024**

Axelson Abatement Hearing

Comments: The County Attorney, Mark Bower, sent a packet of information that is enclosed in this Agenda Packet. Please review the information for the hearing. The property owner is requesting the 2022 and 2023 tax years to be abated due to the prolonged timeframe to hold this hearing.

Recommendation: None at this time

Appointments: TIF Committee

Comments: On April 9th the Board approved the TIF Committee Bylaws, a copy is enclosed in your Agenda Packet. The Bylaws state the Commissioners will appoint members of the TIF Committee. The standing members of the committee are as follows:

Vern Bean
Richard Fotter
Gary Perlson
Sandy Wilbur
William Gilmore

The committee currently has two vacant appointments that may or may not be residents of the UT.

Recommendation: Motion to appoint the TIF Committee members listed above.

Agenda Item: Clerk's Report

Comments: Minutes from the May 14, 2024 meeting

- Jeff Brann was hired as a deputy for the Sheriff's Department to begin May 28, 2024
- Robert Lightbody was hired as the new Road Supervisor to begin May 28, 2024.
- UT Snow plowing contracts for 24-25 the following contracts have confirmed there continuing there plowing contracts at the same price as 2023-2024:
 - Absolute Services INC- Langtown
 - Fenwick Construction LLC- Freeman/Salem
 - Jason Orr, d/b/a Orr Excavation- Washington/ Perkins

- Tyson Chase, d/b/a, Chase Logging – Madrid
- West Freeman Plow contract is going out to bid in June, as that Contract expired as of April 30th

Recommended: Motion to approve and sign the Minutes from May 14, 2024.

Treasurer's Report: None at this time

FY2025 – Commit Taxes

Comments: On Monday May 20th the Franklin County Budget Committee is holding its meeting to approve or reject the Franklin County Commissioners Budget. Should the Budget Committee vote 2/3 on any of the department budgets, the Budget Committee Budget must be added to the Budget Commitment line. We will not know what that looks like until after Monday night. I have requested Marc Roy to assist us with developing the Commitment documents for the Commissioners to sign. I asked the County Attorney to send an opinion of the tax commitment and that is also enclosed in your packet.

Recommendation: None at this time

Jamie Sullivan

From: Alyssa C. Tibbetts <ATibbetts@jensenbaird.com>
Sent: Tuesday, May 14, 2024 6:59 PM
To: Amy Bernard; Marc Roy
Cc: Jamie Sullivan; Tiffany Baker
Subject: RE: County Tax Commitment

Hi Amy,

As you know, the process to adopt the budget is outlined in Article 9 of Title 30-A, Chapter 3, Subchapter 1 as follows: The Commissioners submit an itemized estimated budget to the budget advisory committee. The budget advisory committee then prepares a proposed budget and can increase or decrease the estimated budget, with explanation of such changes, so long as the total estimated revenues and the total amount of county tax to be levied equal the total estimated expenditures. The budget advisory committee then holds a public hearing prior to final adoption of the budget. Once adopted, the final budget gets sent to the Commissioners, who cannot further increase, decrease or revise the budget except by unanimous vote. If changed by unanimous vote of the Commissioners, the budget advisory committee may reject any changes by 2/3 vote. Any such action by the budget advisory committee is final.

The Commissioners may appropriate money according to the budget, which must be approved by a majority of the Commissioners. 30-A M.R.S. Sec. 871. That is the case regardless of what the Commissioners estimate for taxes to be assessed. In other words, the budget controls spending no matter what they raise for taxes. If the budget is not approved, the Commissioners must operate on an interim budget that cannot exceed 80% of the previous year's budget until a new budget is adopted. 30-A M.R.S. Sec. 872.

The Commissioners are required to provide estimates of taxes to be assessed to the State Auditor. 30-A M.R.S. Sec. 701. When the tax is authorized, the Commissioners apportion the tax, set the due dates, issue the warrant to municipal assessors and the State for the U.T. for commitment, and collect the taxes. 30-A M.R.S. Sec. 706. While the Commissioners have the authority to assess the taxes, they are only permitted to spend within the approved budget, so there seems to be risk of a challenge to an assessment of taxes that is clearly inconsistent with the budget.

There is a provision of the statute that relates to illegal assessments. 30-A M.R.S. 707. This provides that sums assessed for an illegal object, errors, mistakes and omissions do not void the part of the assessment that is for a valid legal purpose. However, someone who pays a tax assessed for an illegal object or due to mistake, error or omission of the Commissioners may bring a civil action to recover the amount paid, as well as 25% interest, costs and damages incurred.

I have not reviewed existing case law yet, but will do so and follow up with you by Monday.

Thanks,
Alyssa

Alyssa C. Tibbetts, Esq.
Attorney



TAX INCREMENT FINANCING (TIF) BYLAWS

PURPOSE: This Committee will review all expenditures from tax increment financing (TIF) and provide recommendations to the Commissioners regarding proposed TIF applications. The Committee will also advise the Commissioners on other matters pertaining to the TIF, as deemed appropriate.

MEMBERSHIP: This Committee shall consist of seven (7) members. At least four (4) members must be residents of the UT community, three (3) members may be non-UT residents and/or Franklin County business owners and the TIF Coordinator is to be a non-voting member. Residency or business ownership must be maintained throughout the entire term or membership shall be forfeited. Members must be at least 18 years of age. All members shall be appointed by the Commissioners for a term of three (3) years. All individuals interested in membership must complete a UT of Franklin TIF Committee Volunteer Application. Members may be removed for just cause, including, but not limited to, poor attendance, including, but not limited to, attendance at 75% of meeting whether in person or by phone, ethical violations, change in residency, etc., at any time through a majority vote of the Commissioners.

MEETING DATE: As needed, regular quarterly meetings.

REPORTS TO: Commissioners

GOALS: The UT of Franklin TIF Advisory Committee seeks to support investments for development and redevelopment projects that:

- Stimulate capital investments that result in an increase in net taxable property value.
- Support new construction of business in locations compatible with local plans and goals.
- Support desirable projects that are otherwise financially infeasible.
- Adds to or enhances the business's employment levels with salaries that compare to or exceed Area Median Income (AMI).

WITHIN THE DISTRICT:

- Scenic byways capital improvements.
- Telecommunication infrastructure capital costs.
- TIF administration costs and professional services.
- Recreational Trail Development costs.
- Financing cost expenditures.
- Costs associated with development and operations for affordable housing.

OUTSIDE DISTRICT/WITHIN UT:

- Capital costs for telecommunications infrastructure.
- Costs associated with development and operations for affordable housing.

OUTSIDE DISTRICT:

- County Emergency communications strategic planning.
- Emergency Communications equipment costs.
- Public safety/fire protection equipment and improvement costs.
- Costs associated with planning and improving access to wireless communications and extension of fiber optics.

WITHIN UT:

- Tourism/branding marketing assistance.
- Costs associated with nature-based tourism planning.
- Childcare and adult care facilities costs.
- Construction or operation costs of public safety facilities.
- Costs relating to construction or renovations of a central administration office, relating to general economic development.
- Economic development organizations services costs.
- Commercial/Economic development permanent revolving loan funds and grant programs.
- Grant matching relating to economic development activities.
- Employment training programs.
- Costs associated with recreation trails.
- Environmental improvement project costs for commercial use or related activities.
- Transit service capital costs.
- Environmental improvements projects costs for commercial use.