

Meeting Agenda

Mechanic Falls Town Council
March. 16, 2020
1:00 PM



I. Call Meeting to Order

Time: _____

II. Pledge of Allegiance

III. Roll Call

Councilors Absent: _____

IV. General Reports

4.1	none	
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V. Public Hearing

5.1	none	
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VI. Comments from the Public

(3 Minutes Each – 30 Minutes Max)

VII. Old Business

Notes:

7.1	none	
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VIII. New Business

Notes:

8.1	AVCOG Planning Agreement	Motion to Approve
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IX. Ordinances, Resolves Policies & Licenses

Notes:

9.1	none	
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X. Executive Session

Notes:

10.1	Labor Negotiations	Title 1 MRS Sec. 405(6) (D)
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XI. Adjourn

Time: _____ Next Meeting: (April 6th, 6:30pm – Second Floor Conference)

**PLANNING SERVICES
Town of Mechanic Falls**

1. Today's Date: 03/10/2020
2. Account Number:

3. Term of Agreement: 03/10/2020 – 01/29/2021
4. Dollar Amount:

THIS AGREEMENT, made this ____ day of March is by and between the Androscoggin Valley Council of Governments, hereinafter called "Contractor" and the Town of Mechanic Falls hereinafter called the "Town".

The principal office of the town is located at 108 Lewiston Street, Mechanic Falls, ME 04256. Witnesseth, that for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the Town, AVCOG hereby agrees, with the Town, to furnish all necessary qualified personnel, facilities, materials and services and in consultation with the Town, to perform the services or projects described in Rider A. The following riders are hereby incorporated into this contract by reference:

- Rider A- Specifications of Work to be Performed
- Rider B- Payment and Other Provisions

IN WITNESS WHEREOF, AVCOG and the Town, by their representatives duly authorized, have executed this agreement in two originals as of the day and year first written.

AVCOG:

Town of Mechanic Falls:

By: Amy M. Landry, Executive Director
Androscoggin Valley Council of Governments

By: Zachary Maher, Town Manager
Town of Mechanic Falls

Date: _____

Date: _____

Contract between AVCOG and "Town of Mechanic Falls"

RIDER A SPECIFICATIONS OF WORK TO BE PERFORMED

Witnesseth that for and in consideration of the agreements set forth and the payments hereinafter stipulated, it is mutually agreed between the parties hereto as follows:

Project Name: Planning Services for the Town of Mechanic Falls

The tasks that AVCOG will undertake to provide to the Town of Mechanic Falls are Development Review Services and Technical Assistance to the Planning Board.

1. Development Review responsibilities of the AVCOG Planner, as directed by the Town.

When directed by the Town Manager, Code Officer, or Planning Board Chair unless otherwise designated:

- Meet with or correspond with applicants to discuss proposed project, review criteria, and provide guidance on the necessary submittals. Meeting time prior to town's collection of escrow will be charged to the town, not allocated to applicant escrow.
- Prepare a completeness checklist for project and provide to the Planning Board with suggestion of whether application is ready for board action.
- Provide review comments and recommended conditions of approval for the project, as relevant.
- Communication with the board and project applicant as necessary in the course of Planning Board business.
- Attend meetings, site visits and hearings where applications under Planner review are being discussed unless directed by staff or the board that attendance is not necessary.
- The contractor will provide electronic copies of all AVCOG generated documents and correspondence for reviewed projects to the Town and/or Planning Board for its file.
- Time Log. A time log from the beginning of contact with an applicant to the end of the project/transfer of files to the Town will be maintained. The time will be broken out by date and type of activity performed. Invoices will be submitted on a monthly basis, unless requested to provide one invoice per project. The time log is available upon request.

Requests to meet with the contractor shall come through the Town. Applicants will be directed to work through the Town unless the Town has already authorized the contractor's work with an applicant.

The Town is responsible for the costs incurred by the contractor for meeting with applicants or prospective applicants, reviewing preliminary designs and final applications, and answering questions about a project or potential project regardless of whether an application has been received by the Town.

A limited amount of phone and email questions from the Town about projects and their review are covered by the Technical Assistance Policy and would not be charged. Questions about a project that exceed ½ hour of work will be charged at the hourly rate.

2. Technical Assistance the Town can Request of the contractor (requires Town approval, see below)

- The Town may request additional work on an as needed basis such as Planning Board training, ordinance work or Comprehensive Plan review work.

Contract between AVCOG and "Town of Mechanic Falls"

- Attend meetings when requested by staff/board.
- Recommend Plan and Ordinance Changes.

These services will require either an updated contract with estimate of costs or an email authorization to proceed from the Town Manager with an estimate of cost. Due to this, there may be some delay between when the Planning Board makes a request and AVCOG can provide the service to ensure that town authorization has been received.

The Town of Mechanic Falls will be responsible for providing the following information, services and guidance:

- Notify Planner when there is a project the Town wishes AVCOG to review. The Town is responsible for review cost and is advised to ensure escrow has been received prior to directing AVCOG to begin work.
- Provide projects for review to AVCOG via email, electronic dropbox, postal service, or other delivery method.
- Notify Planner whether attendance at a meeting, site visit or hearing is requested.
- Provide Planner with the primary contact staff or board contact for this contract and any guidance on what requests would require additional approval.

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**RIDER B
PAYMENT AND OTHER PROVISIONS**

I. **CONTRACT PRICE:** Billed hourly

Project Activity: Project Development Review and Technical Assistance to Planning Board

2. **INVOICE AND PAYMENTS:** Invoices will be sent within 30 days of the end of the month for work related to the activities listed in Rider A. Payment shall be made by the Town of Mechanic Falls within 30 days of an approved invoice submitted by AVCOG on its usual billing forms or business letterhead, or by any other manner which is mutually agreeable to the parties.

3. **COSTS:**

The following will be billed on a time and expense basis:

- Development review activities as outlined in Rider A, item #1.
- Substantial modifications to model ordinances or amendments to existing ordinances when such work would require more than 16 hours of professional staff time, including meeting time, for any one or more ordinances in a one year period.
- Meetings to discuss adoption of new ordinances or substantive amendments to existing ordinances.
- Travel time and mileage will be billed for services not covered by AVCOG's technical assistance (TA) policy.
- Current staff hourly rates and federal mileage reimbursement rates will be charged for the contract work.

4. **COSTS ABOVE CONTRACT:** Any costs incurred by AVCOG above the contract price which are outside the scope of Rider A will require pre-approval based on arrangement made that is acceptable to both parties.

5. **TERM OF AGREEMENT:**

The term of this agreement shall be from March 10, 2020 to January 29, 2021. The term may be extended upon the mutual agreement of the Town and the Androscoggin Valley Council of Governments.

The agreement may be terminated by either party upon written notice submitted 30 days prior to the intended termination date. Within 10 days after receipt of final invoice the Town shall pay the contractor and within 10 days of termination all material relating to pending application reviews shall be submitted to the Town.

This agreement shall be terminated on the date the Town becomes a non-member of the Androscoggin Valley Council of Governments.

Contract between AVCOG and "Town of Mechanic Falls"

6. AVCOG STAFF INVOLVED:

Shelley Norton, Land Use Planner: \$68/hr.
John Maloney, Contract Planner (if needed): \$75/hr.
Support Staff: \$40/hr.

7. CONTRACT ADMINISTRATOR: All invoices, progress reports, correspondence and related submissions, regarding the contract, shall come from:

Name: Shelley Norton
Title: Land Use Planner
Address: Androscoggin Valley Council of Governments
125 Manley Road
Auburn, ME 04210
P (207)783-9186 F (207)783-5211
e-mail: snorton@avcog.org

who is designated as the Contract Administrator on behalf of AVCOG for the contract.

Zachary Maher

From: Shelley Norton <SNorton@avcog.org>
Sent: Tuesday, February 25, 2020 12:43 PM
To: Zachary Maher
Cc: Fred Collins
Subject: FW: Solar Farm

Follow Up Flag: FollowUp
Flag Status: Flagged

Hi Zakk,

Lou Goulet, Chairman of the town's Planning Board has reached out to AVCOG directly as well as Fred Collins, town Code Officer, stating that there is a large-scale solar project proposed in town and the Planning Board is interested in review assistance from AVCOG. This is allowed by the town's Zoning and Land Use Ordinance, Article III, Section 5.E (pages 21-22), which states that the CEO may determine that a consultant review of one or more aspects of the application for compliance with the Ordinance and to advise the Planning Board. The ordinance requires the third party consultant to provide an estimate of costs, and for the applicant to provide the full cost up front to the town for escrow. In accordance with AVCOG's technical assistance policy, towns with the ability to charge applicants for third party development review are charged for AVCOG development review time. The town is responsible for payment to AVCOG and is strongly encouraged to establish an escrow account for AVCOG reviewed projects.

Here is an estimate, based on the information I have received so far. I am anticipating that AVCOG review would include the following: review for completeness of the submittal, review of the ordinance criteria, recommendations to the Planning Board, suggested conditions of approval, development of findings of fact and conclusions of law and attendance at Planning Board meetings where the application is discussed. I recommend an escrow of \$2,500 be collected to cover review costs and meeting time for assisting the town with this project and performing those tasks. I have not seen the application submittal, it is possible the actual review costs will be greater or lesser, as I have not worked with the Mechanic Falls Planning Board before and this type of project is not something which the town or I have typically reviewed, it may be hard to estimate accurately. Actual costs billed are hours worked and mileage traveled. My billing rate is currently \$68/hour and travel time and mileage is charged. Upon request, AVCOG will draft a contract with the town for review.

Taking a step back, the normal process according to the town's ordinance would be for the Code Officer to review an application when received. He should determine if the use proposed is allowed by the ordinance. I suggest that there are a few possible uses this might fit under, the town may want to consider "Natural Resource-Based Industries":

Natural Resource-Based Industries: *Natural Resource-Based Industries shall be construed to include the following: Extraction and processing of water, wood and lumber, minerals and soils, and the associated retail functions for those natural resource-based industries. Examples of the same would include wells and bottling plants, sawmills and lumberyards, and mining and soils processing industries.*

I think the harnessing of the sun could be considered use of a natural resource. This use is allowed in the Rural District with Planning Board issuance of Conditional Use Permit and Site Plan Review. "Public Utility Facility" may also be appropriate; the review process is different for that use. Once an application is received, and before the project goes to the Planning Board, the Code Officer has 30 days to review the application and determine if it is complete.

Given the transition that will be taking place in the office of Code Enforcement, the town may want to consider if it would like AVCOG to perform that completeness review instead for continuity? I think it would be helpful, if not already done, for the Code Officer make the determination as to which, if any, land use this proposal fits under in the ordinance prior to his departure.

I understand Lou wanted to be kept in the loop with this conversations so I have just spoken with him and let him know generally the information in this email, but if someone could print this and leave a copy for him at the town office that would be great.

Please let me know if I can assist you further.

Thanks,
Shelley

Shelley Norton, AICP

Land Use Planner
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125 Manley Road
Auburn, ME 04210
(207)783-9186 ext. 226
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From: Fred Collins [mailto:FCollins@mechanicfalls.org]
Sent: Monday, February 24, 2020 1:42 PM
To: Shelley Norton
Subject: Solar Farm

Good Morning Shelley,

Just wanted to touch base with you and let you know that I am leaving the town of Mechanic Falls. My final day here will be March 6th 2020.

The chairman of the board Lou Goulet has asked me to contact you or AVCOG to possible help the board with a site plan application that has come

to my desk recently and will be presented to the planning board on March 16th at 6:30 pm.

This site plan is in reference to a 25 acre solar farm in the rural district. The chairman is asking for some guidance on this project.

If you could possible help they would be thankful.

Thank You,

Fred S. Collins Jr