

**Summary of Narramissic Regional Water Management District  
Legislation Submitted by:  
The Towns of Blue Hill, Orland, Penobscot and Surry  
In cooperation with the Toddy Pond Association and the Alamoosook Lake Association**

**Summary:**

A committee consisting of representatives from Blue Hill, Orland, Penobscot, Surry, Toddy Pond Association and Alamoosook Lake Association submitted draft legislation to the Maine State Legislature. This legislation, if passed by the House and Senate, signed by the governor and then voted on and accepted in each of the 4 towns would create two authorities, The Toddy Pond Authority and the Alamoosook Lake Authority. The Toddy Pond Authority would:

- Operate, maintain and repair the dam on Toddy Pond
- Be governed by a Board composed of representatives from each town and lakefront property owners
- Would exist and be funded for two years initially, after which annual budgets would require towns to vote on their respective contributions
- The Authority's budget would be split 50:50 between the towns and the lakefront property owners
- This legislation is a draft at this time. Changes are likely to be made in the process of its passage.

**Detailed Overview:**

Committee composed of one representative from each of the 4 towns and the 2 lake associations:

- Scott Miller, Blue Hill (Select Board)
- Gina Bushong, Orland (Select Board)
- Harold Hatch, Penobscot (Select Board)
- Mary Allen, Surry (Select Board)
- Marc Restuccia, TPA & Lisa Deweese, ALA
- Other TPA participants; Donna Foster, Chris Closs, Brian Smith, Phil Roberts

The document was written by the representatives from the 4 towns. Although input was solicited from both TPA and ALA, the final document reflects almost exclusively the authorship of the 4 town representatives.

1. Creates two entities, the Toddy Pond Authority and the Alamoosook Lake Authority
2. Each authority is a quasi municipal Maine Authority, created by the legislature:
  - a. Considered a governmental entity in regards to immunity from liability
  - b. Qualifies as a municipality in regards to funding (grants/loans)
  - c. Provides authority to assess fees to waterfront property owners, ensuring long-term stability of funding for dam ownership costs

3. Governance: (Toddy Pond Authority)
  - a. Board of trustees: 5 Town representatives (2 from Orland, 1 each from Blue Hill, Penobscot and Surry), plus 4 members elected by Waterfront Property Owners from a slate of nominees selected by the Toddy Pond Association
4. Powers:
  - a. Prepares an annual budget for Operation, Maintenance and Repair of Toddy Dam
  - b. Annually, after the initial 2 year period, requests funding from each town to cover 50% of the total budget (divided proportionally by town based on shoreline frontage).
  - c. Levy and collect an assessment on Waterfront Property Owners to fund the remaining 50% of the budget.
  - d. Can establish liens on Waterfront Property Owners property if such assessments are not paid
5. Responsibilities:
  - a. Own and operate the dam on Toddy Pond
  - b. Prepare an annual budget and hold at least one public meeting to discuss that year's proposed budget before any town has to vote on that year's assessment
  - c. Holds elections, administers the affairs of the authority, record keeping, public communications and contract management etc as needed.
  - d. The Authority will work to find long-term solutions to the impoundment and fish passage on Toddy Pond as well as improve water quality and ensure a healthy ecosystem.
6. Contributions and Assessments:
  - a. Municipal Contributions:
    - i. Targeted 50% of total annual budget assigned to that municipality
    - ii. If a municipality fails to approve its Municipal Contribution, that amount will be assessed to Waterfront Property Owners in that municipality (meaning the Waterfront Property Owners will be responsible for the entire assessment for their municipality for that year)
  - b. Waterfront Property Owners:
    - i. Assessed 50% of the annual budget. (For example, if Surry's total assessment is \$5,000 for a year, Waterfront Property Owners in Surry will collectively be assessed \$2,500 for the year).
    - ii. Assessment amount will be determined by a fee proportional to the Toddy Pond Shoreline Frontage, to a maximum of 250 feet per property
    - iii. Any Waterfront Property Owners whose town opts out of a Municipal Contribution in a given year will have their assessment increased to cover a proportional share (by shoreline) of their town's contribution
7. Specific to the Toddy Pond Authority (Alamoosook Lake Authority will be slightly different)(what is differing from above):
  - a. Each town will prepare and vote on a 2-year budget to initially form the Authority
  - b. Municipal Contributions (as agreed among the 4 towns):
    - i. Orland 43%

- ii. Surry 27%
  - iii. Penobscot 24%
  - iv. Blue Hill 6%
- c. If a municipality fails to appropriate its share of annual funds for 2 consecutive years, that town will cease to be a participant in the Authority and the size of the board would be reduced correspondingly
  - d. In the event that NO town elects to participate (after the initial 2 year minimum) the Authority would be constituted by the trustees nominated by the Lake Associations with an additional representative from Orland. (The intent here is that the Authority would continue, with all of its powers, with the Lake Association essentially being the Authority. The Orland representative is to allow the Authority to continue to function with Municipal privileges)

This is the reading of the legislation by the TPA Board. The Water District is a piece of legislation submitted for approval by the Maine State Legislature. Some changes in language and or content are possible.

Items that the TPA Board are pleased are included in the draft legislation:

1. Ownership and control of the Toddy Dam is taken from Bucksport Mill LLC and is transferred to local ownership.
2. The agreement, if passed by the legislature and the 4 towns will insure at least two years of shared ownership and financial support of the dam between the towns and the Lakefront Property Owners
3. The authority will have municipal liability protection and the ability to raise funds to maintain and repair the dam
4. There is a pathway, if all of the towns decide to withdraw, that the lake association (Toddy Pond Association) will take over the Authority but have liability protection and ability to raise monies to maintain and repair the dam.

Items for which the TPA Board are less pleased in the draft legislation:

1. Only two years of guaranteed multi town engagement and participation.
2. Relative ease for any/all towns to withdraw from the agreement
3. Need for the authority to go to each town, every year for funding approval
4. Lack of recognition that Toddy Pond is a public resource by the majority of the towns. The pond provides economic, recreational and wildlife value to the towns and region and not just the lakefront property owners.