

Knox County Live Fire Training Facility

MEMORANDUM OF UNDERSTANDING

1. St. George Volunteer Firefighters and Ambulance Association (“SGVFAA”) has overseen the construction of a live fire training facility (the “Facility”) at property located at 274 Seal Harbor Road in the Town of St. George, Knox County, Maine (the “Property”). SGVFAA has leased the Property from the Town of St. George pursuant to a Lease, dated July 12, 2021, for a term of 30 years, commencing July 21, 2021 (the “Lease”). Tim Polky currently serves as the Board President of SGVFAA.
2. The cost of constructing of the Facility was \$785,000. SGVFAA put in \$100,000 cash, received \$155,000 in grant money from the Rural Development Service of the United States Department of Agriculture (“RDS”), and borrowed \$530,000 from RDS (the “Debt”) under a Community Facilities Grant Agreement, dated July 21, 2021, over a term of 30 years. The annual cost of servicing the Debt is \$25,000, in addition to an estimated \$5,000 for insurance and an estimated \$4,000 for maintenance, for a projected total annual expense of \$34,000 (the “Annual Facility Expense”).
3. Knox County Mutual Aid Association, Inc. (“KCMAA”) is a Maine non-profit incorporated association of fire service professionals serving Knox County and adjacent communities with a mission, *inter alia*, to provide training and education to enhance the firefighting capabilities of its members. The current officers of KCMAA (the “Officers”) include the Rockland Fire Chief, Chris Whytok, who serves as President; the Camden Fire Chief, Chris Farley, who serves as Vice President; and the Hope Fire Chief, Clarence Keller, who serves as Secretary/Treasurer.
4. The Maine Fire Service Institute (“MFSI”), a department of Southern Maine Community College, serves as the primary organization dedicated to training firefighters throughout Maine, including

live fire training in accordance with the National Fire Protection Association Standard on Live Fire Training Evolutions (NFPA 1403). Jimmy Graves is the current Director of Fire Training at MFSI.

5. Pursuant to the Knox County Charter (the “Charter”), the powers of Knox County are vested in a three-member Commission, who, *inter alia*, appoint a County Administrator and propose a budget to a Budget Committee each year sixty days before the end of the County’s fiscal year. The current Commissioners are Dorothy Meriwether (for District 1, which includes St. George), Richard Parent (District 2, Chair), and Sharon Pohlman (District 3).
6. Under Article IV, Section 2(a)(7) of the Charter, the County Administrator shall collect all necessary financial information and prepare and submit to the County Commission the annual itemized estimated budget. The current County Administrator is Andy Hart.
7. **The parties desire for the Facility to be available for live fire training of the KCMAA membership, for the KCMAA to administer the Facility, and for the Annual Facility Expense to be a budget item of the Knox County budget to be paid to KCMAA as a county expense. To that end, the parties propose that SGVFAA sublet the Facility to KCMAA for the remaining term of the Lease, that KCMAA enter into a memorandum of agreement with MFSI, and that the County Administrator include the Annual Facility Expense as an itemized estimated budget item in his submission to the County Commission.**
8. Under sections 7 and 9 of the Lease, SGVFAA requires the consent of the Town of St. George in order to sublet the Property. Tim Polky will undertake to obtain the consent of the Select Board of the Town of St. George for SGVFAA to enter into a sublease with KCMAA (the “Sublease”). The current members of the Select Board are Richard Bates (Chair), Steve Cartwright, Van Thompson, Randy Elwell, and Wayne Sawyer.
9. Tim Polky will undertake to obtain a resolution of the SGVFAA approving the sublease.

10. Under the Organization and By-laws of the KCMAA, voted on and effective January 20, 2016 (the “By-laws), an Executive Committee comprised of the Officers and two members at large shall administer the affairs of the KCMAA. Chris Farley will seek to obtain approval and execution of the Sublease by the Executive Committee.
11. Under Article 9, Section C, of the By-laws, each member responding to a call shall be solely responsible for any loss or damage sustained by or to its personnel, agents, servants and/or equipment. In order to manage any potential liability of the parties, it is proposed that a comparable limitation of liability be added to the By-laws for live fire training at the Facility. Article 10, Section A, of the By-laws provides that the By-laws may be amended by a vote of the majority of its members, provided that such amendment has been duly presented and favored by a two-thirds majority vote of the governing body at a regular or duly called meeting. Chris Farley will initiate discussion of a possible amendment with the Executive Committee.
12. At such time as the foregoing steps shall be concluded, the Facility shall be known as the “Knox County Live Fire Training Facility.”
13. The parties shall endeavor to take such steps at such times that the Knox County Live Fire Training Facility shall commence operating as such with effect from the beginning of the next fiscal year of Knox County.
14. This Memorandum of Understanding is not legally binding, and it is only intended to assist the parties in planning future operations, financing, and liabilities in connection with the Facility. Execution of this Memorandum of Understanding shall not obligate any party to take any action or to enter into any agreement.

[SIGNATURE PAGE FOLLOWS]

WITNESS our signatures.

ST. GEORGE VOLUNTEER FIREFIGHTERS AND AMBULANCE ASSOCIATION, by

Tim Polky, Board President

Date: _____, 2022

KNOX COUNTY MUTUAL AID ASSOCIATION, INC., by

Chris Farley, Vice President

Date: _____, 2022

KNOX COUNTY, by

Andy Hart, County Administrator

Date: _____, 2022

MAINE FIRE SERVICE INSTITUTE, by

Jimmy Graves, Director of Fire Training

Date: _____, 2022