

MEMORANDUM

TO: EDIC Board
FROM: Mike DiGiano, Executive Director
Lynne Broderick, Administrator
RE: June 2020 Director's Report

1. EDIC/MERCo \$209,165 grant application to Seaport Council to establish the Massachusetts Ocean Sensor Testbed (MOST) at MERCo's Bourne Tidal Test Stand (BTTS).

As a follow-up to the EDIC 5/26 special meeting vote to be the public entity sponsor for this project, the grant application was filed on 5/28. Funding decision is expected in August.

2. EDIC support for Town application for \$400,000 in DHCD Block Grants For Social Services and Microenterprise Business Assistance

At 6/1 Select Board's meeting, the Board voted to proceed with this block grant application. EDIC (Michael Galasso) is working with Town Manager and Town Planner's office to put together program details for portion of the grant for micro assistance to low and moderate income small business owners. Filing date is June 12.

3. Falmouth Business Recovery Loan Program

- As a follow-up to the 5/4 Select Board meeting, EDIC staff developed an Intergovernmental Agreement for the Phase 2 Solar project that would set the rent the EDIC pays the Town for the Landfill to a nominal amount, thereby enabling the EDIC to dedicate more EDIC revenues to set up the loan program. This nominal rent would end when/if the loan program terminates and a new rent between the Town and EDIC for the Phase 2 portion of the Landfill would be put in place.
- This draft Phase 2 IGA was transmitted to Town Manager and Town Counsel for review on 5/15
- As follow up to our May 12 meeting, we engaged the firm of KP Law to examine the the EDIC's enabling statute and the process of special legislation for authority to operate a business loan program .
- KP Law specializes in municipal law and represents 125 cities and towns in Massachusetts as town counsel or city solicitor.
- KP-Law completed their research and opinion which was transmitted to Town Counsel and Town Manager on 5/22. (copy attached). Key findings as follows:

- EDICs are “a public body politic and corporate” and enjoy financial and political independence from the municipality
- Revenue received by the FEDIC from its real estate projects and grant programs are that of the FEDIC exclusively and not the Town. The Town is not liable in any manner for the expenses, debts, or obligations of the FEDIC.
- The provisions of G.L. c. 121C, §5 of EDIC enabling statute includes broad authority and while it does not specifically address loan programs, it authorizes the FEDIC to take many actions relative to spurring and sustaining economic activity which could be construed to include a loan program as the EDIC has done in the past.
- Should the EDIC want specific authority for such a program, it was recommended that the FEDIC seek special legislation. The EDIC can file such legislation on its own without Town Meeting authorization. Support of the Select Board recommended.
- As of this report, waiting for Town Counsel to complete review of both documents and make a recommendation to the Select Board on how to proceed.

4. Phase II Solar

- The Power Purchase Agreement (now AOBC) between the Town and Citizens and Sublease Agreement between EDIC and Citizens transmitted to the Town Manager and Town Counsel April 17. Comments received from Town Counsel on 5/21. Subsequently been addressed by both Citizens and BCK.
- Goal is to complete documents for approval by the Select Board no later than June 30 so that Citizens can obtain construction financing, order equipment and start construction on September 1 . Any significant delay could jeopardize permits and already secured incentives for the project
- As noted, Phase 2 IGA between EDIC and Town submitted on 5/15 and must be completed and approved by June 30.
- Citizens submitted Phase 2 PILOT agreement to Town Manager and Board of Assessors on 5/12, also targeted for completion by June 30.

5. EDIC Open Cape Project:

- Open Cape submitted 3rd draw request of \$ 80,457 Mass Development loan funds for EDIC sign-off which was done on 6/1 conditional upon receipt of plan showing completed Main St. infrastructure. This request, together with the \$68,548 in the first draw totals \$149,000 and represents completion of the high speed fiber backbone for Main Street.
- The next draw of \$50,000 from Mass Development will be for the connection fund for 60 or more customer
- Customer sign-ups and connections have been severely delayed by Covid 19 business closures. According to Open Cape, customer sign-ups are now at 30 with some drop-offs. We have requested a sign-up and connection plan/schedule from Open Cape now that businesses are beginning to open.

6. Community Fiber Optic Network Feasibility Study:

- The study is in the engineering phase. Staff has coordinated phone conferences with CCG and local sources of data eg. Town engineer, Town Planner, GIS and Open Cape in April and May. Staff following up with additional data requests over next couple of weeks.
- The pandemic has slowed collecting additional demand information from businesses and realtors as well as from speed tests and cable bills for analysis by CCG.
- Now that businesses are beginning to open up, EDIC staff will work with CCG and the network group to obtain at least 100 speed tests and 15 to 20 in-depth business interviews over next 4 weeks.
- Study completion date to be determined but most likely late August now if we can complete speed tests and interviews in next 4 weeks. Project call with CCG scheduled next week , date TBD

7. 64 Technology Drive:

- EDIC zoning petitions to rezone 64 Technology Dr. from PU to LIB and to allow ground mount solar will be taken up at a rescheduled Spring Town meeting, now the third Monday following the end of Mass State of Emergency.

- Dan Webb has suggested adding site plan review provision to the articles. Staff sent that request to Town Planner for his input.
- Staff also to begin work on Town Meeting presentation in support of Articles

8. Falmouth Station Operations:

- Peter Pan resumed service as of June 5 and the Station is opened for ticket sales.
- The Station Grille has been serving take out customers and will be begin indoor seating in compliance with the Governor's orders for food establishments

9. Plymouth and Brockton request for a license/access to establish service at Falmouth Station.

Staff worked with Atty .Moynihan to complete draft access agreement. Transmitted to Plymouth Brockton on 5/27. Review scheduled with P&B on 6/8.

10. Parking /other potential improvements at Falmouth Station:

Staff is investigating sources of Federal and State funds to implement parking and other improvements at Falmouth Station.

11. Administration and Finance:

Monthly financial report and warrant previously distributed and to be reviewed and approved at the June meeting.

12. Strategic Planning Session:

Originally scheduled for March 27, the session was cancelled due to Covid-19. The Board should discuss a re-schedule once the Governor's emergency orders are lifted.