

Fort Fairfield Town Council Monthly Meeting
Council Chambers
Wednesday, February 21, 2018
6:00 P.M.

I. Roll Call

Councilors: Scott Smith, Jason Barns, Mitchell Butler, Melissa Libby, Robert Kilcollins.
Staff: James Risner, Ella Leighton, Darren Hanson, Jennifer Gaenzle, Shawn Newell, Billie Jo Sharpe
Citizens: Twelve, including Media.

II. Prayer – Chief Newell offered the prayer

III. Pledge to the Flag – All in attendance pledged allegiance to the American Flag

IV. Public Comment Period

Mr. Butler commented that he would like to start working on a fireworks policy before summer.

Mr. Smith asked if Mr. Butler was interested in forming a Committee of citizens.

Mr. Butler said he had no problem working with Chief Newell or anyone else that wants to work on it.

Mr. Smith said it could be put on the March meeting Agenda.

V. Correspondence and Reports

A. Licenses/Permits

As of February 21, 2018 we have received one application for renewal of Malt, Vinous, and Spirituous license for the Fort Fairfield Lions Club and an additional special permit for the Lions Club for an off-premises catering permit to bartend during the March 3, 2018 Fort Fairfield Snowmobile Club's Super Draw held in the Community Center.

B. Financial Report – Mr. Risner

The Town's Real Estate and Personal Property tax collections as of January 31 are \$2,020,699.74, compared to \$1,543,104.42 for January 31, 2017.

Excise tax collections as of January 31 are \$364,747.47. This is 65.13% of the budgeted amount, which is more than the 58.33% expected as of January 31.

State revenue sharing as of January 31 is \$139,812.75. This is 57.17% of the budgeted amount, which is slightly less than the 58.33% that is expected as of January 31.

Our expenses as of January 31 are 1.66% lower than the budgeted amount; at 56.67%; compared to the 58.33% expected as of January 31. We are monitoring this closely. Winter has been brutal and Public Works is holding its own right now.

Cash flow is in excellent condition, with a checking balance of \$163,329.34 and savings balance of \$855,000 after completion of Warrant #17 on February 7. In comparison, last year at this time we had \$174,502.24 in checking and \$400,000 in savings. Tax collections have contributed to this years' increase in savings.

Our 45 day foreclosure notices for 2015 Real Estate taxes were mailed on January 23. We sent 51 notices to property owners for 2015 taxes compared to 44 notices last year for 2014 taxes. The total unpaid taxes for 2015 were \$28,024.68, compared to \$31,355.80 for 2014.

C. Tri-Community Landfill Report – Mr. Rogeski

Tri-Community Landfill Board of Directors met on January 26, during that meeting Mark had informed them that he had been reappointed to the Maine Board of Environmental Protection for a second term and was approved by the TCL Board of Directors.

This year they used drones to do the annual “fly-over” of the landfill to verify the liability going into post closure care. They have used airplanes in the past and the use of drones saves money and gives better pictures than the airplanes.

Now that the merger is official, they are eligible to apply for a regional grant to upgrade the recycling center which could be anywhere from \$300,000-\$500,000 worth of grant funding.

Mr. Rogeski told Council that in the future if there are any questions for an upcoming meeting to please ask him or Mr. Risner and they will pass it along to Mr. Draper in an effort to keep information current and upfront.

D. FairPoint Application for Pole Locations – Mr. Risner

On January 19 the Town received an application from FairPoint to move one pole approximately 22 feet; and in line; with a current pole on the Gray Road.

On January 30 the Town received five applications from FairPoint to move the following poles:

1. Move one pole approximately six feet; and in line; with a current pole and add 2nd pole approximately five feet from the new pole on Center Limestone Road.
2. Move one pole approximately one foot closer to centerline of the road and add a 2nd pole approximately eight feet from the new pole on West Limestone Road.

3. Move one pole approximately six feet; and in line but one foot closer to centerline of the road; and add a 2nd pole approximately five feet from the new pole on Center Limestone Road.
4. Move one pole approximately six feet; and in line but two feet further from the centerline of the road; and add a 2nd pole approximately five feet from the new pole on the Russell Road.
5. Move one pole approximately six feet; and in line but two feet further from the centerline of the road; and add a 2nd pole approximately three feet from the new pole on the Strickland Road.

The five applications received on January 30 are for poles being moved or added as part of FairPoint's DSL expansion. The availability of DSL will be approximately 22,000 feet from each DSL pole site. The DSL speed will be from 15 to 25Mbps, depending on several variables, such as the size (gauge) of the cable, and the distance that the various customers are from the DSL equipment site. FairPoint currently anticipates DSL service will be available from this project by August.

Mr. Darren Hanson, Road Commissioner, and Mr. Risner inspected the current and proposed new pole locations. Moving and adding poles on the Gray Road and on numbers 1, 4 and 5 will not create any problem for the Town. Mr. Risner approved the application for these poles based on his discussion with Mr. Hanson and their visual inspection of the site.

Mr. Hanson and Mr. Risner have concerns on applications 2 and 3. Both of these applications move the poles closer to the road, which creates a problem because of the lay of the road and snow plowing. Mr. Risner is working with FairPoint on these two applications, and has not approved them as of February 15.

E. Maine Department of Transportation 2018-2020 Work Plan for Fort Fairfield –Mr. Risner

The Maine Department of Transportation recently released their work plan for calendar years 2018, 2019, and 2020. The one Fort Fairfield project that is included in the work plan is an improvement of a cross culvert on Forest Avenue (information sheet was given to Council for review), to be completed in 2018.

Recommendation: For information only. No Town Council action required.

VI. Old Business

A. Ordinance 18-02: Lease of Town Property to the Fort Frontier ATV Club

Background: Councilor Butler introduced Ordinance 18-02, Lease of Town Property to the Fort Frontier ATV Club (attachment 1), at the January 17, 2018 Town Council meeting. A public hearing was held on February 7, 2018 at 12:00 noon in the Town Council Chambers. The minutes of the public hearing are at attachment 2.

Discussion: The Fort Frontier ATV Club requests to lease a parcel of land located off of Cheney Grove Road and further identified as being Tax Assessor's Map 11, Part of Lot 16A in the Town of Fort Fairfield. The proposed lease will allow the Fort Frontier ATV Club to place a shed on the property. This is a convenient location for the ATV Club, as the property is accessible to vehicles and is adjacent to an ATV trail.

The proposed lease is for three years with one three year option, for a total period of up to six years. Both the Town and Fort Frontier ATV Club must agree to the renewal of the lease.

The terms and conditions of the lease will be the same for the renewal, with the exception that the rent amount will be renegotiated at the time of renewal. The proposed rent for the 1st three years is \$1.00 per year.

Recommendation: That Town Council adopts Ordinance 18-02, Lease of Town Property to the Fort Frontier ATV Club.

Mr. Butler made a motion that Town Council adopts Ordinance 18-02, Lease of Town Property to the Fort Fairfield ATV Club.

Mr. Kilcollins seconded.

Discussion – None

Vote – All Affirmative

B. Ordinance 18-03: Conveyance of Town Property to Stev and Nancy Rogeski

Background: Councilor Butler introduced Ordinance 18-03, Conveyance of Town Property to Stev and Nancy Rogeski at the January 17, 2018 Town Council meeting. A public hearing was held on February 7, 2018 at 12:00 noon in the Town Council Chambers. The minutes of the public hearing are at attachment 2.

Discussion: The Town of Fort Fairfield owns a parcel of land located off of the West Limestone Road, FARM Park, so-called, and further identified as being Tax Assessor's Map 12, Part of Lot 1B in the Town of Fort Fairfield. Stev and Nancy Rogeski wish to exercise their option to purchase the property, in accordance with Section 7 of the Agreement dated May 1, 2007 by and between Stev and Nancy Rogeski and the Fort Fairfield Chamber of Commerce recorded in Book 4431, Page 212.

Recommendation: That Town Council adopts Ordinance 18-03, Conveyance of Town Property to Stev and Nancy Rogeski.

Mr. Kilcollins made a motion that Town Council adopts Ordinance 18-03, Conveyance of Town Property to Stev and Nancy Rogeski.

Mr. Barnes seconded.

Discussion: Mr. Butler asked Mr. Risner if a new assessment of Farm Park will be done. Mr. Risner said that an assessment will be done during the normal cycle. The Town doesn't normally reassess after property is sold.

Mr. Butler – “So it will be reassessed at some time?”

Mr. Risner - “Yes.”

Vote – All Affirmative.

VII. New Business

A. ATV Trails – Mr. Risner

The Town of Fort Fairfield has from time to time supported the Recreational and Economic Benefit of the Fort Frontier ATV Club by granting them permission to operate ATVs on Town owned properties and portions of Town Ways for the local ATV Trail System.

Discussion: The ATV trail includes land that is owned by the Town and Town Ways, and the ATV Club needs written permission from the Town to use those parcels.

The ATV Club may be submitting an application to MDOT to use some of the State of Maine Ways as part of their trail system. Part of the application process needs to show community support of the proposed trail system.

I request authorization to execute the ATV permit for the use of Town owned properties and Town Ways, and if requested, submit a letter of support to MDOT on behalf of the Town.

Recommendation: Town Council authorize the Town Manager to sign the ATV use permit and if requested, a letter of support to MDOT.

Mr. Butler made a motion that Town Council authorize the Town Manger to sign the ATV use permit and if requested, a letter of support to MDOT.

Mr. Kilcollins seconded.

Discussion – None.

Vote – All Affirmative.

B. ATV Access Trails – Mr. Risner

During the public comment period of the January 17, 2018 Town Council meeting, Mr. Kendall Stratton, President of the Fort Frontier ATV Club, presented Council with information supporting his request that a new Ordinance be written regarding opening access to all side streets to ATVs and asking that priority be given to the 1.1 mile of access on Forest Avenue from the Car Wash to the Lion's Club. Council Chair Smith

recommended that the Town Manager and staff review the current Ordinance, look at Mr. Stratton's information, and get back to Council next month.

Discussion: Mr. Risner asked Public Safety Director Newell to review the three access routes that the Fort Frontier ATV Club requested: the 1.1 mile access route on Forest Avenue from Main Street to just before the Lion's Club; the 1.3 mile access route from the corner of Main Street and Presque Isle Street, across the Route 1A/Aroostook River Bridge and North on the Caribou Road; and the .4 mile access route from the Maine DOT Garage on High Street to the Hopkins Road. Each of these is on State maintained roads and each exceeds the 500 yards permitted by State law for access routes (Title 12, Chapter 939, Section 13157-A.6.A.)

Town staff and Mr. Risner do not support opening access to all side streets to ATVs.

Recommendation: Town Council not support the Fort Frontier ATV Club's request for support to have the 1.1 mile stretch of Forest Avenue as an ATV access route.

Chief Newell reviewed the proposed recommendation from the Fort Frontier ATV Club for three requested access routes. The first is on Forest Avenue from Main Street to just before the Lion's Club and is 1.1 miles. The second is from the corner of Main Street and Presque Isle Street, across the Route 1A/Aroostook River Bridge, and North on the Caribou Road, and is 1.3 miles. The third is from the Maine DOT Garage on High Street to the Hopkins Road, and is .4 miles.

This first requested access route is a 1.1 mile stretch of road, and consists of 65 structures with access (driveways) onto Forest Avenue. The northern end of the proposed access route consists of one local business with steady traffic and Hillcrest Estates apartments with a primary access point to the building on Forest Avenue. There are also five multi-unit structures on this proposed route. Through this proposed route, there is one four-leg intersection; Forest Avenue and Fort Hill Street; and three, three-leg intersections; Forest Avenue and Roosevelt, Forest Avenue and Harding Avenue, and Forest Avenue and Dumond Road.

State law states that "Before designating a public way as an ATV-access route, the appropriate governmental unit shall make appropriate determinations that ATV travel on the extreme right of the public way or as directed by the appropriate governmental unit within the public way may be conducted safely and will not interfere with vehicular traffic on the public way." (Title 12, Chapter 939, Section 13157-A.6.H.). The proposed Forest Avenue access route is narrow and consists of multiple hills, curves, and blind spots in a predominately residential area. Forest Avenue sees a moderate volume of traffic throughout the day, every day, and has been problematic for the Police Department in the respect of speed complaints.

The second and third requested access routes do not connect current ATV trails, and therefore cannot be access trails.

Recommendation: It is Chief Newell's recommendation that the Town not approve the ATV access routes requested. "I base this recommendation on several factors, with my primary concern being the safety of ATV users and motor vehicle traffic."

Mr. Barnes made a motion that the Town not approve the ATV access routes requested.

There was no second, therefore the motion fails.

Mr. Kilcollins made a motion that Council further reviews alternative access that will maintain safety and further accessibility to downtown.

Mr. Butler seconded.

Discussion: Mr. Butler said that they should be working with the ATV Club, it's business for the Town and we should not shut them out. We can work with other departments in Town and try to come up with some way to get them in and out of Town safely.

Mr. Kilcollins – Access is going to happen regardless. "If there is a safer response to the situation with guidelines to follow than its better than nothing." With some work on both sides we can come to a compromise.

Mr. Risner – We will continue to work with the ATV Club and come up with something that fits the definition of the State code for an access trail.

Mr. Smith – Houlton has been having issues with ATV's and open access. Mr. Stratton is aware that Fort Fairfield will not have open access for ATV's. A compromise can be made.

Mr. Risner – Staff will bring something back that is a legal compromise. There may be two or three alternatives, but we will have something for the next meeting. Mr. Risner will meet with Mr. Stratton this week and start working on this.

C. Appointment to the Library Board of Trustees – Mr. Risner

Ms. Ruth Adams resigned from the Library Board of Trustees on December 17, 2017.

Ms. Adams's term expires on June 30, 2020.

Discussion: The position was advertised on the Town's website and in the Fort Fairfield Journal. The closing date for applications was Wednesday, February 7. We received one application for the position; that of Mr. Greg Murchison.

Recommendation: Town Council appoints Mr. Greg Murchison to the Library Board of Trustees for the term ending June 30, 2020.

Mr. Butler made a motion that Town Council appoints Mr. Greg Murchison to the Library Board of Trustees for the term ending June 30, 2020.

Mr. Kilcollins seconded.

Discussion – None.

Vote – All Affirmative.

D. Donation of Framed Artwork – Mr. Risner

Title 30-A M.R.S.A. §5655 states that a gift without conditions, of any type of property, offered to a municipality may be accepted or rejected by its legislative body.

Discussion: Resident and local artist Carmen Johnson has graciously offered two framed pieces of original Artwork to the Town of Fort Fairfield, which will be displayed in the Town Office.

Recommendation: That Town Council accepts the donation of the original framed Artwork from Carmen Johnson.

Mr. Kilcollins made a motion that Town Council accepts the donation of the original framed Artwork from Carmen Johnson.

Mr. Butler seconded.

Discussion – None.

Vote – All Affirmative.

E. Status on UDAG Loan Number 43 – Mr. Risner

The Town of Fort Fairfield has a mortgage on the property at 330 Main Street. The property was destroyed by fire on December 31, 2017.

Discussion: Mr. Risner was unable to obtain insurance information from the owner, therefore I contacted Richard Solman of Solman & Hunter, P.A. for assistance in determining the Town's legal standing in regards to the property. Mr. Solman provided the following information:

“On August 1, 1994, Thomas J. Clukey and Richard S. Clukey executed and delivered a Promissory Note payable to the order of the Town of Fort Fairfield in the original amount of \$40,000.00 (herein the “Note”). The Note was secured by a Mortgage recorded in Book 2711, Page 253 of the Southern Aroostook Registry of Deeds (herein the “Mortgage”). The Note and obligations under the Mortgage were assumed by Robert E. Kilcollins by Assumption, Allonge and Modification Agreements dated September 22, 1997 and May 15, 1999.

The Note, as modified, was fully due and payable on June 1, 2007. The current amount due as of 01/18/2018 is \$31,359.14 as follows:

Principal: \$22,724.45

Interest: \$ 8,634.69

A 'Notice of Default and Right to Cure' was sent by certified mail to Robert E. Kilcollins, Gail Clukey and Cynthia Embelton on January 31, 2018. Ms. Embelton signed for her mail on February 2, and Ms. Clukey signed for her mail on February 5. Mr. Kilcollins' mail was returned to the Town on February 6 after two delivery attempts. Chief Newell delivered the mail to Mr. Kilcollins on February 12.

Mr. Kilcollins asked to address the Town Council on subject.

Scott Smith, Chair, asked Mr. Kilcollins to temporarily step down as Councilor in order to address Council and also informed Mr. Kilcollins that he cannot vote on any decision regarding this subject.

Mr. Kilcollins acknowledged Mr. Smith and stepped down to address Council.

Robert Kilcollins – Discussed some of the history as to how he came about acquiring the building on Main Street where his business was located prior to the recent fire that destroyed it.

Mr. Kilcollins stated that he purchased the business sometime in 1996 or 1997 from Ricky Peterson and at that time Tom Clukey was participating in that "buy-out" and gave up responsibility and he (Mr. Kilcollins) took it over. At that time Mr. Kilcollins was financed by Ricky Peterson and was making financial arrangement with him. "3- 4 months ago received a call to meet at Walter Sage's office regarding some updated information with the Clukey brothers." It was brought to Mr. Kilcollins' attention that during the flood of 93 there were some emergency funds set forth and Fort Fairfield participated in the program.

Mr. Kilcollins said he felt forced to take over the debt that Tom Clukey had incurred or be faced with other alternatives. At the time Mr. Kilcollins walked into Peterson's, he was already renting a building as a shop from Gary Giggey on Riverside Avenue, which was lost due to the flood. Mr. Kilcollins stated that at that time he was not financially able to have any "bargaining power" so he went along with it and said he didn't have any choice and resumed that debt that they had used from the Emergency Funds through the Town. The Town didn't make the loan; it was through the Emergency Services following the big flood. At that time, along with the purchase, through Ricky Peterson; the Job Corps of Engineers, came through and any existing property that was subject to the Dike, you had to give up or take a purchase price of a couple thousand dollars. A year or two later, storm drains had to be put in through the business' yard. Mr. Kilcollins said during the time the storm drains were put in, it affected his business for 2-3 months because it took up his whole yard by digging up his entire frontage and this cause him further financial hardship. Mr. Kilcollins went to Dan Foster, who was Town Manager at the time, and told him that he felt he was being "squeezed" too hard and Mr. Foster allowed him to set back for a short period of time and not pay on the loan from the Emergency Funds. Mr. Kilcollins said that he felt that was a helpful, that is was "better than nothing." At that time Mr. Kilcollins said he did make ground, paid off mortgages and worked on the principals and finally paying when he could on the Emergency Funds loans. Mr. Kilcollins said that

sometime around 2013-14 it was revamped with the Council approval that he could pay on principal only. Mike Bosse was then the new Town Manager and an audit was done and it was brought up. Mr. Kilcollins noted that Jason Barnes was a member of the Town Council at that time as well. Mr. Kilcollins said he then made a payment arrangement for principal only on the balance and continued to pay \$200 a month.

Mr. Kilcollins said that since the fire, the equity is gone and he has two questions:

1. Write a check and pay it off, which right now, he said would severely alter his plans.
2. I can give a mortgage on 10 Brown Street to cover the amount that's owed on that Emergency Fund loan until the new business is built. When the new building is built, the Town can retain their acquired interest in that.

Mr. Kilcollins clarified that he is basically asking the Town if they could use 10 Brown Street for the equity on that Emergency Fund loan and when the new building is up, they can take their equity into the new building. Construction is set to start on March 1st. I believe that the taxes have been paid in full and the loan note is up to date. 10 Brown Street is mortgage free and Mr. Kilcollins said that he had also just recently added the Town to the insurance policy on 10 Brown Street. Mr. Kilcollins said from a financial standpoint, he would prefer the option of putting up the 10 Brown Street property and continuing payments on the loan rather than write a check and paying it off. Construction is scheduled to begin March 1st and Mr. Kilcollins is expecting to be in the building sometime in June.

Mr. Barnes asked what the Town's lien position is on the Main Street property. Mr. Risner responded that the Town has the first mortgage on that property.

Mrs. Libby said that she thinks that equity in property is as good as a mortgage.

Mr. Butler stated that he has no problem using the 10 Brown Street property as equity. Mr. Butler said that he wants to help keep businesses in Town. The Town has always been out to try to help all the businesses out as much as they can and he said that he thinks that they need to work with Mr. Kilcollins too.

Mr. Smith asked if Mr. Kilcollins could take his own loan out on the 10 Brown Street property and pay this debt off to the Town. This debt was supposed to be paid off in 2007. Somebody got involved back in 2011 and told the Treasurer to stop calling you to collect the payments. "You went three and a half years without making any payments and that's a concern."

Mr. Kilcollins responded that with the financial issues that he has had, he could go back to the financial institute and regroup and probably make some changes, but it would be tight to do. Mr. Kilcollins said that he would be willing to pay on the loan in 2-3 months' time once the project is complete and if there is any money left over. There are no other commitments going on with 10 Brown Street and it would stay clear with first mortgage to

the Town. Mr. Kilcollins said he can make it work, but the easiest way to for him to continue with what he has set forth is to use 10 Brown Street as he explained earlier.

Mr. Barnes asked Mr. Kilcollins about the creditor he is using for the new project and if there has been any discussion about there being an existing lien holder on the Main Street property and wouldn't they want to have that all cleared up before financing. Mr. Kilcollins said that basically the way Mr. Risner has this set up is really time sensitive for him because March 1st is the date to start construction and this puts his "back to the wall" as far as doing what he needs to do and he said that he would like ask Council to continue the equity in 10 Brown Street and move forward on what we have already in front of us. Once the construction is done, he will look at what we have and make commitments on that, but he cannot do that right now. Mr. Kilcollins said that on clean-up alone it's cost an extra \$6,000- \$7,000 in expense that he didn't count on and he is just looking at what he can do and know that he can do it. The option of taking any over and above money is top priority to allow this to run through and pay that Emergency Fund off.

Mr. Barnes – Would your proposal be an exchange of collateral or would we retain a first mortgage on Main Street as well?

Mr. Kilcollins responded that it would really be at Councils discretion and it really wouldn't matter to him. "My intentions are to, after we are up and running and collecting income is to get this one written off and get it behind us, right now I can't guarantee "when" or "how much".

Mrs. Libby asked if the Note could be re-written so that it has an end date and a specific payment amount per month?

Mr. Risner responded that there are a couple of things that we will need to do depending on what Council decides to do.

1. A copy of the Deed to Brown Street.
2. A copy of the insurance on Brown Street
3. Contact the Town's Attorney to see how to make this happen per Council's direction.

Mrs. Leighton indicated to Mr. Risner that we do have a copy of the insurance on 10 Brown Street.

Mr. Risner said that when Council makes a decision, he will get ahold of the Town's Attorney and we will see how we can make that happen and he will be in contact with the Chair and keep him apprised as well. Mr. Risner stated that he will wait for Council direction.

Mr. Smith – We still have the main issue now that you have been served with a notice of default and a right to cure and that's the thirty-day notice with an expiration date of March 12, 2018 so that's the issue that is before Mr. Kilcollins tonight. Mr. Smith asked if Mr. Kilcollins

wished to proceed with that and change direction and stated that we have the authority to stop that if Council chooses.

Mr. Barnes said that he thinks it is going to be very difficult to make a fair decision tonight because as Mr. Risner mentioned, that we have to have an Attorney research to make sure there is clear title on the property Mr. Kilcollins is offering to put up. A title search would have to be done. I wouldn't want to stop action until we have more information.

Mr. Kilcollins responded to Mr. Barnes – What about the affirmed property at 328 Main Street, commercial land that Mr. Kilcollins thinks is worth a lot right now the way it is. It should be worth close to what the principal is on this so can we just leave 328 Main Street on the judgment as far as collateral? If they wanted to add more, it would more than cover the need. The appraised value on 328 Main Street's lot every day, moving forward is going to change.

Mr. Smith said that they would need to see that and also see the assessed value on 10 Brown Street property to see if there is enough to cover that.

Mr. Kilcollins asked again if the Town would continue on 328 Main Street with the just the land itself being close to the appraised value of what's owed on that revolving fund loan because of the time sensitivity on his part is March 1st.

Mr. Smith responded that Mr. Kilcollins has already offered to put up the property at 10 Brown Street as collateral.

Mr. Kilcollins said that he then recognized that the dates are corresponding.

Mr. Smith said that he understands that and he is sure that the Town will do the best they can and get this figured out and come up with a conclusion before March 12.

Mr. Risner stated the real issue is getting legal counsel as how to clear the mortgage of this property so the Town doesn't lose money.

Mrs. Libby asked Mr. Kilcollins if the Town was listed on the insurance policy before the fire.

Mr. Risner - I thought the Town was listed on the prior.

Mrs. Libby said that if the Town was listed on the policy, then the Town would have been paid for our portion of the loan before Mr. Kilcollins was paid for anything else.

Mr. Smith said that the deed stated that they were to maintain a \$60,000 policy.

Mr. Risner stated that he tried to obtain that information and that's why he contacted the Town's attorney to see what the legal standing was with the Town. Mr. Risner said that he tried every avenue to try to obtain any proof that the Town was on any insurance policy and had there been we probably wouldn't be here tonight.

Mr. Barnes recommends that they look to retain the mortgage on the Main Street property and attain the new first mortgage on the Brown Street property along with a note with the principal and interest payments to be prepared. It doesn't take too long to do a title search to check the status of those two properties. If those things could fall in place then we could stop this action. Mr. Barnes said he thinks that it is important to retain the Main Street property because it puts the pressure on Mr. Kilcollins.

Mr. Smith asked if there was any response from the representatives of the two Clukeys that were named in the notice.

Mr. Risner said that yes, they both responded. The attorney said that just because of the way the paperwork is, it was best to notify them because of the actual monetary responsibility of Mr. Kilcollins.

Mrs. Libby said her only concern is that if the Town has a mortgage on the Main Street property, as a former banker, she doesn't see any bank giving a large loan and take second place as a mortgage holder.

Mr. Barnes said that is why he recommended that it would be best if it is just cleaned up.

Mrs. Libby suggested that it get financed in with their loan.

Mr. Barnes said that that is up to Mr. Kilcollins to work out.

Mr. Risner recommends that the Town does not give up the first until we have the money.

Mr. Smith stated that this needs to be resolved because it's been eleven years since it's been past due.

Mr. Risner asked Council to allow him to speak to the Town Attorney and layout the intent of Town Council, which is to not lose the funds that are owed the Town and can we do the first mortgage on the Brown Street property and clear the mortgage on the Main Street property because what we are really looking for is to retain the money owed to the Town or how do we clear the mortgage on Main Street.

Mr. Barnes said that all we need to do is verify that we do in fact have the first mortgage on the Main Street property and that it is important to keep that first mortgage and take additional collateral on the Brown Street property.

Mr. Smith stated that we will proceed with that and also stick with the filing the notice of default until we get more information.

Mr. Kilcollins asked how a decision will be made based on the time sensitivity of the action.

Mr. Risner said that the Council Chair can always call a special meeting as the Charter allows that. As we are moving forward he will communicate with the Chair as they are moving forward with the Attorney as to what their options are and the appropriate time the Chair can make a decision, a special meeting can be called.

Mr. Kilcollins said that he met with the insurance company today and part of the insurance funds may land next week and that's an option. Can a decision be made upon anytime of that date that you reinstate a payoff?

Mr. Barnes said that they would accept full payment anytime.

Mr. Smith said that would take care it all and then you could do whatever you needed to do.

Mr. Risner said that that would be the cleanest way.

VIII. Minutes of the January 17, 2018 Regular Council Meeting

Mr. Butler made a motion to approve the minutes of the January 17, 2018 Regular Town Council Meeting.

Mr. Barnes seconded.

Discussion – None.

Vote – All Affirmative.

IX. Warrants: #16; \$333,103.34 #17; \$594,496.15

Mr. Barnes made a motion to approve Warrant # 16 for \$333,103.34 and Warrant #17 for \$594,496.15.

Mr. Butler seconded.

Discussion – None.

Vote – All Affirmative.

X. Other

XI. Manager's Report – Mr. Risner

Manger's Report is given to Councilors for informational purposes only.

XII. Executive Session

A. MRSA 405(6)(C)

Mr. Butler made a motion to enter into Executive Session.

Mr. Kilcollins seconded.

Vote – All Affirmative

Council entered into Executive Session at 7:02 pm.

Mr. Butler made a motion to come out of Executive Session.

Mr. Barnes seconded.

Council came out of Executive Session at 7:17 pm.

No action taken by Council.

XIII. Adjournment

Council adjourned at 7:17 pm.