

**Public Hearing**  
**Pursuant to Title M.R.S.A. Sections 2851-2859**  
**Dangerous Buildings**  
**6:00 PM**

Tony began by pointing out that this public hearing is on the agenda and has been posted and sent out to the usual contact people. Next he put into the record copies of his oath of office as CEO in which he has held this position since 8/5/1988 and certified in 1991, certificate #247 which expires in 2019. Also presented his oath of office as the Towns Building Inspector, being in this position since 8/5/1988.

The next Item for the record is a copy of the Title 17 M.R.S.A.  
2851 – 2859 Subchapter 4: Dangerous Buildings.

- 2851 – Dangerous Buildings
- 2852 – Appeal, hearing
- 2853 – Municipal officers may order nuisance abate
- 2854 – Repealed
- 2855 – Repealed
- 2856 – Securing dangerous structures
- 2857 – Recording of notice
- 2858 – Consent to removal
- 2859 – Summary process

The next item that is being brought up is the structure that is being reviewed as a dangerous building today. That building is located at 71 High Street, our records go back to when Harvey Pollack 1972 when they entered into an agreement and contract with B & A Railroad. It was conveyed to Hapco Farms in 2002 by a bill of sale. In 2006 to Tina Ireland with a sales agreement and later a bill of sale. 2010 it was conveyed to James Ireland by a divorce decree and in 2013 to Devon, Dennis and Samantha Doughty.

Also for the record is a fax sheet from the law office of Bemis and Rossignol LLC, which sent a copy of the bill of sale, which is also part of the record. Along with a signed Assets Purchase Agreement with amendments. The next item is a copy of the hearing notice, which is mandated, which told the time and date of this hearing. We never received a copy of the bill of sale, so the former owner was contacted and he gave permission for his attorney to send one to us. Did a search at the registry of deeds, sent three separate letters out, one to each owner.

Tony read a summary letter from Tim Roix of BRSA dated 9/2/2012, stated that it was obvious that the building was out of square and out of plumb. Time goes on and the ownership is about to change and we are being asked again to review the structure for any public nuisance or immediate threat to danger. We again asked Tim Roix of BRSA to take a look and his findings were that the building remains out of square and out of plumb it is our recommendation that repairs need to be made and additional bracing. Attached to these minutes are dates, times and notes of what has transpired. Tony went on to show pictures of the condition of the building, went on to read the summary from BRSA dated August 29, 2014, which states “It is our opinion that the condition of the building is worse than when we reviewed it in July 2014. The building

appears to be out of plumb and square more, additional roof panels are missing and wooden trim pieces are missing. BRSA opinion regarding the condition of the building had changed and we continue to concur with the Town's findings that the building should not be occupied."

Mike Jalbert, Fire Chief for the Town of Fort Fairfield, agreed with Tony's findings

Adam Swanson, of Swanson Law PA in Presque Isle, legal representative for Top Shelf Redemption LLC. We have new evidence to suggest that this building on this property is in fact not owned by Doughty's Top Shelf Redemption. The evidence that we have is the Asset Purchase Agreement between the company and Mr. James Ireland, that suggest they purchased a leasehold interest only in the property located at 71 High Street. There are no recordings at the registry of deeds suggesting that they own this. With a leasehold interest, right to enjoy an asset for a specific period of time. I spoke with attorney Bemis, he is not aware of any lease hold interest on record. He said that this agreement here was a right to use the building, not to own the building. As far as Doughty's Top Shelf Redemption is concerned is that the Town of Fort Fairfield owns this piece of property and the building. Doughty's Top Shelf Redemption purchased the right to use that building from James Ireland. So it is Doughty's Top Shelf Redemption position that if the Town of Fort Fairfield is going to demolish the building, it should not be at their expense, they do not own it, they are not responsible for its up keep unless there is a written lease hold agreement that states otherwise. We have not been provided that lease hold agreement, there is no evidence that there is one.

Tony – I don't believe this hearing is to discuss responsibility, owner or tenant at this time. We are here to decide if this is a dangerous building and if there needs to be further action at this time. I have here a permit and agreement with Doughty's Top Shelf Redemption LLC dated October 16, 2013 and signed by our Town Manager and notarized by Town Council Secretary. Specifically refers to the structures and the responsibilities of structure.

**Fort Fairfield Town Council Meeting Minutes**  
**Council Chambers**  
**Wednesday, August 20, 2014**  
**6:00 P.M.**

Councilors: David McCrea, Jason Barnes, Robert Kilcollins, Susan LeVasseur and John Herold  
Staff: Tony Levesque, Bill Campbell, Mike Jalbert, Dale Keegan and Ella Leighton  
Citizens: 50+ people including media

- I. Roll Call - Chair David McCrea asked that the record reflect all councilors are present.
- II. Prayer – Tony Levesque offered the prayer
- III. Pledge to the Flag - All in attendance pledged their allegiance to the Flag.
  
- III. Public Comment Period – Rene who runs the 21<sup>st</sup> Century Kids Program, ask the council to consider giving some of the surplus funds to the after school program. There are approximately 100 students that go through the program per year.

## V. Correspondence and Reports

## A. Licenses/Permits- None

B. Financial Report – Mike – With August under our belt we see some of our one time yearly expenses come into play. The audit expense as well as the yearly tax review expense make up most of our Professional Expenses. Also where our Office Equipment expense took a hit due to the upgrades we have made. If you recall we will need to replenish the account from last year's surplus. All of the other expenses are in line with what typically has happened in the past. We have received a direct wire transfer into our checkbook for \$148,259. This is the money we anticipated as the developer of the senior housing project, The Meadows. The audit is complete and hopefully by our meeting it will be up on the website. Schedule 1 shows a fiscal year budget surplus of \$157,754 due in a large part to the frugal nature of our department heads and a net surplus of income due to a slight increase in excise tax. The plan for the surplus is to utilize it to offset decreases in revenue sharing from the state, to help balance the FY 14/15 budget, to replenish reserve accounts, to pay for the computer upgrade and to mitigate the mil rate increase.

C. Tri-Community Landfill Report – Next meeting scheduled for September 19, 2014.

D. Department Report: Fire - Mike is working with area Fire Chiefs to start up a County wide Fire Fighter 1 & 2 class with the first class being in November. Fire prevention week is October 5<sup>th</sup> -11<sup>th</sup>, we will be having an open house on October 7<sup>th</sup>. We will be giving the kids hot dogs and handouts, showing them the fire trucks. September 20<sup>th</sup> two fire fighters will be going to Houlton to take a tank rollover training class, they will be coming back and training the others in the department.

E. Police Officer Hiring – Update – Bill – hired William Shroder, a sergeant from Lakeland Florida police department. He is going through some conditional hoops to be certified here in Maine. He is 47 years old, and has 27 years of experience. He has been working on the Phase 1 training online, it's 40 hour training on the State of Maine laws. He is excited about coming here, is interest in working with the schools, he will be a good fit and he should be starting mid-October.

F. Puddledock Facility - Update - We have a lease signed with Mama Bears Daycare, which is something that is needed here in Town, this should open in mid-October. We have gone out to bid to have the roof repaired.

G. Road Apples- After last month's meeting we had a discussion about the amount of manure on our roadways. Mike spoke with Jim Gardner, Town Manger of Easton, to see if he was experiencing complaints in there Office. Easton is experiencing exactly what Fort Fairfield is experiencing. We agreed that we would both visit with Dan Yoder, the Amish communities Bishop and Noah Yoder to open a dialogue. Noah Yoder indicated he would be leaving town with his wife for a few weeks but would talk with his brother about the issue. I indicated that we had received several complaints and we really only wanted to open up a dialogue with the Amish community. Upon Noah's return he agreed we could have a discussion. We talked briefly about some solutions that were practical and some that were not.

- H. Marketing & Economic Development Director Position – Update – Began the process of looking over 15 resume’s that we received and we have narrowed it down to 4-5 applications. The committee put together for this process is comprised of John Herold, Jason Barnes, Brent Churchill, Kim Jones, Carolyn Dorsey and Mike Bosse.

VI. Old Business –

- A. Approve Order #14-02 – A Finding and Order on a Dangerous Building – It is with much regret that we find ourselves in the position to force the issue but it is necessary, for the safety of the public, the building needs to be vacated and demolished.

Tony read the order for the public

Motion: Jason Barnes moved to approve Order #14-02 A Finding and Order on a Dangerous Building

Second: John Herold

Vote – All affirmative

- B. Consider Introduction of Ordinance 14-03 Wind Energy Facility Moratorium  
Ordinance #14-03 was introduced by John Herold, a public hearing will be Scheduled for October 8<sup>th</sup>, and then brought to the Council.

Tony read the Ordinance

For the ordinance to be enacted there is a process that should be followed. Today we will be introduction of the ordinance, tentative Public Hearing on October 8<sup>th</sup> and October 15<sup>th</sup> at regular council meeting the council has four choices, adopt as written, adopt ordinance as amended, reject ordinance or table pending further review. This will not be the time for testimony, the time for that will be at the Public Hearing.

- C. Approve Order FY 13/14 Audited Financial Statement

Motion: Jason Barnes moved to approve FY 13/14 Audited Financial

Second: John Herold

Vote – All affirmative

VII. New Business –

- A. Consider Amendment to Annual Budget – Utilization of Surplus Funds, surplus of \$157,754 would like to use \$67,000 to balance 14/15 FY budget, \$2,736 to office equipment account for computer upgrades, \$7,500 to police departments reserve account, \$5,518 to the fire departments reserve account, \$75,000 to revenue side of this year’s budget to mitigate the mil rate.

Motion: John Herold moved to approve the amendment to the Annual Budget as presented.

Second: Susan Levesseur

Vote – All affirmative

- B. Approve Delegate to MMA's Annual Meeting, each year the Town council elects one individual to represent the Town as a voting delegate and an alternate to the MMA Annual Meeting. This year Bill will be attending for sure and Mike Bosse. It is recommended that William Campbell is appointed as the delegate and Mike Bosse as alternate.

Motion: Susan Levasseur moved to approve William Campbell as delegate and Mike Bosse as alternate.

Second: Jason Barnes

Vote – All affirmative

- C. Approve Town Order #14-04 to Set the Mill Rate – The Council approved the budget in June for a July 1<sup>st</sup> implementation but the mil rate does not get set until the taxes are committed which is on October 1<sup>st</sup>. It is recommended to establish a mil rate of 23.75 for FY 14/15

Motion: John Herold moved to approve increasing the mil rate to 23.75 for FY 14/15

Second: Jason Barnes

Vote – All affirmative

- D. Approve Bid Awarding of Tax Anticipation Note – to aid the community with cash flow during the last quarter and the first quarter of the new year, we put out to bid the interest rate on a \$600,000 line of credit. Invitation to bid were sent to Katahdin Trust Company and Machias Savings Bank. The low bidder was Machias Savings.

Motion: John Herold moved to approve awarding the TAN to Machias Savings Bank.

Second: Susan Levasseur

Vote – All affirmative

- E. Authorize transfer of \$5000 from Road Account to Winter Sand Account – George has purchased the winter sand and it is placed in the Sand/Salt Shed. This year's price on winter sand went up so consequently that George ended up purchasing 200 yards less than last year. George would like to purchase an additional 300 yards at a total cost of \$5,000.00

Motion: Susan Levasseur moved to approve George purchasing an additional 300 yards of winter sand at a cost of \$5,000.00.

Second: John Herold

Vote – All affirmative

- F. Consider Landlords Waiver for SFE, LLC – We have been asked by NMDC to sign a waiver of rights to our new tenant's equipment. NMDC holds a mortgage on the equipment SFE, LCC owns and they want to make sure they have access to it in the event SFE goes out to business. This document does not state the NMDC will continue to pay the Town for storing the equipment and it seems quite open ended. I would like to have Rick Solman go over this document.

Motion: John Herold moved to approve authorizing Mike to sign waiver pending amendment providing extra provisions with approval from legal counsel.

Second: Robert Kilcollins

Vote – All affirmative

VIII. Minutes: Council Meeting August 20, 2014

Motion: Susan Levasseur moved to approve Minutes of August 20, 2014 as written.

Second: Jason Barnes

Vote – All affirmative

IX. Warrants: #4 - \$75,692.86 and #5 - \$332,046.01

Motion: John Herold moved to accept warrant #4 & #5 as presented.

Second: Susan Levasseur

Vote – All affirmative

X. Other – None

XI. Executive Session – 7:13 PM

Motion: John Herold moved to go into Executive Session to discuss

1 MRSA 405(6) (A) Personnel

1 MRSA 405 (6) (C) – Economic Development

Second: Susan Levasseur

Vote – All affirmative

Came out of executive session at 8:09 PM No action taken

XII. Adjournment

Respectfully submitted,

Council Secretary  
Rebecca J. Hersey