

Fort Fairfield Special Town Council Meeting Minutes
Council Chambers
Wednesday, June 7, 2023
6:00 P.M.

I. Roll Call

Council: Keith E. Thibeau II, Robert Kilcollins, Patricia Canavan, Kevin Pelletier. Excused absence: James Ouellette.

Staff: Dan Foster, Neadra Dubois, Tony Levesque, Darren Hanson, Doug Sharpe, Ella Leighton, Chief Cummings, Chief Jalbert, Lynn Cote.

Citizens: 9 citizens present.

Media: Fort Fairfield Journal, Star Herald

II. Prayer

Mr. Levesque provided the prayer.

III. Pledge to the Flag

All attendees pledged their allegiance to the flag.

IV. Public Comment

Kevin Bouchard addresses the Council to share some concerns he has about this Special Town Council Meeting. Other than the unknown subject matter for the Executive Session, on the Agenda, he struggles to understand what is so important that it requires a Special meeting of the Council. Mr. Bouchard now starts talking about the budget. Mr. Bouchard states that the budget is the budget, and it has been created with, what appears to be, zero input from the Council. Mr. Bouchard states that he has not seen any budget or spending level involving the Councilors at meetings this year. Mr. Bouchard states that passing the budget tonight versus passing it on June 21, is really the exact same thing, with one notable exception – the public perception and the question of why the Council decided to address the issue at a meeting that appears to be designed to exclude the public from the deliberations. Mr. Bouchard states that the citizens and taxpayers have been consistently ignored in the past. Another issue that Mr. Bouchard brings up is the issue of the Municipal property tax levy limit. Mr. Bouchard states that this Town's administration, as well as the previous administration, has been totally refusing to address this issue, in spite of repeated requests that they at least do the calculations so the people can know where the Town is, relative to this law. Mr. Bouchard is concerned that the vote being asked of the Council, will be an attempt to remove critical protections that are in place for the taxpayers to protect them from tax levy increases. Mr. Bouchard states that the Council is being asked to vote on something that should have been done last year, by the previous Council, as well as, likely, other years that the calculations have not been

prepared. Mr. Bouchard tells the Council to not take his statements blindly and get consultation from an attorney or an accountant with thorough understanding of municipal budgets and laws of municipal budgets before proceeding to vote on the issue. Mr. Bouchard goes over a spreadsheet that was in an email from Mr. Foster and talks about the tax levy limits listed on the spreadsheet. Mr. Bouchard states that what the Council is being asked to vote on states that the Council voted to increase the tax levy limit permanently for current and future years, to the best of his knowledge, no such vote was ever taken. Mr. Bouchard speaks about section 5 of the Tax Levy Limit Law, which delineates the acceptable limits for exceeding tax levy limits, and doesn't think the Town will qualify. Mr. Bouchard states that last year's budget, and likely other ones passed prior to this one, was likely illegal. Mr. Bouchard asks if the Council is being asked to make to ratify an illegal action taken by last year's Council. Mr. Bouchard also asks if any action taken on the tax levy issue should require consultation with knowledgeable experts before voting on it.

V. Old Business

A. Approve 23/24 Budget

Mr. Foster speaks about being contacted by Maine Revenue Service, due to a complaint that was filed by a citizen, that the Town didn't follow State Statute LD-1. Mr. Foster explains that what happened was something that happened in the past and there is nothing that can be done about it except move forward and he felt that there needed to be a Special meeting to talk about this issue. Mr. Foster states that in having discussions with the Council, it was collectively decided to vote on the budget at the same time and move forward. The Budget Advisory Committee has met three times and provided Council with a presentation at the May Council meeting and unanimously voted to recommend the budget as presented. This budget has been in the public eye since March, on two Facebook pages, the Town's website and there were two public comment periods held. With the exception of Mr. Bouchard, there were no negative comments made about the budget as presented. Everyone has been supportive of the process that is being used, the direction the Town is going and of this budget that has been presented. Mr. Foster talks about his time as Interim Town Manager and the job that he has done to rectify the Town's financial issues and gives examples. Mr. Foster's goal was to reduce this year's budget by \$400,000.00 and reduce the new budget by \$1 million. What was actually done was a reduction of \$850,000.00 in this year's budget, which has allowed the pay-off of \$775,000 of the short-term debt, which leaves \$500,000.00 of debt to pay-off in this proposed budget. Mr. Foster states that because of the work that the employees have done on this year's budget, next year's budget (the one Council is being asked to vote on) will be able to be reduced by 2 Mils. That is something Mr. Foster didn't think was possible. Mr. Foster states that this is a win and people should feel good about it, and feel good about being able to move forward in a positive way and having a functioning government, unlike some other communities that are dealing with similar situations. Mr. Foster respectfully requests that Council approve this budget as presented.

Motion: Councilor Kilcollins motions to approve the 23/24 budget.

Second: Councilor Canavan seconded.

Discussion: Councilor Kilcollins wants to take a minute to look at business directly related to how much work has been put into creating this budget. Lots of hours went into this budget and lots of people devoted on this issue, including the Budget Advisory Committee, Department Heads and employees. Of all the years that Councilor Kilcollins has served on the Council, he has never seen so much time and effort go into a budget as he's seen this year. It's a good feeling to see everyone come together to pull this together. He is very happy with this budget.

Councilor Canavan states that she is new on the Council, however, she has observed, watched, participated in the Budget Advisory Committee last year, and observed a lot of the process last year. Councilor Canavan states that she is incredibly proud of the work that this Town has done. Councilor Canavan is not on the Council for her own good, she is on the Council to make sure that the best things happen for this Town. Approving the budget as it stands will not only put the Town in good standing, it will also going to move the Town forward. This Town is struggling right now, and the Town doesn't need to stay struggling, it's time to move forward and look for a Vision for Fort Fairfield to get the Town back to where it should be, it will never go back to the "good ole days", but the Town can become more stable. Councilor Canavan states that people need to be proud of the Town and proud of the work that's been done. Councilor Canavan explains that the Council doesn't vote on things blindly, There is a lot that goes on with Council asking questions and talking to Department Heads and the Town Manager that people don't see. Council votes on things with careful consideration and the best interest of the Town.

Councilor Pelletier expresses his appreciation for all the hard work that's been done by the Department Heads and the Town Manager and he wants to see this Town move forward and grow. Lots of big changes have happened in this Town, and not for the best, he wants to see more changes in the Town but would like to see them for the better. Councilor Pelletier states that this is a big Town and it takes a lot of money to keep it running and he is not sure that people understand that and it's not easy. It takes talent to make that happen.

Chairperson Thibeau thanks Mr. Foster for more than exceeding expectations of him when he landed and he thanks all the Department Heads for working diligently alongside the Town Manager and the Councilors.

Vote: All (4 Councilors present) Affirmative

VI. New Business

A. Approve to Increase the 2022 Municipal Property Tax Levy Limit

Mr. Foster discusses how the Municipal Property Tax Levy Limit of 2022 needs to be voted on retroactively per the Maine Revenue Services, due to it not being voted on it last year. Mr. Foster states that there is nothing that can be done about something that was done in the past, it cannot be fixed, but what needs to happen is for the Town to be in compliance with the State Statute, because if the Town gets someone like Mr. Bouchard complaining to Maine Revenue Service, they are going to look at the Town to do something about it. Mr. Foster states that the only thing that the Town can do is retroactively approve to increase the limit based upon the mistakes that were made in the past. That does not mean that more money will be spent in the future because this was done. There were all kinds of rules in place that were not followed in the past and this was just another rule that was just simply not followed. Mr. Foster talks about the Tax Levy Limit and explains what the numbers on the form mean. Mr. Foster also talks about the mistakes with last year's budget and states that the Town needs to move on from what happened in the past.

Motion: Councilor Kilcollins makes the motion to approve to increase the 2022 Municipal Property Tax Levey Limit.

Second: Councilor Pelletier seconded.

Discussion: Councilor Pelletier states that he is confused and asks Mr. Foster about a part of the form that states it is a permanent increase for permanent for the current and future years.

Mr. Foster explains that the vote being taken is to increase the limit permanently.

Mr. Levesque explains that by increasing the limit permanently is only for one year at a time. Mr. Levesque states that Mr. Foster prepared this document because the State Assessor's Office said that if he provided a signed vote, with a record of the vote being taken, then they would recognize it as conduct of a legislative body and it cannot be reversed.

Councilor Canavan asks if they vote on it, they are increasing it for last year.

Mr. Foster wants Council to recognize that how the Town got into this place was by things being done that were against the Town Charter. This form should have been done because of the extent of the increase.

Councilor Pelletier asks if it was against State Law.

Mr. Foster replies by saying, no, towns can spend as much money as they want to but the State Law says that they have to let people know. The intent of the form is to protect the community from having a runaway governing body. The State just wants the Town to take the vote so it's on the record and acknowledged that it happened.

Vote: All (4 Councilors present) Affirmative

VII. Other
Nothing to report.

VIII. Executive Session
1M.R.S.A §405(6)(A) Personnel Matter

Motion IN: Councilor Kilcollins motioned to go into Executive Session.

Second: Councilor Pelletier seconded.

Vote: All (4 Councilors present) Affirmative

Time: 6:33 PM

Motion OUT: Councilor Pelletier motioned to get out of Executive Session.

Second: Councilor Kilcollins seconded.

Vote: All (4 Councilors present) Affirmative

Time: 6:55 PM

Action Taken: None.

IX. Adjournment

Motion to Adjourn: Councilor Kilcollins made the motion to Adjourn.

Second: Councilor Canavan seconded.

Vote: All (4 Councilors present) Affirmative

Time: 6:56 PM

Respectfully submitted,

Neadra E. Dubois, Council Secretary