

Fort Fairfield Town Council Monthly Meeting
Council Chambers
Wednesday, October 18, 2017
6:00 P.M.

Councilors: Jason Barnes, Mitchell Butler, John Herold, Melissa Libby, Scott Smith.

Staff: James Risner, Jennifer Gaenzle, Darren Hanson, Ella Leighton, Tony Levesque, Shawn Newell, Billie Jo Sharpe, Tom Towle.

Citizens: Six including Media.

- I. Roll Call – Chair Jason Barnes asked that the record reflect that all councilors were present
- II. Prayer – Tony Levesque offered the prayer.
- III. Pledge to the Flag – All in attendance pledged their allegiance to the American Flag.
- IV. Public Comment Period

Mr. Robert Novak introduced himself to the Council and thanked them for their service to the community.

Mr. Novak addressed to the Council, concerns he and others have regarding the merger between Tri Community Landfill and Presque Isle’s landfill system. Mr. Novak expressed his concerns over specific details of the merger not being disclosed to the public. Despite the fact that TCL is currently owned by Caribou, Limestone and Fort Fairfield, negotiations between TCL and Presque Isle are being kept confidential. Mr. Novak asked how this agreement is going to benefit this Community and is it going to make things better. Mr. Novak had additional concerns about the merger making fiscal sense to all the communities and to make sure that it doesn’t cost Fort Fairfield residents more money, “Will it lower Fort Fairfield resident’s monthly bill?” Mr. Novak continued to explain his concerns about the capacity of each of the landfills and mentioned potential financial liabilities with environmental issues down the road.

- V. Correspondence and Reports

- A. County Government Presentation – Mr. Pelletier, County Administrator

Mr. Ryan D. Pelletier, County Administrator gave a detailed presentation about County Government and what services are contained in County Government outlining which positions are appointed and which are elected.

- B. Licenses and Permits – Mr. Risner

As of October 18, 2017 we have received one application for a one-day catering permit for the Lions Club during the annual Rotary Club super draw on October 21, 2017.

C. Financial Report – Mr. Risner

The Town's Real Estate and Personal Property tax collections as of September 30 are \$26,291.18 compared to \$54,058.21 for September 30, 2016.

Excise tax collections as of September 30 are \$214,488.79. This is 38.30% of the budgeted amount, which is ahead of the 25% expected as of September 30.

State revenue sharing as of September 30 is \$58,236.86. This is 23.81% of the budgeted amount, which is slightly behind the 25% that is expected as of September 30.

Our expenses as of September 30 are slightly below the budgeted amount, at 23.65% compared to the 25% expected as of September 30.

All personal property taxes for 2016 have been paid.

Cash flow is fair, with a balance of \$6,762.76 in checking and \$500,000 in savings after completion of Warrant #8.

D. Tri-Community Landfill Report – Mr. Rogeski

Mr. Rogeski stated the last meeting was September 22, 2017. Mr. Draper informed the board that they are ahead estimated revenues and at about par with estimated expenses. One of the reasons they are ahead of estimated revenue, is that they are continuing to receive some contaminated soil from local gas stations that are changing out their tanks. The additional revenue is going into their capital reserve account. The landfill had their annual DEP inspection with no sightings at all. They are currently reviewing bids for a new pick-up which is in the normal rotation of capital expenses. The Board also discussed and voted to change the hours of operation at the Landfill beginning at the first of the year to prevent the payment of overtime. The decision to close the landfill 15-20 minutes earlier so that patrons have time to get out of the landfill and allow it to be closed on time and get employees out on time as well.

Mr. Butler asked Mr. Rogeski if there will be any information put out to the public regarding the comments made by Mr. Novak during the public comment period of the meeting.

Mr. Rogeski said that yes there will but right now they are under legal requirements that during negotiations the information is not public. The Board voted that once the information is ready to go out to the public, that the information will go out by Mark Draper so that all the information is going out by one person to ensure it is right. Mr. Rogeski addressed one comment made by Mr. Novak during the public comment period. When it comes time to make the decision regarding the merger, it is absolutely

your decision. The Fort Fairfield Town Council votes on how things are done at TCL and all the information will be given to Council and by then the information will be public. It is not a done deal and they are all working hard to ensure that things go right. As a board member, Mr. Rogeski stated that they will see that the merger does not hurt Fort Fairfield as a group.

Mr. Butler asked about one of Mr. Novak's concerns where our local contractors were going to have to travel to the Presque Isle to get rid of their trash. Mr. Rogeski stated that he didn't even know if that was going to happen, nor did he want Presque Isle trash to come to TCL. These are some of the things they are working on. We don't have an official partnership or agreement yet. We may still decide that it is not a feasible thing to do. We haven't made that decision yet. This is why it is done the way it is. Mr. Draper will address the issues at future public meetings.

E. FairPoint Application for Pole Location – Mr. Risner

On September 29, Mr. Risner received an application from FairPoint to move one pole from the east side of Morse Road to the west side of Morse Road at 105 Morse Road, and install a new pole to the south of the pole that was moved.

Mr. Darren Hanson, Road Commissioner, and Mr. Risner inspected the current and proposed new pole locations. Moving the pole from the east to west side of Morse Road and adding a new pole will not create any problem for the Town.

Mr. Risner approved the application based on his discussion with Mr. Hanson and their visual inspection of the site.

VI. Old Business

A. General Assistance Ordinance 17-09

Mr. Butler introduced Ordinance 17-09 for General Assistance at the September 20, 2017 regular Town Council meeting. A public hearing was held on October 5, 2017, at 1:00 P.M. in the Council Chambers at the Fort Fairfield Municipal Building.

The law requires municipal officers adopt the ordinance after notice and hearing.

Recommendation: Town Council adopt Ordinance 17-09, an ordinance for General Assistance.

Mr. Butler made a motion to adopt Ordinance 17-09, an ordinance for General Assistance. Mr. Herold seconded.

Discussion: None

Vote – All Affirmative

VII. New Business

A. Farm Park Pavilion – Mr. Risner/Mr. Hanson

The structural beams of the pavilion have shifted to such an extent that there is a concern about the structural integrity of the pavilion.

Mr. Hanson discussed the concerns with an engineering firm that the Town has done business with in the past. An engineer from the firm informed Mr. Hanson that evaluating and recommending solutions to an existing structure is typically more involved than designing a structure from scratch. With an existing structure, data will need to be collected in order to prepare an existing conditions plan, a structural analysis will need to be completed, and a report with recommended improvements will need to be written.

Mr. Hanson contacted three engineering firms; B.R. Smith, CES Inc., and Sewall; and all three are preparing quotes for the work. The deadline for submission of the quotes is noon on October 17.

The Town received two bids, one from B.R. Smith for \$1300 and James W. Sewall Company from Caribou for \$2,500.

The recommendation is that Town Council allow Mr. Risner to award the contract for the structural analysis and improvements to the Farm Park Pavilion to B.R. Smith Associates, Inc. in the amount of \$1300 using funds from the undesignated fund account.

Mr. Butler made a motion to allow Mr. Risner to award the contract for the structural analysis and improvements to the Farm Park Pavilion to B.R. Smith Associates, Inc. in the amount of \$1300 using funds from the undesignated fund account.

Mr. Herold seconded.

Discussion: None

Vote – All Affirmative

B. Designation as Acting Town Manager – Mr. Risner

In accordance with § C-20 of the Town Charter, Mr. Risner is designating; subject to Town Council approval; Mr. Darren Hanson as the Acting Town Manager from October 19, 2017 through October 29, 2017.

Recommendation: Town Council approves the designation of Mr. Darren Hanson as the Acting Town Manager from October 19, 2017 through October 29, 2017.

Mr. Herold made a motion to approve the designation of Mr. Darren Hanson as the Acting Town Manager from October 19, 2017 through October 29, 2017. Mr. Butler seconded.

Discussion: None

Vote - All Affirmative

C. Fort Fairfield Snowmobile Club Trail Grant – Mr. Risner

The Town has provided a conduit for snowmobile trail maintenance funds from the State to the Fort Fairfield Snowmobile Club since 1999.

Discussion: There is very little staff time required to assist the Fort Fairfield Snowmobile Club in their grant application. The Club prepares and manages all the paperwork. The State distributes the grant funds to the municipality and the municipality appropriates the grant funds to the Club in accordance with M.R.S.A. Title 12, Chapter 220, Subchapter 8, and Section 1893.3.

Recommendation: Town Council authorizes the Town Manager to sign the application for Financial Assistance.

Mr. Herold made a motion to authorize the Town Manager to sign the application for Financial Assistance. Mr. Butler seconded.

Discussion: None

Vote - All Affirmative

D. Led Streetlights – Mr. Risner

Background: The majority of the 14 towns met recently to look at next steps for the LED conversion process. The group discussed estimated costs to do the project and different financing projects.

Discussion: According to Emera, we currently have 191 street lights in the Town. RealTerm's estimate to convert a light will range \$350 to \$400 per light, so the project will range between \$66,850 and \$76,400. I recommend a lease to own type of funding with a term of 10 years rather than an outright purchase, the rates are competitive.

Savings will range between 40% to 60%, largely depending on the type of lights we select and the wattage of the lights. The Town spent \$30,571.14 on street lights in Fiscal Year 2016/2017, so there is a potential to reduce costs by \$12,228.46 to \$18,342.69. Conservative payback time is 6.25 years*. Average payback time is 4.69 years**.

There are two options for the contract in terms of how we can pay for their services; a closed book which is a flat fee per light or open book that uses actual costs with a markup:

1. Closed Book: The Town shall pay for the services and equipment furnished by the Consultant in accordance with the terms of the Consultant's Cost Proposal to the Town dated _____, 2017 (the Proposal), the price being subject to adjustment based upon the (1) actual fixture count as determined during the Investment Grade Audit (IGA) (2) refusing and rewiring requirements and (3) any other services which are outside the scope of the Proposal. The Consultant shall submit an invoice on or about the first of

each month reflecting services performed to date, which invoices will be due and payable within 30 days of receipt.

2. Open Book: The Town understands that the payment for completion of the services shall be based upon a cost plus basis whereby the consultant agrees to charge a \$_____ per street light fixture fee for data collection services, the IGA, project management and post installation services, plus a mark-up on fixture procurement and installation costs resulting in a 20% gross margin to the Consultant on these items. The \$_____ per fixture fee does not apply to other outdoor lights for which additional pricing may apply. The Consultant agrees to perform the services on that basis. The Consultant shall submit an invoice on or about the first of each month reflecting services performed to date, which invoices will be due and payable within 30 days of receipt.

Mr. Risner recommends using the open book rather than the closed book, due to the high level of transparency. The closed book does lock in a rate but is at a higher rate per light due to the risk Real Term is assuming. With option 2, we will see their actual costs and get an agreed upon 20% mark up for services.

Most municipalities chose the open book method. Presque Isle's Town Council recently voted to go with the Open Book.

It is important to note that the Town can decide not to move forward after RealTerm completes the Investment Grade Audit (IGA). This audit will tell us how many lights we really need, how they should be positioned. Mr. Risner explained that that's really the key to this contract. It's making sure we have the right number of street lights in the right place, that we are lighting the streets and not people's yards and that we are providing the safety that we are required to for the streets and not keeping people awake at night because of the location and positioning of the lights.

The cost at this point is \$30 to \$40 per light, so the cost to complete the IGA is \$5,730 to \$7,640. There are funds in the Street Light Reserve account (G 1-3163-00) to pay for the IGA.

Recommendation: That Town Council authorize the Town Manager to sign the contract with RealTerm; using funds in the Street Light Reserve account (G 1-3163-00) to pay for the IGA; with the requirement that at the completion of the IGA, the Town Council makes a decision on whether to complete the project or terminate the project.

* Project cost of \$76,400 and savings of \$12,228. $76,400/12,228 = 6.25$

** Average project cost of \$71,625 and average savings of \$15,285.58.

$71,625/15,285.58 = 4.69$.

Mr. Barnes asked in the analysis for leasing versus an outright purchase, is the IGA contract that we sign designate that, or does that come later if we decide to move ahead. Mr. Risner responded that one of the points of the IGA, do we want to move forward and in what mechanisms do we want to go with and does it make sense based on the information they gather. The first count received from Emera was 147 lights and the

second count was 191. The IGA will give us an accurate count of how many lights we need and then we can determine how much is that going to cost and then we can determine how we want to pay for that and those particulars. We would do that at the completion of the IGA before we move forward.

Mr. Barnes stated in his business experience, he has found that when you lease, it tends to be a little more costly than conventional financing so I think we need to look at that carefully.

Mr. Herold asked that during the IGA, it was mentioned that how many and where as part of the process and asked if the residents of Fort Fairfield will have any input into that process.

Mr. Risner responded that “yes” one of the things that RealTerm will do if we request, which we will, is get the citizens input especially if we are looking to move street lights from one location to another.

Mr. Herold mentioned that there are some areas that are chronically dark that could use a light and there are some lights that shine into people’s bedrooms.

Mr. Risner stated that this is really the easy part for RealTerm to determine; location, positioning and getting the communities input with this along with a town government perspective.

Mr. Butler made a motion to authorize the Town Manager to sign the contract with RealTerm; using funds in the Street Light Reserve account (G 1-3163-00) to pay for the IGA; with the requirement that at the completion of the IGA, the Town Council makes a decision on whether to complete the project or terminate the project.

Mr. Herold seconded.

Vote – All Affirmative

E. Release of Lien – Mr. Levesque

The Estate of Marilyn A. Churchill is being sold and title work has discovered a Writ of Execution from a judgment on a debt owed by David E. Churchill still in place against the property. The original judgment was in 1998 and the Writ of Execution was executed in January 2000.

Tony has reviewed all the Town Council Minutes for 1998, 1999 and 2000 and did not find any action on record by the Town Council on this matter.

Tony contacted Richard Langley, the Town’s former Attorney to see if he had any information on this issue. Mr. Langley suggested that David may have deeded the property to his sister Marilyn in May of 2000 and retained a Life Estate so that he would have a place to live without the Courts taking away his home for other back debt.

Tony's assumption is that the Town's debt was created with a Home Rehabilitation Loan before 1998 with only a Promissory Note for documentation and the Town's attempt to recover the debt was through the Courts.

The files for that loan would have been destroyed after the loan was written off.
Discussion: Marilyn Churchill died in 2003. David Churchill died in 2014. The Town did not attempt to collect the debt after the Writ of Execution was filed in 2000 even though the documentation included a three year payment deadline.

“Since Tony cannot find any record of the loan as being paid or not paid, it is my opinion that the debt was written off many years ago.”

Recommendation: To authorize the Town Manager to sign the Release of Lien.

Mr. Butler made a motion to authorize the Town Manager to sign the Release of Lien.
Mr. Herold seconded

Discussion: None

Vote – All Affirmative

F. *Quit Claim Deed – Ella Leighton

Quit Claim Deed prepared by Norstar Title Company on behalf of Samuel D. Miller and Carolina S. Miller for property they are purchasing, which is identified as Tax Map 5, Lot 31 and Tax Map 8, Lot 40.

The liens filed on 7/1/1938, 7/28/1941, 9/27/1983, 9/28/1984, 9/25/1985, and 9/29/1986 have never been discharged; therefore the Millers are requesting a Quit Claim Deed be signed by the Town Council.

There is currently a lien on the property for 2016 taxes. This lien will be paid off at the time of closing on 10/20/2017.

Recommendation: That the Councilors sign the attached Quit Claim Deed and allow the Treasurer to hold the Quit Claim Deed until the 2016 lien has been paid in full.

Mr. Smith made a motion for the Councilors sign the attached Quit Claim Deed and allow the Treasurer to hold the Quit Claim Deed until the 2016 lien has been paid in full.

Mr. Butler Seconded.

Discussion: None

Vote – All Affirmative

VIII. General Election

- A. Designation of Opening and Closing of Polls
 - Open at 8:00 a.m. and Close at 8:00 p.m.
- B. Designation of Central Counting Location

- Town of Fort Fairfield Community Center
- C. Designation of Voting Poll Location
 - Town of Fort Fairfield Community Center
- D. Ratification of Election Warden
 - Billie Jo Sharpe, Warden
- E. Ratification of Election Warrants
- F. Ratification of Election Clerks and Counters

Recommendation: That Town Council approves A-F as presented

Mr. Herold made a motion to approve A-F as presented.

Mr. Butler seconded.

Discussion: None

Vote – All Affirmative

IX. Minutes of the September 20, 2017 Regular Council Meeting

Mr. Butler made a motion to approve the minutes of the September 20, 2017 regular Town Council Meeting.

Mr. Smith seconded.

Discussion: None

Vote – All Affirmative

X. Warrants: #7; \$324,985.05 #8; \$234,901.12

Mr. Herold made a motion to approve Warrants # 7 and #8 as presented

Mr. Butler seconded.

Discussion: None

Vote – All Affirmative

XI. Other - None

XII. Manager's Report – was provided to Councilors for informational purposes only.

XIII. Executive Session - None

XIV. Adjournment

Mr. Butler made motion to adjourn.

Mr. Smith seconded.

Vote – All Affirmative

Meeting adjourned at 6:54 pm.

Respectfully submitted,

Billie Jo Sharpe
Council Secretary