

Fort Fairfield Town Council Monthly Meeting
Council Chambers
Wednesday, June 20, 2018
6:00 P.M.

I. Roll Call

Councilors: All Councilors are present.

Staff: Jim Risner, Billie Jo Sharpe, Ella Leighton, Darren Hanson, Tony Levesque, Shawn Newell, Dianna Leighton, Jennifer Gaenzle.

Citizens: 2 including Media

II. Prayer

Mr. Levesque offered the prayer.

III. Pledge to the Flag

All in attendance pledged their allegiance to the American Flag...

IV. Public Comment Period

Mr. Butler wished to congratulate the Fort Fairfield baseball team on being the Northern Maine Champions and State Runners-up in Class D. The Baseball team also received the Class D Sportsmanship award and that reflects very well on the Community.

V. Correspondence and Reports

A. Licenses and Permits – Ms. Sharpe

As of June 20, 2018 we have received one application from Canterbury Royale for a renewal of their Malt, Vinous and Spirituous privileges and a Beano/Bingo Registration application for the Knights of Columbus #1753 to operate games of Beano/Bingo during the months of July and August.

B. Financial Report

The Town's Real Estate and Personal Property tax collections as of May 31 are \$3,248,614.48.

Excise tax collections as of May 31 are \$579,636.96. This is 103.51% of the budgeted amount.

Excise tax was checked again yesterday and it has grown even more, so we are doing well there.

We received State Revenue Sharing on May 21 in the amount of \$28,176.58. The total so far this year is \$212,696.62. This puts the Town below budget, as we have collected 86.97% of the amount budgeted, compared to the 91.67% expected. The Treasurer contacted the State for information on the amount to expect in June, and was told that the State will not know that amount until the date the disbursement to the Town is made. The Town normally receives its disbursement on or about the 21st of each month. We should know by the end of the week what we will be getting. Right now we are \$31,853 short.

Overall, our expenses are 8.01% below projections after Warrant 26; 87.82% compared to 95.38%.

Cash flow is excellent, with a balance of \$153,960.83 in checking and \$1,155,000 in savings after completion of Warrant #26.

C. Tri-Community Recycling and Sanitary Landfill Report

Mr. Risner gave an update of the attached minutes to Council as Mr. Rogeski was unable to attend tonight's meeting.

D. 71st Annual Maine Potato Blossom Festival

Mrs. Hegemann provided an update to the 71st Maine Potato Blossom Festival and invited Council and staff to stop by the new Headquarters on Main Street and check out the merchandise, free coffee and water. Things are progressing well with the Festival with new entertainment, sponsors, and souvenirs this year.

E. NASA @ My Library – Ms. Gaenzle

The Library has received a Certificate of Appreciation in Recognition of Outstanding Dedication and Commitment from NASA @ My Library. The Certificate has been framed and will hang in the Library.

Last year our library made a commitment to bring more STEAM (Science, Technology, Engineering, Art and Math) programs to the community. To achieve this commitment we applied for and received the NASA @ My Library grant. This grant provided substantial equipment and resources to support Phase 1 of the grant, allowing the library to provide a total of twelve programs. We have agreed to continue with the optional NASA @ My Library Phase 2 which will allow us to continue programming through December 2020.

Ms. Gaenzle and Mrs. Leighton were present and showed Council the framed Certificate.

Mr. Risner said that this grant is largely due to the hard work by Ms. Gaenzle and Mrs. Leighton.

F. Fort Fairfield Snowmobile Club Trail Grant

Background: At its October 18, 2017 meeting, the Town Council authorized the Town Manager to sign the application for financial assistance under the provisions of the Bureau of Parks and Lands, Municipal/County Grant-in-Aid Program for Snowmobile Trail Fund (M.R.S.A. Title 12, Chapter 220, Subchapter 8, Section 1893.3) for the maintenance of the Town of Fort Fairfield's snowmobile trail system. The State distributes the grant funds to the municipality and the municipality appropriates the grant funds to the Club.

Discussion: The Town received \$20,020 from the State of Maine for the Snowmobile Grant on May 31, 2018. A check in the amount of \$20,020; made payable to the Fort Fairfield Snowmobile Club; was included in Warrant #25.

Recommendation: No action required. For information only.

G. Update of Legal Action on Land Use Complaint – Mr. Levesque

Background: The Town continues to receive complaints about 107 Riverside Avenue. On May 10, 2018 and May 31, 2018 I conducted drive-by inspections of the property with Police Chief Shawn Newell and took pictures to verify that the violations have not been remedied.

Discussion: A Writ of Execution has been filed with the Courts and the Registry of Deeds as well as a Lien on the property to collect the amount contained in the Execution totaling \$18,051.97.

Richard Currier, the Town's Legal Counsel in the case, is going to file a Motion for Contempt with the Courts since the violations have not been cleaned up by the June 1st deadline established by the Courts.

Recommendation: Continue to monitor the condition of the property and continue to participate in the litigation since the violations were not remedied by June 1, 2018.

H. State Auction Purchases

Mr. Darren Hanson, Public Works Director, attended the State's auction in Augusta on May 31 and purchased the following items.

- A 2010 GMC extended cab pickup with 126,041 miles for the Parks and Recreation Department for \$5,900. The private party book value sale average is \$10,500.
- A Toro 62" zero turn mower with 1,322 hours for \$3,000. A comparable mower on the market is \$5,000. The Exmark 60" zero turn mower that was purchased used from a local dealer in 2010 with about the same amount of hours was \$8,000.
- A Bulldog 500 walk behind vibratory roller for \$100. A similar roller new retails for around \$700.

VI. Old Business

A. Approve FY 18/19 Budget

Background: Public hearings were held on April 25 and May 9. There were no public comments at either public hearing.

Discussion: The budget presented at the April 25 public hearing had a projected deficit of \$64,811. The budget presented at the May 9 public hearing had a projected excess of \$124,766. The projected excess is the result of the Town's expense accounts being 5.72% below budget as of the end of May, and the MSAD #20 funding requirement being 6.2% below the FY 17/18 requirement.

The current estimated FY 17/18 excess after Warrant #26 and with Revenue data as of June 15 is \$206,288 and the projected excess is \$174,203 for FY 18/19. Understand that those numbers will still change as we have a week and a half left in this fiscal year and we still have the Audit. Mr. Risner does not see a huge change and this should set us up well for the September Mil Rate decision.

Recommendation: Town Council approves the Fort Fairfield Fiscal Year 2018/19 budget.

Mr. Kilcollins made a motion to approve the Fort Fairfield Fiscal Year 2018/19 budget.

Mr. Butler seconded.

Discussion: None.

Vote – All Affirmative.

VII. New Business

A. Approve FY18/19 Permits and Licenses – Mr. Levesque

A public hearing was held on Wednesday, June 13 at 12:00 noon in the Council Chambers of the Fort Fairfield Municipal Building. Attached are the list of the FY18/19 permit and license renewals, public hearing notice and minutes of the public hearing.

Recommendation: Town Council approves the permits and licenses recommended for renewal and approval by the Code Enforcement Officer.

Mr. Butler made a motion to approve the permits and licenses recommended for renewal and approval by the Code Enforcement Officer.

Mr. Barnes seconded.

Discussion: None.

Vote – All Affirmative.

B. Approve FY18/19 Appointments of Town Officials and Board Members

<u>AUTHORITY, BOARD OR COMMITTEE</u>	<u>TERM</u>	<u>CURRENT</u>	<u>INTERESTED PERSON(S)</u>
FFUD	3 Years	*Todd Maynard	
Zoning Boards of Appeals 3 Years (Alternates)	Vacant (2)		
Planning Board (1 seats) Planning Board (1 seat) ending June 30, 2019 Planning Board (alternates)	5 Years	*Carl Young Vacant Vacant (2)	Kendall Stratton (1 year term)
Board of Assessment Review	3 Years	* Milton Ross Vacant	
Board of Assessment Review	1 Seat	Vacant (1 year term ending June 30, 2019)	
Housing Authority (2 seats) ** (term may be adjusted due to term limits, per by-laws)	5 Years	*Rob Langner **Steve Lewis	
Arbor Committee (3 seats)	3 Years	*Sue Levasseur *Randolph Bouchard Janet Giberson	

*Those members wishing to continue in their positions

Recommendation: That Town Council appoints the Town officials in the attachment and makes the following Board appointments:

- 1) Todd Maynard on the Fort Fairfield Utilities District, for a three year term to run July 1, 2018 through June 30, 2021. Letter of recommendation from the Fort Fairfield Utilities District Board of Trustees is attached.
- 2) Carl Young on the Planning Board for a five year term to run July 1, 2018 through June 30, 2023 and Kendall Stratton on the Planning Board to fill a vacancy expiring June 30, 2019.
- 3) Milton Ross on the Board of Assessment Review for a three year term to run July 1, 2018 through June 30, 2021.
- 4) Rob Langner and Steve Lewis as Commissioners on the Housing Authority of Fort Fairfield, for a five year term to run July 1, 2018 through June 30, 2023, (Steve Lewis' term will run from July 1, 2018 through Dec. 31, 2020 according to term limits per the FFHA Commission by-laws). Letter of recommendation from the Fort Fairfield Housing Authority Board of Commissioners is attached.
- 5) Sue Levasseur and Randolph Bouchard on the Fort Fairfield Arbor Committee and Janet Giberson to fill a vacancy each for a term of three years to run from July 1, 2018 through June 30, 2021.

The following Town Officials:

- 1) Richard A. Levesque as Code Enforcement Officer, Building Inspector, and Plumbing Inspector. (required annually)
- 2) Darren Hanson as Road Commissioner (required annually)

Mr. Kilcollins made a motion to approve all the Board, Committees, Authorities and Town Officials as outlined above.

Mr. Butler seconded.

Discussion: None.

Vote – All Affirmative.

C. Authorize Audit Services from Felch & Company, LLC

Background: The Town has used Felch & Company for several years and has been very satisfied with their work.

Discussion: Attached is a proposal from Felch & Company, LLC to utilize their services to complete the Town's financial audit for the year ending June 30, 2018. The proposal states the audit will begin on approximately July 23, 2018 with reports issued no later than September 14, 2018.

The fee for this years' audit is \$8,950, which is \$150; or 1.7%; more than last year.

Recommendation: Town Council authorizes the Council Chair to sign the proposal from Felch & Company, LLC to conduct an audit of the Town's financial statements for the year ending June 30, 2018.

Mr. Butler made a motion to authorize the Council Chair to sign the proposal from Felch & Company, LLC to conduct an audit of the Town's financial statements for the year ending June 30, 2018.

Mr. Kilcollins seconded

Discussion: None

Vote – All Affirmative.

D. General Ledger Account Journal Entries

Background: As Ms. Leighton, Town Treasurer, and I were reviewing General Ledger accounts in preparation of the annual audit, we determined there are three accounts that are no longer being used but have a balance in them. The accounts are Farm Park (G 1-3158-00), Senior Citizen (G 1-3165-00), and Demolition Redemption Center (G 1-3150-00).

Discussion: The balance in Farm Park is \$1,727.35, Senior Citizen is -\$884.05, and Demolition Redemption Center is -\$20,310.20.

The Town no longer owns Farm Park. The funds can be moved to the Riverside Park Pavilion account (G 1-3166-00). Both the Farm Park and Riverside Park Pavilion accounts are used for rental income and minor maintenance. There is currently \$3,254.72 in the Riverside Park Pavilion account.

The Senior Citizen account was last used on October 9, 2013. The funds in the account were used in the construction of The Meadows senior housing. Funds from the Undesignated Fund account (G 1-3300-00) can be used to close the Senior Citizen account. There is currently \$278,886.23 in the Undesignated Fund.

The negative balance in the Demolition Redemption Center account is the result of the Town Council directing the demolition of the redemption center on 71 High Street by Town Order 14-02, dated September 17, 2014. Funds from the Undesignated Fund account can be used to close the Demolition Redemption Center account. There is currently \$278,886.23 in the Undesignated Fund.

Recommendation: Council authorizes the Town Manager to take the following actions:

1. Close the Farm Park Account (G 1-3158-00) and move the \$1,727.35 to the Riverside Park Pavilion Account (G 1-3166-00).
2. Transfer \$884.05 from the Undesignated Fund account (G 1-3300-00) to the Senior Citizen account (G 1-3165-00), and close the Senior Citizen account.
3. Transfer \$20,310.20 from the Undesignated Fund account (G 1-3300-00) to the Demolition Redemption Center account (G 1-3150-00), and close the Demolition Redemption Center account.

Mr. Kilcollins made a motion to authorize the Town Manager to take the above action.

Mr. Barnes seconded

Discussion: None.

Vote – All Affirmative.

E. Law Enforcement Authority – Chief Newell

Background: I am requesting authorization from Town Council to extend the Town's police officers law enforcement authority beyond the Town's municipal borders. Currently, Fort Fairfield police officers do not have the authority to take law enforcement action outside of the Town's municipal borders unless requested by another police agency in need of mutual aid assistance or a few statutorily authorized exceptions stated in MRSA 30-A, §2671.

The provisions of MRSA 30-A, §2671.2-A. allows municipal officers to authorize the municipality's police officers to perform any of the acts described in Title 17-A, section 15 while the police officers are outside the jurisdiction in which they are appointed if, when possible, the law enforcement agency of a foreign municipality in which the arrest is to be made is notified in advance or, when not possible, the law enforcement agency of the foreign municipality in which the arrest has been made is notified immediately after the arrest. This authorization provides police officers the same immunity from tort liability and all of the pension, relief, disability, workers' compensation, insurance and any other benefits the police officer enjoys while performing duties within the police officer's appointing municipality (MRSA 30-A, §2671.2-B).

Discussion: Town Council's authorization does not allow police officers to patrol outside Fort Fairfield or respond to routine calls for service outside of the Town where no mutual aid request has been made. This request is for the sole purpose of ensuring our officers are adequately empowered and protected to act if an unexpected event does happen.

Law enforcement resources being as limited as they are in northern Maine, I believe it is in the Town's interest to provide our police officers the ability to take appropriate action when an incident occurs outside the Town's municipal borders, without the burden of jurisdiction complicating their response.

Recommendation: Town Council approve jurisdictional law enforcement authority under MRSA 30-A, §2671.2-A to all sworn Fort Fairfield police officers.

Mr. Butler made a motion to approve jurisdictional law enforcement authority under MRSA 30-A, §2671.2-A to all sworn Fort Fairfield police officers.

Mr. Kilcollins seconded.

Discussion: Mr. Butler recalled approving this year's ago when he was previously on Town Council.

Mr. Newell said that it doesn't hurt to keep it current.

Discussion: None

Vote – All Affirmative.

F. Cable Television Franchise Renewal

Background: The Town of Fort Fairfield's cable television franchise with TWC/Charter Communications will expire on September 27, 2018. I signed an agreement for cable franchise renewal services with the James W. Sewall Company on May 18, 2017.

Discussion: The Town of Fort Fairfield joined with the Towns of Fort Kent, Mapleton, Mars Hill, and Woodland in order to leverage the knowledge of the Sewall Company and the bargaining power of multiple municipalities as we negotiate a new franchise with TWC/Charter. The Town of Fort Fairfield is able to save \$3,500 (initial cost was \$7,500 and the cost with five Towns is \$4,000) because we joined with four other Towns.

Franchise negotiations are taking longer than anticipated. The Town's current franchise expires on September 27, 2018, and there is no provision to continue the franchise while negotiations are underway. The Sewall representative believes an extension until March 27, 2019 will provide enough time to complete the negotiations and have a new franchise agreement in place.

Recommendation: Town Council authorize the Town Manager to sign the necessary documents to extend the current franchise contract to March 27, 2019.

Mr. Kilcollins made a motion to authorize the Town Manager to sign the necessary documents to extend the current franchise contract to March 27, 2019.

Mr. Barnes seconded.

Discussion: None

Vote – All Affirmative.

G. Designation as Acting Town Manager

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 June 23, 2018 through July 3, 2018.

Recommendation: Town Council approves the designation of Mr. Darren Hanson as the Acting Town Manager from June 23, 2018 through July 3, 2018.

Mr. Butler made a motion to approve the designation of Mr. Darren Hanson as the Acting Town Manager from June 23, 2018 through July 3, 2018.

Mr. Barnes seconded.

Discussion: None.

Vote – All Affirmative.

H. Sale of 1999 Dodge Pickup

Background: At its January 17, 2018 meeting, the Town Council allocated \$7,500 for the replacement of the 1999 Dodge Pickup used by the Parks and Recreation Department. The funds were placed in the Parks and Recreation reserve account (G 1-3045-00).

Discussion: A 2010 GMC extended cab pickup was purchased at the May 31, 2018 State auction in Augusta for \$5,900.

Mr. Risner wants to seek bids on the 1999 Dodge Pickup in as is, where is condition, with no warranty. Proceeds from the sale will be placed in the Parks and Recreation reserve account (G 1-3045-00).

Recommendation: Town Council authorizes the Town Manager to sell the 1999 Dodge Pickup in as is, where is condition, with no warranty, with the proceeds to be placed in the Parks and Recreation reserve account (G 1-3045-00).

Mr. Kilcollins made a motion to authorize the Town Manager to sell the 1999 Dodge Pickup in as is, where is condition, with no warranty, with the proceeds to be placed in the Parks and Recreation reserve account (G 1-3045-00).

Mr. Butler seconded.

Discussion: None.

Vote – All Affirmative.

I. Video Inspection of Dike Toe Drains

Background: The U.S. Army Corps of Engineers requires the Town to conduct a video inspection of the dike toe drains. During the Fiscal Year 2017/2018 (FY 17/18) budget preparation, I informed Town Council that the approximate cost for the video inspection would be approximately \$10,000. Council included \$5,000 in the Administration Reserve account (G 1-3010-00) in the FY 17/18 budget and I stated I would request \$5,000 in the FY 18/19 budget.

Discussion: Pelletier Sewer Services of Frenchville conducted the video inspection the end of May. The cost for the video inspection was \$9,345.

In addition to the video inspection, Pelletier vacuumed silt and mud from the ditch outside the pump house. A large amount of silt and mud had accumulated there over the years, and Public Works does not have the equipment to clear all the silt and mud. The cost for the silt and mud removal was \$1,680.

The cost for the video inspection and the silt and mud removal is \$11,025. There is \$5,000 in the Administration Reserve account for the video inspection. There are sufficient funds in the Administration Reserve account to pay for the additional \$6,025.

Recommendation: Council authorizes the Town Manager to use \$6,025 from the Administrative Reserve account (G 01-3010-00) to pay for the video inspection of the dike toe drains.

Mr. Butler made a motion to authorize the Town Manager to use \$6,025 from the Administrative Reserve account (G 01-3010-00) to pay for the video inspection of the dike toe drains.

Mr. Kilcollins seconded.

Mr. Barnes asked how often this needs to be done.

Mr. Risner replied every few years. Fort Kent does it every 5 years.

Mr. Barnes stated that we need to continue to contribute to the Reserve account.

Mr. Risner responded yes.

Vote – All Affirmative.

J. Prepayment of Taxes through a Tax Club – Ms. Leighton

Background: Prepayment of taxes is authorized by 36 M.R.S.A. §506.

Discussion: For several years the Town has offered a Tax Club so that taxpayers can pay their taxes in 12 monthly payments. Payments are made from July to June and are due on or before the 10th of each month.

The Town commits taxes on October 1, so payment of any taxes prior to that date is a prepayment. Based on information I received from Maine Municipal Association's legal services, the Town Council needs to approve prepayment authority each year, and that prepayment is only for the next annual tax commitment, not for multiple future tax commitments.

A copy of the 2018 – 2019 tax club enrollment form is attached.

Recommendation: Council authorizes the Tax Collector to establish a Tax Club for the 2018 – 2019 tax commitment.

Mr. Butler made a motion to authorize the Tax Collector to establish a Tax Club for the 2018 – 2019 tax commitment.

Mr. Barnes seconded.

Discussion: None.

Vote – All Affirmative.

K. Payment of 2018 Maine Municipal Association Dues

Background: Payment of Maine Municipal Association (MMA) dues are due on January 1. For several years the Town has waited until after July 1 to pay the dues. This means the Town is paying the current years dues with funds from the following year's budget.

Discussion: The Town has an opportunity to begin the timely payment of MMA dues. There are sufficient funds in administration salary account (E 01-01-01-05) to pay the 2018 MMA dues this fiscal year. Doing so will allow the Town to pay its 2019 MMA dues in January 2019, instead of July 2019.

Recommendation: Council authorizes the use of \$4,498 from the administration salary account (E 01-01-01-05) to pay the 2018 Maine Municipal Association Dues.

Mr. Butler made a motion to authorize the use of \$4,498 from the administration salary account (E 01-01-01-05) to pay the 2018 Maine Municipal Association Dues.

Mr. Kilcollins

Discussion: None.

Vote – All Affirmative.

L. Public Works Plow Truck *

Background: Public Works fleet is aging and a severe winter like the one we just went through shows the need to update our equipment.

Discussion: After looking for several months, Public Works found and inspected a 2008 International 7600 tandem axel plow truck for \$60,000. The truck appears to be in very good condition having low mileage (135,000) and is equipped with Everest plow equipment and a four-season body.

The truck will replace the 1994 International tandem axel plow truck that suffered engine failure last winter and has since become a parts donor.

Recommendation: Town Council authorize the Town Manager to use not more than \$60,000 from the Public Works Reserve Account (G 1-3060-00) to purchase the 2008 International tandem axel plow truck.

Mr. Kilcollins made a motion to authorize the Town Manager to use not more than \$60,000 from the Public Works Reserve Account (G 1-3060-00) to purchase the 2008 International tandem axel plow truck.

Mr. Barnes seconded.

Discussion: None

Vote – All Affirmative.

VIII. Minutes of the May 16, 2018 Regular Council Meeting

Mr. Barnes made a motion to approve the Minutes of the May 16, 2018 Regular Council Meeting.

Mr. Kilcollins seconded.

Discussion: None

Vote – All Affirmative.

IX. Warrants: #24; \$69,326.53 #25; \$95,791.14 #26; \$152,444.37

Mr. Butler made a motion to approve Warrants #24, #25, and #26 for the amounts specified.

Mr. Barnes seconded.

Discussion: None.

Vote – All Affirmative.

X. Other

A. Town Office Closure for End of Fiscal Year Closure of Financial Records

XI. Manager's Report

XII. Executive Session

- A. MRSA 405(6)(D) Public Works Union Agreement
- B. MRSA 405(6)(A) Library Board of Trustees, Personnel

Mr. Butler made a motion for Council to move into Executive Session.

Mr. Kilcollins seconded.

Council entered into Executive Session at 6:42 pm.

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

Mr. Barnes seconded.

Council came out of Executive Session at 7:02 pm.

Mr. Butler made a motion to authorize the Town Manager to sign the agreement between the Town of Fort Fairfield and Council Number 93, Local Number 220 of the American Federation of State, County and Municipal Employees, AFL-CIO for the period July1, 2018 to June 30, 2021.

Mr. Kilcollins seconded.

Discussion: None.

Vote – All Affirmative

Mr. Butler made a motion to appoint Shawn Newell to the Library Board or Trustees for a five-year term beginning July 1, 2018 through June 30, 2023.

Mr. Barnes seconded.

Discussion: None.

Vote – All Affirmative.

Mr. Butler made a motion to accept Mr. Risner's resignation and allow him to contact MMA for assistance in searching for a replacement.

Mr. Kilcollins seconded.

Discussion: None

Vote – All Affirmative.

XIII. Adjournment

Mr. Butler made a motion to adjourn.

Council adjourned at 7:04 pm.

** Added at Council meeting*