

Fort Fairfield Town Council Monthly Meeting
Council Chambers
Wednesday, April 18, 2018
6:00 P.M.

- I. Roll Call
Councilors: All Councilors are present.
Staff: Mr. Risner, Billie Jo Sharpe, Tony Levesque, Ella Leighton, Ryan Eagles, Shawn Newell.
Citizens: 12 including media.
- II. Prayer - Tony offered the prayer.
- III. Pledge to the Flag - All in attendance pledged their allegiance to the American Flag.
- IV. Public Comment Period

Kendall Stratton – President of the FF Frontier ATV Club and resident of Fort Fairfield thanked Council and Staff for giving them the access route requested on Forest Avenue and once again is asking Council to support and approve access routes presented at the last Council meeting.

Mr. Stratton said that he noticed that most of the concerns were pedestrian safety, noise, speed and the school and students. Mr. Stratton asked if any of Council’s concerns were any different for any other motor vehicle on these access routes or is it just ATV’s. “Safety on any street has always been a number one concern.” Mr. Stratton then handed Chairperson, Scott Smith some photos and told the story of when he was a child he was hit and run over by a car in 1970 and he detailed his injuries. Mr. Stratton then said that his point was that he takes pedestrian safety; especially with the kids, very seriously.

Mr. Stratton asked the following questions:

“What is the difference between an ATV and any other motor vehicle going down these side streets?” “Any motor vehicle can be operated responsibly or irresponsibly.”

Mr. Stratton asked members of the Council if they had asked any residents that live on those streets that Council denied access to last month their opinions, thoughts and concerns, or did they base their decision to deny access based on Councils’ opinions, thoughts and concerns?

Mr. Stratton said that he had spoken to 79 residents and only 6 were not in favor of the access routes, and 73 didn’t see any issues of ATV’s travelling through their neighborhood. Mr. Stratton then asked Council to “right now” support and approve the other access routes.

Mr. Smith said that they would take the matter under advisement and talk to the Manager.

Doug Morrell, Owner of SFE Manufacturing – spoke from a letter he sent to Mr. Risner concerning the property located at 75 Cheney Grove, which is where his business is currently located.

Mr. Morrell stated that there had been one previous offer for zero dollars and a three year abatement of taxes on the building by a local business, believed it took place during Mike Bossie’s tenure. SFE had made an offer of \$1.00 with the Town plowing and sanding until

they could get the new access put in. The \$1.00 offer was technically more than the previous offer of \$0.

Mr. Morrell said the he understood that the Council has the right to refuse any and all offers. His offer of \$1.00 was denied and Mr. Risner came back with an asking/starting amount of \$100,000. Mr. Morrell then told Mr. Risner that he was not sure if he wanted to own commercial property or just lease. Mr. Morrell stated that he was referring that the price was too high.

Mr. Morrell then said that he learned that the Town did not want to be in the rental or lease business and when he was informed of this, he expected that he would be given first right of refusal, which did not happen.

Mr. Morrell continued to say that when he moved his business to Fort Fairfield, it cost SFE thousands and thousands of dollars to get the property ready for operation. Considerable investments have been made and he expected more growth and investments. This was a definite improvement for this property as they turned it into a cash positive for the tax payers and brought jobs to the Town. "There are not a lot of businesses looking to start or expand in the county so it's extremely important to keep the businesses we have."

In closing Mr. Morrell said that he felt that they (SFE) should be given first right of refusal.

Mr. Kendall Stratton, resident of Fort Fairfield asked if he understood the Fireworks Ordinance to read that fireworks would only be allowed to be fired off 4 days of the year.

Mr. Smith responded, "Yes" with the exception of special occasions.

Mr. Stratton – What defines special occasions?

Mr. Smith – It will be reviewed by the Police Department. It will be what one considers a special occasion, just not a "weekend party".

V. Correspondence and Reports

A. Caring for the Crown report – Bob Dorsey, President, Aroostook Partnership

Mr. Dorsey presented an update on the Caring for the Crown report whose purpose is to enlighten and promote discussions about the County's future, promote broader engagement, strengthen actions, and promote greater collaboration across elements and organization with our region.

Mr. Kilcollins – need to pay attention to the current businesses.

Mr. Dorsey – demographics will definitely affect small business moving forward.

B. Licenses and Permits

As of April 18, 2018 we have received an application for malt, vinous, and spirituous license renewal for SVA, LLC d/b/a Boondocks Grille and an application for a license to operate Beano/Bingo for the Knights of Columbus #5014.

C. Financial Report – Mr. Risner

The Town's Real Estate and Personal Property tax collections as of March 31 are \$3,027,093.04. This is \$43,414.24 more than this time last year.

Excise tax collections as of March 31 are \$449,458.70. This is 80.26% of the budgeted amount, which is 5.26% above the 75% of budget projection.

We received State Revenue Sharing on March 21 in the amount of \$9,804.62. The total so far this year is \$174,282.38. This puts the Town below budget, as we have collected 71.27% of the amount budgeted, compared to the 75% expected. Mr. Risner stated that he is not concerned as this is a trend and it will catch up.

Overall, our expenses are below projections; at 73.86% compared to the budget projection of 75%.

Cash flow is good, with a balance of \$11,543.50 in checking and \$1,555,000 in savings after completion of Warrant #21.

D. Tri-Community Landfill Report – Mr. Rogeski

TCL last met on March 23, 2018. Mark has been busy with contract renewals with about 50 percent of contract renewals are all back this year. Mark reported that the landfill in the first quarter is about 8% ahead of their budgeted numbers. Recently had their annual haulers meeting where they explained what's going on over the next year. Took questions about how to make things better for the haulers. They also award a safety award to who they feel is the safest operator every year. Primarily spoke about how things may change in the next year with the merger with Presque Isle and were encouraged to bring any future questions or concerns to Mark.

Mr. Rogeski confirmed with Mr. Risner that the grant had been submitted today for the expansion of the recycling center.

Mr. Risner responded that they should know something by mid-June.

Mr. Rogeski reiterated that once again this would have never happened if not for the merger with Presque Isle.

Mr. Barnes asked if Mars Hill had made a decision yet.

Mr. Risner responded that Mars Hill went with Pine Tree.

Mr. Rogeski stated that one of the concerns Mars Hill really didn't want to give up their transfer station and Pine Tree runs that for them.

E. Update on Fiscal Year 2018/2019 Town Budget

Revenue

The Town received the FY 2019 Projected Municipal Revenue Sharing totals from the State on April 13. The Town's share is \$247,012, an increase of \$17,012 from the projected \$230,000.

Expenses

The MSAD #20 estimated increase over FY 17/18 has risen from \$27,756 to \$39,968 or 1.8% over the FY 17/18 requirement.

Police has decreased \$925. This was the result of a recalculation of FICA.

Parks and Recreation has decreased from \$32,251, from \$158,849 to \$123,598.

Employee costs decreased due to the retirement of the Director. I increased training by

\$500, as we will have a new Director who might need some training in their 1st year. The vehicle fuel account was increased by \$100 due to the expected rise in vehicle fuel costs.

Outside agencies decreased \$3,122. This was the result of reducing the funding for the Homeless Services of Aroostook and Central Aroostook Soil and Water Conservation by ½.

Capital reserve will be reduced by \$119,900 if Council approves my recommended transfers within the reserve accounts (Council Agenda Item VII.B.)

Deficit

The estimated FY 18/19 deficit as of April 14 is \$30,270. This number is found on page 2 of the Consolidated Expenses worksheet (attached).

If the County and MSAD #20 budget requirements had been the same in FY 18/19 as in FY 17/18, the Town would have a surplus of \$32,388. However, the County and MSAD #20 increases are:

County tax increase is	= \$22,640
MSAD #20 current estimated increase	= \$39,968
Total increase	= \$62,608

There are 2 ½ months left in this FY, and our income and expense accounts will have some changes. Mr. Risner is working with the Treasurer and Department Heads to determine what we can do to bring down the Town's portion of the estimated deficit. Hopefully the School will have a hard number sooner rather than later as they were late last year and Mr. Risner said that he will keep council apprised.

Mr. Kilcollins said that the last he heard was that the School was a .9% increase. Mr. Risner responded, yes that was at the April 3 meeting and since his meeting with the Superintendent last week; it is now at 1.8%.

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

The Town continues to receive complaints about 107 Riverside Avenue. On March 28, 2018 I conducted a drive-by inspection of the property and took pictures in anticipation of the March 30, 2108 Court Date. I noted that the violations have not been remedied.

Based on the information that we provided to the Court the Judge was asked to make a decision on the Complaint.

The Judge has signed the Consent Agreement -Land Use Violation(s) giving the Defendants York and Caron until June 1, 2018 to remove all violations. The Attested Copy of the Judge's Order has been recorded at the Southern Aroostook Registry of Deeds.

Recommendation: To monitor the condition of the property and to continue to participate in the litigation if the violations are not remedied by June 1, 2018.

Mr. Butler asked what if they do not clean it up.

Mr. Levesque responded that it will be cleaned up by someone else at the defendants cost.

Mr. Butler asked if the Town would have to clean it up.

Mr. Levesque responded, yes potentially.

Mrs. Libby asked if the property is currently tenant occupied.

Mr. Levesque responded “no”, they own it as of August 21. The prior owner has already been dealt with and we have received funds in settlement.

VI. Old Business

A. Ordinance 18-05, Consumer Fireworks

Town Council directed that the version of Ordinance 18-05 presented at the March 21 Council meeting be amended to require a permit, but allow for special occasions such as an anniversary, birthday, etc., and strike the permit fee requirement.

Councilor Butler introduced the amended Ordinance at the March 21 Council meeting.

The last sentence has been amended in Section II.B. from “A fee for the permit will be set by the Town Council.” to “A fee for the permit may be set by the Town Council.” This change allows Town Council the flexibility to set a fee in the future without having to amend the ordinance.

Section III.C. which reads “The Town may issue a permit, after having been reviewed by Public Safety, for the use of fireworks on a Friday or Saturday, from the hours of 5:00 PM to 10:00 PM, for a special occasion. The permit will be for a one day use only.” has been added.

A public hearing was held in the Town Council Chambers on April 11 at 6:00 p.m.

Recommendation: Town Council adopts Ordinance 18-05, Consumer Fireworks.

Mr. Kilcollins made a motion to adopt Ordinance 18-05, Consumer Fireworks.

Mr. Butler seconded.

Mr. Barnes stated that he felt that it is a little “over-the-top” restrictive, but he can support it.

Mr. Smith said they only had one person show up to the public hearing and they were for it and no one spoke against it. Mr. Smith said that they can always revisit it in the future if there are any concerns.

Mrs. Libby said that her biggest concern is how the permit process is going to work.

Vote – All Affirmative.

B. Ordinance 18-06, Repeal of Ordinance 01-03

Councilor Butler introduced Ordinance 18-06 at the March 21 Council meeting.

A public hearing was held in the Town Council Chambers on April 11 at 6:00 p.m.

Recommendation: Town Council adopt Ordinance 18-06, an Ordinance providing for the repeal of ORDINANCE 01-03; Amending Town Council Order 93-01, titled Electrical Inspector's Ordinance; Section VI Administration; Sub-Section C. Schedule of Fees for Electrical Permits.

Mr. Butler made a motion to adopt Ordinance 18-06, an Ordinance providing for the repeal of ORDINANCE 01-03; Amending Town Council Order 93-01, titled Electrical Inspector's Ordinance; Section VI Administration; Sub-Section C. Schedule of Fees for Electrical Permits.

Mr. Barnes seconded.

Mr. Butler asked Mr. Levesque if this was a position that he thought, as Code Enforcement Officer, should stay.

Mr. Levesque stated that he would take no opinion nor give one.

Mr. Kilcollins asked how long the Town had had an electrical inspector.

Mr. Levesque responded since 1993. Prior to this date the town had two long term electrical inspectors dated back into the 70's. (John Lovely and Luther McLaughlin)

Mr. Kilcollins – so the Town has had an electrical inspector for 50 years if you include the work done by John and Luther.

Mr. Levesque, on that aspect, yes.

Mr. Kilcollins – is this going to allow more or less liability to the Town on your job as far as...

Mr. Levesque responded that it would have no bearing on his position.

Mr. Kilcollins – so the only reason we had an electrical inspector, was to approve work that was done by a non-license electrician, is that correct.

Mr. Levesque said that he cannot speculate on that, I do not know the intent of the appointment of the electrical inspector prior to the Ordinance. This Ordinance only addresses the fee schedule.

Mr. Kilcollins asked if the ordinance is allowing someone who can do electrical work himself the ability to continue to do that and then get it inspected so that Tony will approve it is that correct.

Mr. Levesque responded, No that he had no role before and not role now.

Mr. Smith commented that to do electrical work, you have to be licensed and you need to be a master electrician. Master electricians are now able to inspect certain electrical work done by themselves. When it comes to commercial or industrial work they need to call the State inspector and that is something different. We are eliminating the fees and the inspector because it is no longer needed.

Mr. Risner said that the State has statutes that cover this. A majority of municipalities in Aroostook County do not have an electrical inspector.

Vote – All Affirmative.

C. Ordinance 18-07, Repeal of Ordinance 93-01, Electrical Inspector's Ordinance

Councilor Butler introduced Ordinance 18-07 at the March 21 Council meeting.

A public hearing was held in the Town Council Chambers on April 11 at 6:00 p.m.

Recommendation: Town Council adopts Ordinance 18-07, Repeal of Ordinance 93-01, Electrical Inspector's Ordinance.

Mr. Kilcollins made a motion to adopt Ordinance 18-07, Repeal of Ordinance 93-01, Electrical Inspector's Ordinance.

Mr. Butler seconded.

Vote – All Affirmative.

D. Ordinance 18-08, The conveyance of municipally owned property

Councilor Butler introduced Ordinance 18-08 at the March 21 Council meeting.

A public hearing was held in the Town Council Chambers on April 11 at 6:00 p.m.

Recommendation: Town Council adopts Ordinance 18-08, Ordinance 18-08, The conveyance of municipally owned property; located at 75 Cheney Grove Road in Fort Fairfield, Maine and further identified as Lot 16A on Tax Assessor's Map 11.

Mr. Kilcollins made a motion to adopt Ordinance 18-08, Ordinance 18-08, The conveyance of municipally owned property; located at 75 Cheney Grove Road in Fort Fairfield, Maine and further identified as Lot 16A on Tax Assessor's Map 11.

Mr. Barnes seconded.

Vote – All Affirmative.

E. Tax Acquired Property for 2015 Taxes – Ms. Leighton

At its March 20, 2018 meeting, the Town Council authorized the Treasurer to put the following tax acquired property out for bid in AS IS WHERE IS condition with no guarantees expressed or implied with a minimum bid of \$3,000: **564 Houlton Road**

There was a successful bid on the property.

Recommendation: Town Council signs the quitclaim deed and real estate transfer tax declaration for 564 Houlton Road.

Mr. Butler made a motion to sign the quitclaim deed and real estate transfer tax declaration for 564 Houlton Road.

Mr. Kilcollins seconded.

Mrs. Libby asked if the asking minimum bid was the amount of taxes and fees owed. Mrs. Leighton responded that yes, and it also included next year's taxes as well.

Vote – All Affirmative.

F. Quit Claim Deed - Map 06, Lot 30 – Ms. Leighton

The property at 261 Sam Everett Road became Tax Acquired on March 8, 2018 for 2015 taxes. At the March 21, 2018 Town Council meeting I recommended, and Council approved, offering the property back to Jessica Jandreau; the owner; for the total taxes due plus interest and fees to be paid in full within 180 days, contingent upon the owner accepting the offer within 15 days after receiving the certified mail.

Ms. Jandreau paid the total taxes, plus interest and fees, on March 23, 2018.

Recommendation: Town Council signs the attached Quit Claim Deed.

Mr. Butler made a motion to sign the attached Quit Claim Deed.

Mr. Barnes seconded.

Vote – All Affirmative.

VII. New Business

A. Sale of 2010 Dodge Charger Police Cruiser – Chief Newell

Town Council allocated \$37,000 in the Fiscal Year 2017/2018 budget for a new police vehicle to replace the 2010 Dodge Charger Police Cruiser.

The new police vehicle, a 2018 Ford, Explorer, has been purchased and went into service on April 10, 2018. The cost of the new vehicle is \$37,109.75.

Mr. Newell wants to seek bids on the 2010 Dodge Charger Police Cruiser, in as is, where is condition, with no warranty, with a minimum bid of \$3,000. The cruiser has 122,490 miles on it. The Blue Book value is \$3,300. I am asking a minimum bid \$300 less than book value. This is due to some minor repairs needed and the lack of an interior console.

Recommendation: Town Council authorizes the Town Manager to sell the 2010 Dodge Charger Police Cruiser for not less than \$3,000, in as is, where is condition, with no warranty, with the proceeds to be placed in the Police Department reserve account (G 1-3050-00).

Mr. Butler made a motion to authorize the Town Manager to sell the 2010 Dodge Charger Police Cruiser for not less than \$3,000, in as is, where is condition, with no warranty, with the proceeds to be placed in the Police Department reserve account (G 1-3050-00).

Mr. Barnes seconded.

Mr. Smith asked if the cruiser was now out of commission.

Chief Newell responded, yes, that it is currently in the garage of the Police Department.

Vote – All Affirmative.

B. Reserve Accounts

Three reserve accounts; Forest Heights (G 1-3025-00), Monson Pond Property (G 1-3137-00) and Blue Grass (G 1-3236-00); have been dormant for several years. The Administration Reserve (G 1-3010-00); has a current balance of \$94,245. The average year-end balance in FY 11/12 – FY 13/14 was \$1,944.

The last activity in the Forest Heights Account was prior to 2003, in the Blue Grass Account was on October 12, 2016 for a pump at Farm Park, and the Monson Pond Property Account was 2010. There is currently \$26,729 in Forest Heights, \$3,239 in the Blue Grass Account, and \$15,324 in Monson Pond Property. The total in these three accounts is \$45,292.

The Forest Heights funds were to be used for infrastructure repairs. I recommend those funds be used to offset the funds requested for the Paving Reserve Account. The Blue Grass funds were to be used for work done at Farm Park. With the sale of Farm Park, I recommend these funds be used to offset the funds requested for the Community Center Reserve Account. The Monson Pond Property funds were to be used for any expense the Town might incur as the result of property transactions taken prior to 2010. I recommend these funds be used to offset the funds requested for the Public Works Reserve Account.

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

1. Close the Forest Heights Reserve Account (G 1-3025-00) and move the \$26,729 to the Administration Reserve Account (G 1-3010-00).
2. Close the Monson Pond Property Reserve Account (G 1-3137-00) and move the \$15,324 to the Administration Reserve Account (G 1-3010-00).
3. Close the Blue Grass Account (G 1-3236-00) and move the \$3,239 to the Administration Reserve Account (G 1-3010-00).
4. Move \$119,900 from the Administration Reserve Account to the following Accounts. This will leave \$19,638 in the Administration Reserve Account.
 - a. \$30,000 to the Public Works Reserve Account (G 1-3060-00)
 - b. \$3,500 to the Community Center Reserve Account (G 1-3061-00)
 - c. \$35,000 to the Paving Reserve Account (G 1-3064-00)
 - d. \$25,000 to the Revaluation Account (G 1-3065-00)
 - e. \$1,200 to the Taser Fund Account (G 1-3090-00)
 - f. \$200 to the Community Clock Account (G 1-3147-00)
 - g. \$25,000 to the Highway Garage Reserve (G 1-3153-00)

Mr. Kilcollins made a motion to authorize the Town Manager to take the following actions:

1. Close the Forest Heights Reserve Account (G 1-3025-00) and move the \$26,729 to the Administration Reserve Account (G 1-3010-00).
2. Close the Monson Pond Property Reserve Account (G 1-3137-00) and move the \$15,324 to the Administration Reserve Account (G 1-3010-00).

3. Close the Blue Grass Account (G 1-3236-00) and move the \$3,239 to the Administration Reserve Account (G 1-3010-00).
4. Move \$119,900 from the Administration Reserve Account to the following Accounts. This will leave \$19,638 in the Administration Reserve Account.
 - a. \$30,000 to the Public Works Reserve Account (G 1-3060-00)
 - b. \$3,500 to the Community Center Reserve Account (G 1-3061-00)
 - c. \$35,000 to the Paving Reserve Account (G 1-3064-00)
 - d. \$25,000 to the Revaluation Account (G 1-3065-00)
 - e. \$1,200 to the Taser Fund Account (G 1-3090-00)
 - f. \$200 to the Community Clock Account (G 1-3147-00)
 - g. \$25,000 to the Highway Garage Reserve (G 1-3153-00)

Mr. Butler seconded.

Vote – All Affirmative.

VIII. Minutes of the March 21, 2018 Regular Council Meeting

Mr. Barnes made a motion to approve the March 21, 2018 Regular Council Meeting.

Mr. Butler seconded.

Vote – All Affirmative.

IX. Warrants: #20; \$228,524.26 #21; \$109,349.54

Mr. Butler made a motion to approve Warrants # 20 and #21 in the amounts presented.

Mr. Kilcollins seconded.

Vote – All Affirmative.

X. Other

A. Spring Clean-up

Mr. Risner said that this year's Spring Clean-up will take place May 14-17.

XI. Manager's Report

This was given to Council for informational purposes only.

XII. Executive Session

- A. MRSA 30-A §405(6)(C)
- B. MRSA 30-A §405(6)(A)

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

Mr. Kilcollins seconded.

Vote – All Affirmative.

Council entered into Executive Session at 7:00 p.m.

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

Mr. Barnes seconded.

Vote – All Affirmative.

Council came out of Executive Session at 8:04 p.m.

XIII. Adjournment

Mr. Butler made a motion to adjourn.

Council adjourned at 8:05 p.m.

Respectfully submitted.

Billie Jo Sharpe,
Council Secretary