

wFort Fairfield Town Council Monthly Meeting
Council Chambers
Wednesday, July 21, 2021
6:00 P.M.

I. Roll Call

Councilors: All Councilors are present

Staff: Ms. Powers, Billie Jo Sharpe, Tony Levesque, Darren Hanson, Steve Turner, Kevin Senal, Ella Leighton, Mitch Dufour, Jennifer Gaenzle, Crissy Emery.

Citizens: Eight.

II. Prayer

III. Pledge to the Flag

IV. Public Comment Period

Mr. Butler – Congratulated Cheryl Boulier, her husband all the staff and volunteers for their work on the Maine Potato Blossom Festival.

Jennifer Gaenzle – Last month I spoke about how my insurance company tried to double from \$800 a year to \$1600 a year for my homeowner’s insurance, because they said my house was over 10 miles from the fire department. They were running the miles from the department out Presque Isle Street, 1A, in Bryant Pond Rd. to Forest Ave to my house, instead of just coming out Main to Forest which is only 2.5 miles. And that I had to get both the Fire Chief and Police Chief to write letters stating how they would actually drive to house for an emergency, at which point my insurance did drop back down for only a \$100.00 increase.

Here is more proof that losing our Fire department is going to cost every resident and business way more in insurance than the possible increase in taxes. This is a study of Fire Department Budget Reduction Impact on Insurance Rates done in 2011 by Mark V. Smith for the Alachua County Fire Rescue Department located in Gainesville, Florida. Gainesville, Florida is a densely populated area unlike Fort Fairfield rural and sparsely populated area. For any of you that have never been to the Gainesville area, there is a fire department almost on every corner, it seems. But realistically they are mostly located within a 5-mile area of each other, also unlike our town departments up here at a minimum of 10 miles apart.

The final Board of County Commissioners meeting was held in June 2010.

At that meeting there were approximately 62 citizens registered to make citizen comments, 60 of which spoke in opposition of the fire assessment fee. Almost all of the opposition comments centered on complaints that their taxes would be increasing anywhere from \$200 to \$400 annually. Closing a fire station was discussed during informal budget planning meetings.

A study was commissioned to research the effect on insurance rates if a fire station was closed, how fire station location impacted ISO ratings, and how insurance underwriters used ISO protection class ratings. A literature review, personal interviews, and a survey were utilized. The results supported the hypothesis that insurance premiums would increase if a fire station were closed due to budget reductions.

This research looked into the financial impact specifically related to homeowner's insurance premiums. The descriptive research method was used to determine if there would be a measurable increase in insurance premiums.

The research questions used to discover the impact to homeowner's insurance premiums were:

1. How does fire station location impact ISO ratings?

Fred Brower stated that when the insured property is not within five road miles from a fire station the PPC is a ten regardless of whether there is an adequate water supply available states that going from a PPC 5 to a PPC 10 should see an approximate increase of 39% in insurance premiums and going from a PPC 9 to a PPC 10 should see an approximate increase of 15%.

2. What is the impact to insurance rates in an affected area if a fire station were closed?

The results of the survey showed that all six insurance respondents said their companies used ISO PPC for determining insurance premiums with five of them stating it was used as the basis for determining insurance rates. The most common factors in determining insurance rates in order are distance to a fire station, distance to a fire hydrant, ISO PPC, age of the structure, and construction type. Other factors listed in the calculation were value of the structure, the county the structure is located, location relative to the coast, wind mitigation, prior insurance premiums, and prior losses. Some respondents listed more than one factor for having the greatest impact. Fire department location was listed four times, fire hydrant location and type of construction were listed three times, age of the structure was listed twice, and once for PPC and location to the coast. All six respondents said there would be a significant increase in insurance premiums, ranging from 30% to 100%, if the closest fire station were more than five road miles from the insured structure. Three stated the possibility of the policy being dropped or not having coverage available for the structure.

Recommendations included identifying an alternate funding source for the ACFR and educating the public on the impact closing a fire station had on their insurance premiums. Allowing this group to decimate our Fire Rescue Department would not help reduce your property tax by any significant amount. In fact, it would increase the cost of fire insurance by double or triple for every homeowner, business owner and landlord. Please, you cannot let this happen to our town. We cannot let this small group of people do this. They are not looking at the other things that will be heavily impacted by their demands.

Mrs. Libby-I just wanted to say, for those of you that don't know, I am a licensed insurance agent in the state of Maine and I have been for the past eight years. And the insurance rates are based on the distance that you are from a fire department, so more than five miles can cause your rates to go up significantly. And for me, in this area, in particular, it is about a 50% increase. So just so that people are aware that just to reiterate, your point is that that does make a huge difference.

Mr. Butler – stated that he would like to address some of the statements in a document he received today in the mail.

“This letter is full of half-truths, there is a lot of misinformation.”

It says: Ms. Powers has demonstrated that she is not willing or able to perform her duties and work in earnest to provide services to the community at an affordable cost. There is a long history of her using intimidation tactics against citizens in an effort to push through her own agenda. Mr. Butler then address the following statements from the letter.

Allegedly encouraging uniformed men with badges to stand around townspeople at the February town meeting as a show of force.

Mr. Butler commented that this is the farthest from the truth. We were in a COVID type of situation and there were people stationed there so nobody could go up in stair area. There was not one police officer from another Town. It was the Fire/EMS personnel showing up in support of their Town.

Insisting that voters not go to their Council with questions, but only go through her.

Mr. Butler stated that is not right. She always encouraged people to go through her if you wanted something put on the agenda. “She has never told the voters not to go to the Council with questions and she never would.”

Neglecting to release proposed budgets to voters and even to the Council prior to budget hearing.

Mr. Butler commented that is not true.

Making public comments during Town Council meetings and budget hearing accusing citizens of lying.

Mr. Butler commented “she has never done that.” The only time that she has ever interrupted or made public comments is when I allowed her to.

Publicly calling out townspeople who were participating in a meeting as not having paid their taxes.

Mr. Butler commented “she has never done that and we have all the minutes so if you want to prove the point, we will bring up the minutes and we will find out.”

Falsely claiming that our townspeople are only paying \$35 per capital for ambulance service when the actual cost is over \$300.

Mr. Butler commented “we don’t know that yet,” The \$35 per capita was on last year’s budget. We are still working on what it is going to cost. We haven’t even gotten the income from the insurance companies yet.

Using scare tactics of threatening to remove essential services.

Mr. Butler commented “she has never done that.”

Instructing the Town Council to not open letter from their constituents, or they would not be allowed to vote at the Council meeting.

Mr. Butler commented “she has never done that.”

Incorrectly advising the Town Council that the law required that they approve a nearly \$200,00 increase in Reserve accounts when the Maine State Statute that Mrs. Powers referenced gives no such requirements. It is the opinion of many townspeople that these Reserve accounts have become a slush fund, enabling the Town Manager to bypass the Council’s approval for purchases. In the years prior to Mrs. Powers becoming Town Manager, there were not even any Reserve accounts in the budget.

Mr. Butler commented “False” she has quoted the Maine statutes in many minutes and I am not going to bother with that. I have been on the council for fourteen years, and six years this time and when I was on before there were always reserve accounts. This stuff is going out in the public and all this stuff is not true.

Enabling the Town Manager to bypass the Council’s approval for purchases.

Mr. Butler commented that she has never purchased anything for the Town of Fort Fairfield without the Town approval. Before it used to a certain amount of money but she has always brought, no matter how much it is, to the Council’s vote. Every time.

Failing to get prior approval from the Town Council for several expensive purchases that were above the manager spending limit. Some of these include \$31,000 Christmas wreaths, a police radio system (no cost in the minutes) and forestry truck. There are complaints of local vendors not being given the opportunity to bid on some of these.

Mr. Butler commented he could remember talking about that and that a Police Officer came up and said he can’t talk to anyone because he is out of the car and his walkie talkie won’t reach Caribou and we decided to work on that. It has nothing to do with Ms. Powers.

Information from town employees is being circulated around town and in the news media that includes unprofessional attacks against townspeople, resulting in embarrassment to our Town. They have publicly threatened the citizens with the closure of the town pool and shutting down of the fire rescue department if they sign a citizen’s petition that asks for a vote on removing spending increases from Ms. Powers’ budget.

Mr. Butler commented the only thing embarrassing for the Town is listening to all of this misinformation. “What was said was if those cuts were made, and I am going to use the Rec department for an example, The Rec Department, the year before we lowered his budget because we had to shut the pool down for the summer months because of COVID. The increase in the Rec Department this year was for reestablishing the pool.”

Mr. Butler commented Ms. Powers is getting blamed for everything with all this power she supposedly has that she’s never done and I hear the rumor that they’re going to keep this up until she quits. “Well, she is too strong to quit over menial stuff like this.” “We need this stuff to stop and these half-truths to stop and we need them to stop now”

Gary Sirois – “Not everybody is privileged to what you just talked about.”

Mr. Butler – “This is what I got today, Gary.”

Gary Sirois – “Did you open it today or yesterday?”

Mr. Butler responded “I opened it today when I got today’s mail.”

Gary Sirois – “I understand that you were instructed not to open it.”

Mr. Butler responded “No, I was never instructed to not open it.” I received this letter today and it is dated July 21st. It was in today’s mail.

Gary Sirois asked – “Did any of you Councilors receive this yesterday?”

Mrs. Libby commented that she just received it tonight and that she did not receive it in her mail, she hadn’t yet checked her mail today.

Mr. Babin commented that he received his today in the mail.

Gary Sirois then asked if any of the Councilors were instructed not to read it?

All Councilors responded “No”

Gary Sirois stated that this was different than what he had heard.

Mr. Butler stated “this is what I am talking about, misinformation.”

Gary Sirois commented that there is a lot of information that you went over in public comment period that I am not really familiar with, “I am not privileged to what you receive.”

Mr. Butler stated that this information came from the taxpayer’s group, the same people we have been talking about all this time.

Gary Sirois – You can sit there and defend all the accusations you want, but some of us have no idea what you are talking about. You should have a copy at the entrance so that we could at least take a few minutes to familiarize ourselves with the accusations you defend.

Mr. Butler responded – “I am defended our Town Manager.”

Gary Sirois commented that some four hundred people signed a petition saying that the budget approved by the Council at the last council meeting is not appropriate. It increases taxes and it has a deficit. It is against the Charter. A lot of us are fed up with paying more taxes all the time. “I am not sure that the five of you understand that.” “I looked at the petition and it asks to reduce expenses to three or four categories which should not impact services from Public Works, it impacts Recreation, Administration and Emergency Services. Those are the ones that had the biggest increase.” Public Works came in \$80,000 below budget yet they asked for more money this year. “I don’t understand that.” “Money only goes so far, and it only comes from one source:

taxpayers.” “If you don’t really understand that then there is something wrong.”
“Andrea, I don’t like the way you budget.”

Mr. Butler stated: “You address the Council, no Ms. Powers.”

Gary Sirois – “I’m telling you; I don’t like the way you’re managing budgets.”

Mr. Butler replied – “That’s fine.

Gary Sirois – “I’m sorry, I don’t think you’ve done your job and four hundred some people tell me that you have not done your job properly.” I implore you to reduce the expenses in the four categories identified in the petition and I don’t think services should be or could be impacted except for Emergency Services. I think the cost per capital is out of line and you’ve been presented information to that effect as it pertains to Caribou, Presque Isle and other communities. Our cost is three plus times more than anyone else, something is not right there. Don’t get me wrong, if I call for an ambulance, I want an ambulance but I am not sure that we all want to pay the price that is being projected.

Mrs. Libby - I actually want to speak as a citizen, a taxpayer and as a business owner. I got involved in the Council, because I wanted to make a difference, because I actually care what goes on in our community. And I feel like there have been lots of things that we have been able to do for the betterment of the community, including the ambulance service. I am, however, very, very disgusted, embarrassed and appalled at the state of our town right now. I feel like right now, we have two different groups. And they're all fighting for things that they think are right. And I understand. And I agree, everybody has opinions, and I want people to have, you know, a passion for our community. However, the way that we are going about this is not helping our community at all. So basically, what's happening is we have our council and our town employees and our Town Manager, they're all doing what they think is best. We have our citizen's group that is doing what they think is best, but to do that, and not be able to come to some sort of middle ground, I don't understand. There's a lot of misinformation that's going around. And I don't think it's coming from the town side of it. I think it's coming from the citizens. I'm not downing this group in any way, shape, or form. I want people to care, to come to these meetings and to speak up. However, the paperwork that was sent in the mail today or hand delivered, I'm not sure. But I don't think they can deliver mail in people's mail boxes; I think that is illegal. So anyways, I did not receive it until I got here today. I haven't thoroughly read through it. I just kind of skimmed through it. But just to speak to one section of it just to show that not everything that necessarily is in here is correct. Part of it. It outlines different things that you know, have been done or said that the group is saying is incorrect. One of them says “Additionally, there was a phone call from a town official demanding a list of the names and addresses of all the people in the tax payer group working to reduce excessive spending.” “We do not believe this official did this on her own initiative.” Well, I'm the only “her” town official and I didn't call anybody. So, you want people to speak out, which is great. As long as people think that there's 400 plus signatures that disagree with what the council is doing. I think there's 400 plus signatures that are given information, and they are signing and believing in that information that they're being told, not necessarily the information that they are signing. Some people read the full petition, and they agree with it and they're signing it, perfect. Some people are being told, you know, if you sign this, then you will help us to pass this

so that our taxes don't increase. Well, that's not really the whole story that, you know, you're just signing it, you're not paying attention. So, this is livestreamed, correct? Yes. Okay. I hope people share this, I hope they share it on Facebook, and I hope people talk to their friends, instead of just this citizens group going out and talking with everybody. I hope that everyone else is talking too, because I was so tired of this, it's ridiculous. Our Town is split in two. And I think that a lot of things that are being shared, again, are incorrect. I think that the budget that we just passed, we put tireless hours into the council, town, everybody has put a lot into that budget.

Do we have a deficit? Yes, we do, however; we also have bills to pay. So, if you decrease this budget, and this goes through, then you still have loans to pay, you still have regular bills to pay, you still have services like people coming in and registering their vehicles and things like that. So, I'm not quite sure how the people wanting to go back to this old budget or whatever they're wanting to do, expect for those things to be paid. Because it doesn't work that way. So, I do have an understanding of the finances. And I do have an understanding of the budget and I have been learning municipal government since I've been on the Council and a lot of people don't take the time to do that. I think there's just a lot of misunderstanding. One of them, the emergency services, the income increase, well, we didn't have that information, when we presented, first off, of how much income that we would have. We got that information before we had that meeting, when we presented it, and it was shared and added to the budget. It's not our fault, if money wasn't coming in because of COVID, things were delayed, we did not know exactly how much. This is a new service. So, we can't be compared to Presque Isle or Caribou, we are nowhere near the size of them and they have been established for many years. Just like anyone who has ever started a business or ever built a home, when you started those things at first, it's expensive, again, it costs money to have the services. We have been compared to Mars Hill; their ambulance service is no where's near what our service is nor what I think any of our citizens want for service. I would just encourage people that have signed a petition, to maybe really consider what you signed. And to, to please not share information that you do not have a full understanding of. There's lots that I don't understand, in this whole process and I go in, and I speak to or I speak to the Department because I want to fully understand. I want to come here and I want to speak to all of you with knowing what I'm talking about. So, the fact that people are coming to my house and sharing information that they believe is correct and I know for a fact that it is not ad they are sharing that with people in Town. People are getting worked up and people are frustrated, because you don't see the whole picture or you don't understand it or you're being misinformed. So, I just urge anyone that maybe wants more information, please speak to me any of the councilors, speak to the Town Manager, the Department Heads, speak to those people who are in these departments that are doing the work, that are working with the budget, not people that are just looking at it from the outside and forming their own opinions. Opinions are great. We all have opinions. I want everyone's opinions, there are very smart people in our community and I value their opinions. So, it's encouraged but not at the cost of our town and our services. And just I mean the community is not a bonded community at this point in time here very separated, and it's really too bad. Anyone that has any questions for me, please feel free to see me after but one last thing I do want to touch on:

“I am utterly disgusted by what's happening.” “Absolutely appalled”. If you knew how many hours she sits here, every single day, and how many hours she takes away from her family, to do her best. The fact that she's had to defend herself is uncalled for. I don't know if it's because she's a female, or because she's a progressive thinker but I would like to see our town move forward. Our community is not moving forward, if we continue with the same things that we've always done and the same leadership that we've always had. And if anyone has anything to say about her from that one, please feel free to reach by attention, because I support her 100%. I am very proud of everything she's done.

Mr. Babin - I agree with what Melissa mentioned, already said, some of the things that have been addressed or things have been shared to us has not been aggregated, but I want to share some things that I put down. I just wrote this up in my office this afternoon. Because you know, even as a counselor, I do pray for this community. I'm invested in this community I was invested in before I became a town counselor, I'm still invested in this community. So, in regards our position as counselors, I want the petitioners committee to be reminded of a few things. Number one, we do know and understand that we are elected officials, we're not ignorant of that. And I've been placed here by the voters of Fort Fairfield to be the governing body. We know that. We do not need to be reminded that the town manager works for us and not the other way around. We know that we understand this, but it's the talk of the Town. We all come from different viewpoints. We serve in these positions willingly. And to the best of our abilities. We do serve all the people of the town of Fort Fairfield and have listened to many groups spoken their peace concerning this budget, this council and our town manager. To the petitioners committee, please let me remind you, you do not speak for all the residents of Fort Fairfield. You're a self-appointed group that has gone around to collect signatures, but you do not speak for the whole town, and so just know that. Needless to say, that things have escalated the last several months that have drawn attention in the media, certain individuals who have helped to cause confusion, anger and to some degree turmoil. Having said this, let me continue to express for some of you that this type of approach, this type of approach, in trying to push an agenda should stop. It's not healthy for the community. I as a counselor and preacher of the gospel who have served this community for over 35 years, I am sadden by the divisiveness that has come over this town. It is not right. The nasty comments that have been expressed in regards to this town council, town manager and town staff must stop. I pray for wisdom and peace to settle over this community daily. I will say it again. I am a resident of the town of Fort Fairfield. I do pay my taxes. Do I wish they were lower? Everybody does, but I pay my taxes. I enjoy the services that fort Fairfield provides. Many accusations and complaints have been shared concerning our abilities to govern, our motives, and our qualifications for serving in this capacity as a town council or town councilors. When Some say that we are not listening to the people of Fort Fairfield, I disagree. We are listening, but not just the complaints. We're also listening to the wants, the gratitude, thankfulness and the appreciation for what we do. We've heard it from both sides. I want to just share that even as early as last week, at the post office I get my vehicle tapped on my window on the passenger side and a man approached me, he's lived in this community all his life, and they complimented the town council for doing what they do, and approving the budget. So, it's not everybody that's speaking negative. And that's just one of many. People understand that we do need

services. We do need to do things. And yes, it'll all work out. Divisiveness will make the job harder. So, I just want to share that. As far as our town manager, I want to compliment her for the superb job she's been doing in her position, she's been a blessing and a great asset to this community. I will stand with her and support as a councilor also a preacher and as a resident of Fort Fairfield. In the few years that she's been our manager, she has thrived to move this community forward she's creative, qualified, knowledgeable in her position as a town manager, we thank you very much. I would like to share one more thing, in order for this community to move forward, we must work together, we must be patient with one another, we must respect those who govern and lead. We must have hope beyond our personal feelings concerning the future of Fort Fairfield.

Mr. Babin then shared a passage of scripture.

Mr. Kilcollins – I am very proud, very proud of this Community and we put ourselves in positions that some communities haven't had to do over the years. As a Councilor, I take this job seriously. We take the information off the street and we compute it amongst ourselves to get the majority. We take what our best interest to our community to strive forward. And in that there is always going to be somebody who is not happy. I feel like, because I want everybody to be happy, I want everybody to come through with this. But still, when I leave, when I come back to Town when I get to the highest point that I can see this community. I'm full of joy. And I'm proud because I know where we've been, I know what we've been through. And all the good times and the bad times. We've got to stop and look at where we are today and last year with COVID. And I feel that we made the best decision for the majority and the minority, to move forward. And I feel that the Committee that is formed, can work with us highly and take the information that they have moving forward this year, and combine it with what we've got. But at least we can move forward together and that's what we have to do. You know, a lot has gone on a lot of information from both sides but we need to work together because we're from Fort Fairfield. That's what we do. We do what we've always done and I feel that we can make this work. I believe so. Thank you.

V. Correspondence and Reports

A. Licenses and Permits – Ms. Sharpe

As of July 21, 2021, we have received an annual application for an on-premise license renewal for the VFW Paul-Lockhart Post 6187 and an annual Club and a one day off premises Catering permit for the Maine Potato Board Annual Meeting on July 15, 2021 for the Fort Fairfield Lions Club.

B. Financial Report

Excise collected in June was \$64,948.63; total for the year \$698,089.32= \$73,089.32 over budget. Real Estate & Personal Property Taxes collected for the year were \$3,768,761.56 which = \$110,855.56 over budget.

Revenue Sharing for the year was \$513,844.23 which is \$41,069.23 over budget.

We ended the year with our expenses at 94.97% of budget and our revenue at 87.39% of budget. We are waiting for funds to come in for the ambulance service.

We received July Revenue Sharing in the amount of \$73,614.73 on 7-16-2021. This is \$1,698.00 over our budget.

C. AWS– Mr. Rogeski

The May 28th Board meeting minutes were provided to Councilors in their packets.

VI. Old Business

A. Fort Fairfield Frontier ATV Club

Background: The Fort Fairfield Frontier ATV Club would like Council's approval to allow ATVs to travel Riverside Drive to cross at the Flannery Flats to the trail head.

Discussion: Ms. Powers spoke with Brian Bronson of the Maine Inland Fisheries and Wildlife on July 12th, 2021 regarding the Council's process in this discussion. MDOT requires the Municipal Officers to give their approval of ATV's travelling on the Municipalities roads.

Recommendation: Town Council not allow for ATVs to travel Riverside Drive to Flannery Flats; this is more than the 500 yards allowed by Maine State Law.

Motion: Mr. Kilcollins made a motion to allow for ATVs to travel Riverside Drive to Flannery Flats.

Second: Mr. Smith seconded.

Discussion:

Mr. Kilcollins – I would just like to add that 20 years ago, the ATV Club that was active then, used this as an ATV access route and to my knowledge, there weren't any problems.

Inaudible discussion.....

Kendall Stratton commented that he only wanted this access route approved in the event the Riverside Avenue (East) access route gets shut down for some reason.

Vote: All Affirmative.

VII. New Business

A. Council Review of Petitioner’s Committee Certificate – Ms. Sharpe

As Town Clerk and per the Town Charter, it was my duty to certify as to the Sufficiency or Insufficiency this Referendum Petition.

As the Town Clerk for Fort Fairfield, I took an Oath of Office and swore that I would faithfully discharge, to the best of my abilities, the duties incumbent on me as Town Clerk for the Town of Fort Fairfield, according to the Constitution and the laws of the State.

My findings are based on facts and those facts are as follows:

- 1. Signatures were in fact collected prior to the Town Council passing the 21/22 Budget. I know this because I in fact witnessed Mr. and Mrs. Ouellette pull into a residence of my family member on June 10, 2021 to attempt to gather her signature. While there, another family member said that they had also previously signed the petition. I also have documentation from individuals that have stated that they signed as early as April. Others were able to give me exact dates, all of which were prior to the Town Council passing the 21/22 Budget and all prior to the formation of the Circulators Petition Committee. (It was stated by the Petitioners Committee’s lawyer, that “there is no provision for the Clerk to obtain extrinsic evidence outside of the submitted petition affidavits.”) There is no provision saying the Town Clerk cannot, however; again, I was there on June 10th..... It was no secret that this Committee, mainly Mr. and Mrs. Ouellette were out going door to door, street to street, collecting signatures for months. We also saw the bright pink posters posted on some local businesses. **I will point out, and I have included in your packet (flagged), that the information is not exact to the information that was titled REFERENDUM PETITION that was filed with the me, the Town Clerk. I will also bring to your attention the statement on the bottom of the same paper, the bright pink one that was posted at Town businesses; “*** Townspeople wishing to support this petition may sign it at K-PEL Industrial Services located at 178 Presque Isle Street in Fort Fairfield, or call 207-476-5460 and a volunteer will get the petition to you.” Petitions must be circulated by the member of the Petitioner’s Committee, as they signed the Affidavit. You cannot have “volunteers” circulate these petitions nor can you leave them at a place of business to sign, UNLESS the Circulator will be present to witness the signature(s).**

§ C-49. Commencement of proceedings; petitioners; committee; affidavit. Any five (5) qualified voters may commence initiative or referendum proceedings by filing with the Clerk an affidavit stating they will constitute the Petitioner’s Committee and be responsible for circulation of the petition and filing it in proper form, stating their names and street addresses and specifying the mailing address to which all notices to the Committee are to be sent, and

setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

The definition of Commencement:

NOUN - a beginning or start.

synonyms:

beginning · start · starting point · opening · outset · onset · launch · initiation · inception · birth · dawn · origin · day one · kickoff.

The Petitioners Committee filed with me, on June 25, 2021, their affidavit to form the 5-member petitioner committee (per the Town of Fort Fairfield Charter) that clearly states “for the purpose of circulating and filing in proper form, a referendum petition to require reconsideration by the Town Council of certain adopted budget items for the 2020-2021 fiscal year.” It was then and only then that the Committee had 7 days to circulate the Petitions for signatures. (I noticed after the filing of the Affidavit, that the Committee referenced the wrong fiscal year, but because the error did not duplicate itself on other documents, I left it alone)

According to the Town Charter §C-33 (C) Procedure Referendum and initiative proceedings under this Article shall be carried out in accordance with requirements of this Charter as set forth in §§ C-48 through C-54 in Article VII. However, the following time schedule shall be in effect to preclude extended financial restriction on the Council in the conduct of town affairs:

Time for filing petition. Budget referendum petitions must be filed within seven (7) calendar days after Council adoption of the budget.

Time for certification of Clerk; amendment. The Clerk shall complete a certificate as to the sufficiency of the petition within five (5) days after filing. If determined insufficient, an immediate written notice shall be given in hand to a Petition Committee member who shall acknowledge receipt of the notice. If intent to amend is given by the Committee within one (1) day of receipt of the notice, an added two (2) days from notice of intent shall be granted for filing the amended petition.

If I am to be held to follow the Town Charter and acknowledge the receipt and certification in 5 days per the Charter, then the People also need to follow the Town Charter, which clearly states in §C-49 Commencement of proceedings; petitioners; Committee; affidavit and §C-33 (C) (1) Budget referendum petitions must be filed within 7 calendar days after the Council adoption of the budget. Again, not three months, but 7 days.

- 2. As far as the Affidavit of Circulation of Petition, all circulators swore that each voter had the opportunity to read the full petition text before signing it. As these petitions were circulated prior to the Town Council passing the**

21/22 Budget, the full text of the petition would not have been accurate at that time and would have had to been changed once the Budget was passed on June 24, 2021 to reflect the proper and current amounts that the Petition Committee were requesting the Town Council to amend. You will also see multiple staple holes in the signature pages, which indicate that pages were removed and replace multiple times. Therefore, once again the petitions are insufficient.

- 3. The determination of the Clerk as to sufficiency shall not be subject to Council review §C-33(c) (3) – The Petitioner’s Committee forwarded a letter to each Town Councilor, a copy of a letter addressed to me, The Town Clerk and disclosed responses to my rejections of sufficiency, therefore superseding procedure as outlined in the Town Charter and not allowing for due process.**

There is argument that since the Charter does not specify the specifics of the layout of the Petitions except that it must be presented as “one instrument”. Interpretation of “one instrument” seems to be an issue.

In order to properly circulate a petition, the full language of the action sought should be on the petition. Therefore, when the petition is signed, it is clear to ALL what the purpose of the petition is. The exact language on the petition is then used on the ballot when it goes to vote.

I have included examples of STATE petition papers and ballot and even a sample local petition and you will see how the language of the STATE ballot reads exactly to what is on the petition. Again, this is the proper way and would have ruled out one of the questions on the sufficiency of this petition because the language would have been developed after the Council passed the Budget on June 24th and then the petitions could have been created as “one instrument” and circulated properly.

Even your local nomination papers for Council and School board are designed as one instrument. It is so it clearly states the person running and for what office AND again have a certain amount of time to circulate those petitions properly in order to get on the Ballot in November. It would be wrong to have Joe Anybody take nomination papers out for School Board with the pages stapled together with the candidate’s name on the first page and the signatures on the second page and then collect all the signatures needed, but decide that he doesn’t actually want to run anymore and just attach a new page to the front to allow his brother to run instead. The intent of the people signing those papers was believing that Joe Anybody was the one running, not his brother.

This petition was circulated months prior and all while the budget was still being modified and adjusted due to Council requests, new information that came in after the school passed their budget and other budget adjustments.

The petitioners solicited signatures under an “umbrella text” of not raising taxes or keeping the tax rate “flat” when they should have followed the Charter and circulated a petition that outlined the full text of the Committees requests AFTER the Council passed the Budget on June 24th. There can be no action of the people on the budget until after the Council has passed the Budget. To properly follow the Charter, the Committee had 7 (SEVEN) days to circulate the petition(s), not 3 (THREE) months.

I happen to be; as the Town Clerk, responsible for the State and Town Elections every year and I make sure everyone has the opportunity to vote. I would never stand in the way of that. By finding this Petition insufficient, I am not infringing on anyone’s right to vote. I am simply doing my job as Town Clerk and following the Town of Fort Fairfield Charter. If one wanted to argue, the Petitioners Committee is the one infringing on one’s right to vote by improperly circulating an insufficient petition and not following the Town Charter.

These are my findings on facts and hold true to my oath of office as Town Clerk of the Town of Fort Fairfield and I find this petition filed as insufficient.

Council may vote to agree or disagree with the Town Clerks findings

Motion: Mrs. Libby made a motion to accept the Town Clerks findings to the insufficiency of the Petition.

Second: Mr. Babin seconded.

Mr. Babin asked Ms. Sharpe if she stands behinds her decision.

Ms. Sharpe commented – “one hundred percent.”

Vote: All Affirmative.

B. Housing Authority Board of Commissioners Nomination

C. Personnel Policy Updates

Background: The current Town Personnel Policies and Procedures were amended on March 18, 2020 for the Pandemic Policy and Procedure. We have a new Federal and State Holiday to implement (LD 183 an act to establish Juneteenth as a paid State holiday, signed and approved by Governor Mills June 10, 2021).

Discussion: I recommend Section 5.2.1. (A.) Holidays, add the Juneteenth (6.19) to the Personnel Policies and Procedures. Section 5.2.1. (B.) States that “When a

holiday falls on Sunday, the following Monday shall be deemed a holiday. When a holiday falls on a Saturday, it shall be observed on the preceding Friday.”

Recommendation: Town Council amend the Town Personnel Policies and Procedures by adding Section 5.2.1. (A.) Juneteenth Holiday.

Motion: Mr. Kilcollins made a motion to amend the Town Personnel Policy and Procedures by adding Section 5.2.1 (A) Juneteenth Holiday.

Second: Mr. Babin seconded.

Vote: All Affirmative.

D. ARPA Fund Manager Through the County

Background: The County is going to hire a Program Administrator to manage the ARPA funds to better guide the investment in our County and to assist the municipalities that wish to participate in the program.

The program will last for five (5) years.

Discussion: The County is asking for a one-time investment of 2% of our allocation of ARPA funding, \$346,927.00. At 2% that amount is \$6,938.54.

Recommendation: Town Council sign the ARP Service Contract with County of Aroostook Commissioners Office.

Motion: Mr. Kilcollins made a motion that Council sign the ARP Service Contract with County of Aroostook Commissioners Office.

Second: Mr. Babin seconded.

Vote: All Affirmative.

VIII. Minutes of the June 17, 2021 Regular Council Meeting and the June 24, 2021 Special Town Council Meeting.

Motion: Mr. Kilcollins made a motion to accept the minutes of the June 17, 2021 Regular Council Meeting and the June 24, 2021 Special Town Council Meeting.

Second: Mr. Babin seconded.

Vote: All Affirmative.

IX. Warrants: #28: \$1,290,197.76 #29: \$98,416.01 #01: \$229,898.19 #02: \$342,503.43

Warrant #28 in the amount of \$1,290,197.76 and warrant #29 in the amount of \$98,416.01 were completed on 06/30/2021.

Warrant #01 in the amount of \$229,898.19 was completed on 07/08/2021.

Warrant #02 in the amount of \$342,503.43 was completed on 07/19/2021.

Warrant #02 includes the monthly payment to SAD #20 in the amount of \$178,532.01.

Checking account balance as of 07/18/2021 is \$811,061.82 and Machias Savings is \$5,000.00.

Motion: Mr. Kilcollins made a motion to approve Warrants #28, #29, #01, #02 as written.

Second: Mr. Babin seconded.

Vote: All Affirmative.

X. Other

Ms. Powers - So we have a citizen who has discussed guardrails in the community as a safety concern and the cost of guardrails is not in our current budget. So that is a discussion that we will have to have on a later date. Director Hansen and myself are collecting the information on costs for that, and we will present next month to Council to discuss and then also, on the paving side of things, as Councilors you are aware we have had to pull back on our paving projects that we implemented a couple years ago through Director Hanson and there's a lot of concern amongst a lot of citizens, I get several phone calls, specifically from Mr. Biggs on the Russell Road. He is very upset about not being able to have his road on part of that project for this year and if Director Hanson would like to address some of the same issues, but there are several goals in our community, and due to weather reasons, due to cost of materials, lots of different things that have made it difficult for us to move forward with our paving projects that we have started. If we had continued, we could have looked at in 2023/24 really doing some substantial paving projects. So, these are things that I would like council to keep in mind moving forward. At some point, we will need to get back to that project.

Mr. Hanson - It's very expensive. Every year we put it off. It just gets further and further out and it gets more and more expensive. I stood up to the podium I said we're losing ground. We're still losing ground.

XI. Adjournment

Mr. Babin made a motion to adjourn.

Mr. Smith seconded.

Vote: All Affirmative.

Council adjourned at 7:20 pm.

Respectfully Submitted,

Billie Jo Sharpe, Town Clerk