

Fort Fairfield Town Council Monthly Meeting
Council Chambers
Wednesday, March 21, 2018
6:00 P.M.

I. Roll Call

Councilors: All Councilors are present.

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

Citizens: 18 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

Dave Lown, local resident and business partner with RLC Energy LLC asked Council to postpone the appointment of an electrical inspector and eliminate the local Ordinance. Mr. Lown said the local Ordinance is out of date, vague and with errors.

Mr. Lown said that Fort Fairfield is the only Town within a 50-mile radius that currently has an electrical inspector and says it hinders economic growth by slowing down the construction of homes and improvements to property and the State doesn't require an electrical permit process in the Town. The State has a well-documented Statute and its own electrical inspectors. The State has an online process that documents an application that has been applied for and that a permit has been issued. Mr. Lown said that to the best of his knowledge, the Town does not document the process. There is no accountability. Having an electrical inspector that is directly in competition with the contractors he or she is inspecting is a conflict of interest. This puts the inspector in direct conflict with the contractor. The inspector can make or break the contractor and eventually drive the contractors out of town. If the Town insists on having an electrical inspector, it should be someone who is no longer in the contracting business. A local inspector does not have any higher authority or knowledge than a master electrician.

Mr. Smith commented that it was his understanding that for an industrial or commercial electrical job, the State will come in, and a master electrician inspects his own work on residential. Mr. Lown responded "yes that is correct."

Mr. Lown replied that a citizen is permitted to do their own electrical wiring but Emera will not connect to the wiring unless a master electrician inspects and approves that work.

Mr. Smith asked Mr. Lown if he believed that having a master electrician doing the inspection, if it improves the liability.

Mr. Lown said that you have to have a master electrician inspect it and by having a master electrician sign off on the work, as far as the State is concerned, that work meets code.

Mr. Butler commented that Mr. Lown said the State has its own electrical inspector?

Mr. Lown replied that the State has many inspectors.

Mr. Lown then handed the Council each a packet documenting information regarding current statutes relating to the topic.

V. Correspondence and Reports

A. Licenses and Permits

As of March 21, 2018, we have received one license renewal for Rosella's.

B. Financial Report

The Town's Real Estate and Personal Property tax collections as of February 28 are \$2,665,410.75.

Excise tax collections as of February 28 are \$405,338.05. This is 73.28% of the budgeted amount, which is 6.61% above the 66.67% of budget projection.

We received State Revenue Sharing on February 21 in the amount of \$24,629.01. The total so far this year is \$164,441.76. This puts the Town ahead of budget as we have collected 67.24% of the amount budgeted, compared to the 66.67% expected.

Overall, our expenses are below projections; at 63.05% compared to the budget projection of 66.67%.

Cash flow is excellent, with a balance of \$64,144.58 in checking and \$1,455,000 in savings after completion of Warrant #19.

Mr. Risner stated that he also included a copy of the FY 18/19 budget schedule and the agenda for the FY 18/19 department head budget presentations in the Councils packets.

C. Tri-Community Landfill Report - Mr. Rogeski

A copy of the minutes from the January 26, 2018 Board of Directors meeting was included in the Council's packets.

Mr. Rogeski said that the Board of Directors last met on February 23 and will meet again on March 30. Mr. Rogeski noted that their meetings are all public meetings. Now that the Presque Isle merger is complete, there are not many executive sessions and encouraged members of the Council or public to attend.

The 2017 Financial draft statements were reviewed and will be finalized at the next meeting.

A year ago, TCL moved to a new company to handle electronic waste products. The new company cost a little less than the old company did and that they allow TCL to put the electronic waste in different sized totes, which makes it easier for staff to handle.

Brian from Pine Tree Waste visited and discussed pending contract renewals that are all up this year. Negotiations will be ongoing.

The Town Manager from Mapleton, Castle Hill and Chapman also had questions for the Board regarding how the recent merger may affect his community.

Mr. Draper also informed the Board that grant application process has begun for a new recycling center and Kim Smith from Presque Isle will help write the grant for no cost to TCL.

Mr. Rogeski also said that the Board approved the by-laws now that the Merger with Presque Isle is complete.

Mr. Smith asked when the Pine Tree contract expires.

Mr. Rogeski replied that it ends at the end of 2018 as do all the contracts.

Mr. Butler wanted to know where the meetings are held.

Mr. Rogeski responded that they are held at the Caribou Motor Inn at 7:30 am.

D. Dynamic Speed Sign –

On February 5, 2017, Public Works Director Darren Hanson received notice from the Maine Department of Transportation's Traffic Division that the Town had been awarded a dynamic speed sign.

Director Hanson and Chief Newell traveled to Augusta on February 22, 2017, to pick up the sign and to attend the mandatory training on the signs use. The dynamic speed sign is approximately three feet by three feet and has a separate solar panel attached to power the unit. It will provide valuable traffic data and bring attention to problematic areas for speeding complaints. The speed sign is portable and can be placed in high traffic areas anywhere in town. A photo of the dynamic speed sign was included in the Council packets.

The value of the dynamic speed sign is \$3,700.

Recommendation: For information only. No Town Council action required.

Mr. Smith asked if the sign needs to be calibrated.

Mr. Newell responded yes, they do but it's all done electronically by the State.

E. FairPoint Application for Pole Locations

On February 23 the Town received three applications from FairPoint to move the following poles:

1. Move one pole approximately one foot further from the centerline of the road and add 2nd pole approximately eight feet; and in line; with the new pole on West Limestone Road.
2. Move one pole approximately six feet; and in line but one foot further from the centerline of the road; and add a 2nd pole approximately five feet; and in line; with the new pole on Center Limestone Road.
3. Move one pole approximately four feet; and in line with the existing pole; and add a 2nd pole approximately six feet; and in line; with the new pole on the Green Ridge Road.

The first two applications are changes to the applications that were initially received on January 30. Both of the initial applications were to move the poles closer to the road, which creates a problem because of the lay of the road and snow plowing. The current applications; received on February 23; move the poles further from the road.

Mr. Darren Hanson, Road Commissioner, and Mr. Risner inspected the current and proposed new pole locations for the three applications. Moving and adding poles will not create any problem for the Town. Mr. Risner approved the application for these poles based on his discussion with Mr. Hanson and their visual inspection of the site.

F. Transfer of Funds within the Public Works Appropriation

The 2004 Komatsu loader that is used to plow the in-town streets and the cleanup of snow on Main Street experienced a serious driveline failure in January. The loader has been repaired and came back into service on March 7.

The total repair cost was \$38,900.97. The Town received a credit of \$12,066.07 on the core of the transfer case. The final cost to the Town is \$26,834.90.

To pay for the repairs, Mr. Risner will transfer \$25,000 from the health insurance account (E 01-08-02-05) and \$4,000 from the sand/salt/calcium account (E 01-08-25-40) to the parts/repair/freight account (E 01-08-25-15). Personnel changes within Public Works this year and a smaller increase in health insurance for calendar year 2018 are the reasons for the extra funds in the health insurance account. Bottom ash received from ReEnergy is a major reason for extra funds in the sand, salt and calcium account.

VI. Old Business

A. All-Terrain Vehicle (ATV) Access Routes – Mr. Risner

Background: During its February 21 meeting, Town Council directed Staff to further review alternative ATV access routes that will maintain safety and further accessibility to downtown.

Discussion: Mr. Risner met with Mr. Kendall Stratton, President of the Fort Frontier ATV Club several times since the February 21 Town Council meeting. The Club's current request contains four parts.

Part 1 is a .9 mile stretch south on Forest Avenue from Main Street.

Part 2 has two maps. The 1st map runs from Forest Avenue to Presque Isle Street, along Roosevelt Avenue, Fisher Street, Columbia Avenue, Elm Street, Community Center Drive, and Milk Street. The 2nd map is the same with one exception; the addition of Elm Street from Community Center Drive to Main Street.

Part 3 is on the Dumond Road between Forest Avenue and the Dorsey Road, and is approximately 3,200 feet in length. The purpose of Part 3 is to allow ATV owners to use the Dumond Road to access the Forest Avenue access route, if it is approved by the State.

Part 4 runs from the Park 'n Ride on Park Street, along Main Street to the Dorsey Road, and ends at the Dumond Road.

Town Staff has reviewed the requested routes and has the following comments.

Part 1 can be supported by Staff. While not an optimal route, it is .2 miles shorter than the route requested at the February 21, 2018 Council meeting. This access route closes the ATV trail loop in Fort Fairfield and provides access to Main Street and the businesses located there. The route is on a State maintained road.

Part 2 is not supported by Staff. The requested route is not needed if Council recommends the State approve Part 1, and is not viable if Council does not recommend State approval of Part 1. From a safety perspective, the curves on Roosevelt Avenue at Fisher Street, Fisher Street at Blaine Street, and Blaine Street at Columbia Avenue are narrow with limited sight vision. The Elm Street extension on Map 2 ends at Main Street, and does not connect to a trail.

Part 3 is not supported by Staff. The requested route does not connect two trails, but appears to be a feeder route to a requested access route. The route is intended for use by local residents only.

Part 4 is not supported by Staff. The requested route does not connect two trails, but appears to be a feeder route to a requested access route. The route is intended for use by local residents only.

Recommendation: Town Council approves the Fort Frontier ATV Club's request for support to have the State make the .9 mile stretch of Forest Avenue an ATV access route. Town Council not approves the Fort Frontier ATV Club's request for Parts 2, 3, and 4.

Mr. Kilcollins stated his concern is that there are a lot of people in the community that have ATVs that live on these streets and asked if they were to use the streets to gain access anyway, would they get in trouble with the law and will there be any leeway for these people.

Chief Newell said that they would in fact be in violation of the State law.

Mr. Kilcollins said then that Council needs to look at 2, 3, and 4 as it affects a lot of people that want access.

Mr. Barnes commented that he is very against having every street opened to ATV access.

Mr. Smith – If the Forest Avenue access is approved, it will give plenty of access to the sides streets.

Mr. Risner – There are no sidewalks; people are out walking in the summer. Roosevelt Avenue is not a straight stretch of street and that's a big concern. If the Forest Avenue

route is approved by Council and the State, then the ATV's have access to downtown, which is one of the things Council was looking for. The other routes are just convenience routes to ATV users that live on those streets that aren't within the legal distance of an access route.

Mrs. Libby – Commented that it is more of a need than a convenience for people to be able to gain access to the trails using the side streets rather than having to trailer their ATVs.

Mr. Butler – Plan #1 gives access to downtown which is what was requested. Plan #2 is not a good idea, sidewalks are not good, too many walkers. There is major safety concern with Plan #2.

Mr. Smith – It would be advised to follow staff's recommendation and then see what happens. If it works, maybe then look at opening other ones a little at a time rather than opening them all up at once. The ATV club was originally looking for the access to downtown by opening up Forest Avenue and this is a good start.

Mr. Barnes made a motion to approve Part #1 as recommended by staff.

Mr. Butler seconded.

Vote – All Affirmative.

B. Status on UDAG Loan #43

Background: The Town of Fort Fairfield has a mortgage on the property at 330 Main Street.

Discussion: On August 1, 1994, Thomas J. Clukey and Richard S. Clukey executed and delivered a Promissory Note payable to the order of the Town of Fort Fairfield in the original amount of \$40,000.00 (herein the "Note"). The Note was secured by a Mortgage recorded in Book 2711, Page 253 of the Southern Aroostook Registry of Deeds (herein the "Mortgage"). The Note and obligations under the Mortgage were assumed by Robert E. Kilcollins by Assumption, Allonge and Modification Agreements dated September 22, 1997 and May 15, 1999.

The Note, as modified, was fully due and payable on June 1, 2007. The current amount due as of March 15, 2018 is \$30,463.80 as follows: Principal: \$21,724.45
Interest: \$8,739.35

Legal fees to date are \$1,278.00.

A 'Notice of Default and Right to Cure' was delivered to Mr. Kilcollins on February 12, with a cure date 30 days after delivery (March 14).

Mr. Kilcollins asked to address the Town Council on subject.

Mr. Smith informed Mr. Kilcollins that if he wished to address Council; he would have to step down and not participate in any vote or discussion.

Mr. Kilcollins stepped down and stated: “At this time I recuse any decision on this matter.”

Mr. Smith – “That being said, we are going to proceed.”

VII. New Business

A. Tax Acquired Property for 2015 Taxes

The following is a list of properties that became Tax Acquired on March 8, 2018 for 2015 taxes and the total amount due on each property as of March 9, 2018:

(A) ROBERT SHERWOOD ESTATE/ERIC SHERWOOD, PR (DECEASED)
564 Houlton Road – Total Taxes Due: \$2,536.40.

Assessed Value is \$22,700: Minimum Bid Recommendation is \$3,000.

(B) JESSICA JANDREAU
261 Sam Everett Road – Total Taxes Due: \$1,759.56.

Assessed Value is \$26,600: Minimum Bid Recommendation is \$3,000.

- First offer the property to the owner for the total taxes due plus interest and fees to be paid in full within 180 days.
- Send the owner a certified mail offering the property back to her and allow her 15 days to accept the offer.
- Put the property up for bid for \$3,000 if the owner is not interested or does not respond within the 15 days.

Recommendation: Town Council authorize the Treasurer to put the following properties out for bid in AS IS WHERE IS condition with no guarantees expressed or implied with minimum bids and offer as stated:

- 564 Houlton Road, minimum bid of \$3,000;
- 261 Sam Everett Road, offer to 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. Town Council authorizes the Treasurer to put the property out to bid with a minimum bid of \$3,000 if the contingency is not met.

Mr. Barnes made a motion to authorize the Treasurer to put the following properties out for bid in AS IS WHERE IS condition with no guarantees expressed or implied with minimum bids and offer as stated.

Mr. Kilcollins seconded.

Discussion – None.

Vote – All Affirmative.

B. Transfer of Library Funds from Historical Preservation to Library Reserve

The Jesse Drew Room will be assessed by the Northeast Document Conservation Center on May 7 as to requirements that may be needed to better protect the historical documents and books housed in its' collection. This assessment must be completed before we can have the collection appraised. The assessment is funded by a grant from The National Endowment for the Humanities.

The funds in the historical preservation account for Fiscal Year 2017/2018 were to be used to pay for the appraisal of the collection. The appraisal will likely occur after the start of the next fiscal year because of the timing of the assessment. Moving the funds from the historical preservation account to the library reserve account will ensure those funds will be used for the purpose they were budgeted for.

Recommendation: Town Council authorizes the Town Manager to transfer the \$1,500 currently in the historical preservation account (E 01-02-10-45) to the library reserve account (G 1-3040-00) for use in the appraisal of the Drew room collection.

Mr. Butler made a motion to authorize the Town Manager to transfer the \$1,500 currently in the historical preservation account (E 01-02-10-45) to the library reserve account (G 1-3040-00) for use in the appraisal of the Drew room collection.

Mr. Kilcollins seconded.

Discussion – None.

Vote – All affirmative.

C. Winter Sand

Background: The Town will need to purchase up to 3,000 cubic yards of screened sharp winter sand with 200 pounds of rock salt per yard in order to prepare for the 2018/2019 snow season.

The Town is projected to use 4,000 cubic yards of screened sharp winter sand with 200 pounds of rock salt per yard during the 2017/2018 snow season.

Discussion: Without serious competition in the winter sand market, the Town is spending more by putting the winter sand out to bid than it would if we negotiated the price.

Two years ago, the Town put the winter sand out to bid. The Town received two bids for 2,000 cubic yards of screened sharp winter sand with 200 pounds of rock salt per yard; O'Neal General Contracting Ltd for \$14.99 per yard and K & M Sand and Gravel for \$19.25 per yard. Last year the Town Council authorized the Public Works Director to negotiate the price of sand and in doing so we were able to keep the price the same as the previous year \$14.99 per yard.

Recommendation: Town Council authorizes the public Works Director to negotiate the price of winter sand for the winter season of 2018/2019.

Mr. Kilcollins made a motion to authorize the public Works Director to negotiate the price of winter sand for the winter season of 2018/2019.

Mr. Butler seconded.

Discussion – None.

Vote – All affirmative.

D. Proclamation 18-04, Community Development Week

Background: The Community Development Block Grant (CDBG) program was established in 1974 and is a partnership of federal, state and local governments as well as private sector, non-profit and community efforts to develop viable urban communities by providing decent housing, suitable living environments and expanded economic opportunities, principally for low and moderate income persons.

The Town of Fort Fairfield has received \$10,728,926 in CDBG funds since 1988. Town projects funded with CDBG dollars include the clinic project, armory renovation and Monson pond dam and bridge project.

Discussion: The National Community Development Association established the National Community Development Week 32 years ago. This year, April 2 through April 6 has been designated Community Development Week.

The proclamation proclaims the week of April 2 through April 6, 2018 as Community Development Week throughout the Town of Fort Fairfield and gives special thanks and recognition to all the participants whose hard work and devotion to the neighborhoods and their low and moderate income residents to help insure the quality and effectiveness of the Community Development Block Grant Program.

Recommendation: Town Council sign Proclamation 18-04, Community Development Week.

Mr. Butler made a motion to sign Proclamation 18-04, Community Development Week.

Mr. Barnes seconded.

Discussion – None.

Vote – All affirmative.

E. Ordinance 18-05, Consumer Fireworks

Background: The use of fireworks was legalized in the State of Maine in 2015. Since then, we have had many formal and informal complaints regarding the discharge of fireworks within Fort Fairfield. Currently, the Town has no legal recourse to address citizen's ongoing concerns and frustrations.

Fort Fairfield has many veterans living here and the discharging of fireworks can be an arduous time for some of them. Residents have also complained about the amount of stress the noise from discharging fireworks has caused for their animals. The proposed ordinance establishes set days and times residents may use fireworks.

The proposed ordinance establishes set days and times residents may use fireworks, and requires individuals to obtain a permit for the discharging of fireworks in Fort Fairfield. Recommendation: If Council agrees with the proposed ordinance, then a Councilor will need to introduce the Consumer Fireworks Ordinance at the March 21, 2018 Council meeting and direct staff to hold a public hearing on the ordinance on Thursday, April 5, 2018 at 6:00 p.m. in the Council Chambers at the Fort Fairfield Municipal Building.

Mr. Smith – still requires a permit, but allow for special occasions such as an anniversary, birthday, etc and strike the fee.

Mr. Risner – staff will make changes as suggested by Council.

Introduced by – Mr. Butler with recommended amendments.

F. Appointment of Electrical Inspector

Background: Town Council Order Number 93-01 established the position of electrical inspector. The Order states that the individual appointed to the position shall be certified by the State as a master electrician, and that the Town Council shall appoint an electrical inspector annually.

Discussion: Mr. Todd Maynard is the current electrical inspector. Mr. Maynard is certified by the State as a master electrician, and has been the electrical inspector since 2005.

Recommendation: Town Council appoints Mr. Todd Maynard as the electrical inspector.

Mr. Kilcollins asked that this item be tabled until further review.

Mr. Smith – with the information that we have, I think we can eliminate the Ordinance and the position of Electrical Inspector.

Mr. Butler introduced Ordinances 18-06 and 18-07 to repeal Ordinances 01-03 and 93-01.

G. Appointment to the Northern Maine Development Commission (NMDC)

Background: As a member of NMDC, the Town is authorized two representatives. At least one of the representatives must be a municipal officer or a designee elected by a majority vote of the municipal officers. This designee serves at the will of the municipal officers.

The other representative shall serve a term of two years and may be removed by the municipal officers for cause after notice and hearing. Mr. James Risner is this representative and was appointed by Town Council at its April 20, 2016 meeting.

Discussion: Mr. John Herold was the municipal officer representative. Mr. James Risner is the other representative and was appointed by Town Council at its April 20, 2016 meeting.

Recommendation: Town Council elects a municipal officer as a representative to NMDC and appoints Mr. Risner as the other representative for a term of two years.

Mr. Butler offered to serve as municipal officer representative.

Mr. Smith seconded.

Discussion – None.

Vote – Mrs. Libby: Aye
Mr. Kilcollins: Aye
Mr. Barnes: Aye
Mr. Smith: Aye
Mr. Butler abstained from this vote.

Mr. Butler nominated Mr. Risner to serve as the other representative for a term of two years.

Mr. Barnes seconded.

Discussion – None.

Vote – All affirmative

H. Storage of Public Works Grounds Maintenance Equipment

Background: Public Works stores its grounds maintenance equipment in the garage which is part of the bathhouse at Farm Park. With the sale of Farm Park, that storage is no longer available.

Discussion: The Town owns a building at its tower site on the Center Limestone Road. The building is structurally sound, but is in need of repairs. The repairs would include a cement foundation and slab floor, metal roof, and a new garage door. These repairs would provide the storage space needed for the grounds maintenance equipment and the Town's antique fire truck, and would dramatically prolong the usable life of the building.

The proceeds from the sale of Farm Park are \$14,530.08.

Recommendation: Town Council authorizes the proceeds from the sale of Farm Park be placed in the public works reserve account (G 1-3060-00) to be used for repairs of the building at the tower site on the Center Limestone Rd.

Mr. Kilcollins made a motion to authorize the proceeds from the sale of Farm Park be placed in the public works reserve account (G 1-3060-00) to be used for repairs of the building at the tower site on the Center Limestone Rd.

Mr. Butler seconded.

Discussion – None.

Vote – All affirmative.

I. Nominations for Commissioner of the Fort Fairfield Housing Authority

The Housing Authority of Fort Fairfield Board of Commissioners recommends Town Council appoints Dawn Carbone to replace Marylou Libby as a Resident Commissioner, Housing Authority of Fort Fairfield, to complete the term ending June 30, 2021 and Robert Langner to replace David Armstrong for the position of Commissioner, Housing Authority of Fort Fairfield to complete the term ending June 30, 2018. Letters of recommendation from the Fort Fairfield Housing Authority Board of Commissioners are attached.

Recommendation: That Town Council appoints Dawn Carbone to complete the term ending June 30, 2021 and Robert Langner to complete the term ending June 30, 2018.

Mr. Butler made a motion to appoint Dawn Carbone to complete the term ending June 30, 2021 and Robert Langner to complete the term ending June 30, 2018.

Mr. Kilcollins seconded.

Discussion – None.

Vote – All affirmative.

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

Mr. Barnes made a motion to approve the Minutes of the February 21, 2018 Regular Council Meeting.

Mr. Butler seconded.

Discussion – None.

Vote –All affirmative.

IX. Warrants: #18; \$287,021.61 #19; \$699,549.74

Mr. Butler made a motion to approve Warrants: #18; \$287,021.61 and #19; \$699,549.74

Mr. Barnes seconded.

Discussion – None.

Vote – All affirmative.

X. Other

XI. Manager's Report

Given to Council for informational purposes only.

XII. Executive Session

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

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

Mr. Kilcollins seconded.

Vote – All affirmative.

Council entered into Executive Session at 7:06p.m.

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

Mr. Barnes seconded.

Council came out of Executive Session at 7:29 pm.

Mr. Butler introduced Ordinance 18-08.

XIII. Adjournment

Mr. Butler made a motion to adjourn.

Council adjourned at 7:30 p.m.

Respectfully submitted

Billie Jo Sharpe
Council Secretary