

**Fort Fairfield Town Council Monthly Meeting  
Gymnasium, Fort Fairfield Municipal Building  
Wednesday, September 16, 2015  
6:00 P.M.**

Councilors: David McCrea, Jason Barnes, Susan LeVasseur, John Herold  
and Robert Kilcollins

Staff: Tony Levesque, Billie Jo Sharpe, Tim Goff, Shawn Newell, Jim Risner,  
Ella Leighton, Tom Towle, and Becky Hersey.

Citizens: 40 including media

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

Motion: Mr. John Herold moved to go into Executive Session at 6:02 PM to discuss

1 MRSA 405 (6) (E) - Consultations with Legal Counsel

Second: Ms. Susan LeVasseur

Vote – All affirmative

Motion: Mr. David McCrea moved to come out of Executive Session at 6:15 PM

Second: Mr. John Herold

Vote – All affirmative

- V. Public Comment- Chairman Barnes requested that there be no comments at this time regarding the Wind Ordinance. The reason for this is that we have had a public hearing and we have accepted all forms of communications up until 6:00 pm this evening on that issue. He went on to say that the Fort Fairfield Town Council received many letters and emails regarding the Wind Energy Ordinance, I have read them all at least twice and I appreciate the input. One letter from a citizen that I have known all my life and we have served on boards together in the past and in the present. In his letter of support for the ordinance was the following paragraph, “I also wish to raise an issue with members of the Fort Fairfield Town Council. It is my personal feeling that Chairman Barnes may have a potential conflict as a result of his affiliation with Smith Farms. Smith Farms may benefit from turbines being placed on their properties. There is a perceived feeling that a conflict exists and that Mr. Barnes should excuse himself from any future discussions and votes concerning the proposed wind ordinance issue.” I would like to give you some facts this evening. I have been employed by Smith Family for 26 years. The Smith family do in fact own considerable amount of agricultural land in Fort Fairfield. The Smith’s did meet with Horizon Wind Energy, seven or eight years ago, and was offered potential leases and discussed what could be arranged. Smith’s declined the offer and the subject of wind energy has not been discussed since. Further, I am nearing my third year of my council term and the Smith family has never questioned me or has had any input to my decision on this council. Therefore, I feel no conflict exist and with clear conscience will remain in

discussion and will have my vote. I feel that the person that stated this did it to intimidate me and other council members and I find it insulting and an attack on my integrity.

Mr. Stev Rogeski - Wanted to thank George Watson for all of the years of his service with the Town. He just recently retired and I think we should note what a great job he did, and that he will be missed.

Ms. Peggy Strid – I own the building on 257 Main Street, it came to her attention that the Town purchased the parking lot next to her building. She and her husband have on numerous occasions tried to purchase this property from the previous owners so that her renters could park there as well as the patrons for the Bakery and Hair Salon. Would like to know what we can do now to purchase this.

Mr. James Risner – Told Ms. Strid to give him a call to set up an appointment to discuss this property.

## VI. Correspondence and Reports

### A. Licenses/Permits – None

B. Financial Report -Mr. James Risner – The 2014 tax liens were filed on September 8<sup>th</sup>, for 2014 there were 154 liens with a value of \$121,270, which are fewer than the 182 liens with a value of \$137,302 for 2013. Our expenses are in line with our budget, as of August 31<sup>st</sup> we have spent 17.30% of our budget. Our revenue side is looking good as well. Excise tax collections are up for the second month in a row. Cash flow is in good shape. A copy of the preliminary audit results for year ending June 30, 2015 are attached to these minutes. They show a surplus of \$11,645, which is \$113,335 less than the projected surplus of \$125,000.00 in the FY 14/15 budget. The final audit should be completed by October 9<sup>th</sup>.

C. Tri-Community Landfill Report – Mr. Stev Rogeski- The last meeting was held on August 21<sup>st</sup>. At this meeting Mark went over the financial statement and this is in line. Also with the recyclables, this is down right now from past trends, hoping the market will change. Mark has been meeting with management of some large mills in the Lubec area, they would like to make a deal where they would provide us with some of their waste wood which we would use for daily coverage. Some of our local suppliers want to charge a large price for this, if we can get it somewhere else at a better price that will help us out. Mark also mentioned that some of our igloo's need upgrading, so he is looking to have some refurbished.

## VII. Old Business

A. Ordinance for Wind Energy Development – Ms. Susan LeVasseur introduced Ordinance 15-04 for the Wind Energy Development at the August 19, 2015 meeting. A

legal review was completed on September 1, 2015. The WED Ordinance with the attorneys comments incorporated has been posted on the Town's website and copies provided to Councilors and members of the Wind Energy Technical Review Committee. A public hearing was held on September 8, 2015 at 6:00 PM in the Gymnasium at the Community Center. A copy of the minutes and any public comments have been given to the council and are for public viewing.

Chairman Jason Barnes – Councilors I feel uncomfortable with this only for the fact that we have not had an opportunity to speak about it among ourselves.

Motion: Mr. John Herold moved to approved Ordinance 15-04 for the Wind Energy Development in its past and present form.

Second: Mr. David McCrea                      Vote – Robert Kilcollins- aye  
   Susan LeVasseur – aye  
   John Herold – aye  
   David McCrea – aye  
   Jason Barnes - nay

Discussion:

Mr. John Herold stated that he wanted to keep it simple, there has been a lot of discussion on this matter in the past year. We have tried to impress on people that this isn't about being pro or anti wind power, it is about safety, welfare and well-being of the citizens of Fort Fairfield. It's not perfect, the committee members are human, they are not perfect. Having said that, we tried to get this as good as we could, we went over and over things, discussed things at great length, lots of research and this is what we came up with right now. However, it can be changed in the future, just like any other ordinance it can be changed. Also it is self-rule, it gives our town the ability to take the direction it wants to go in certain matters, what certain standards it wishes to apply to those matters. If we don't have this ordinance we revert back to the State standards. By some accounts they are too lenient and by some standards they are too strict. The only place that cares about Fort Fairfield is Fort Fairfield and if we lose that ability to manage our own affairs, set our own direction and have municipal self-rule. We need to pass this ordinance.

Ms Susan LeVasseur – The council has five choices to make, should that be made public now. So that they understand Johns statement better. I want everyone to understand what is going on, the council has five chooses and they are:

- a. We can adopt the ordinance as written, a referendum may apply.
- b. Adopt the ordinance as amended by the Council, a referendum may apply.
- c. Reject the ordinance, initiative may apply.
- d. Post pone to the next regular council meeting.
- e. Council takes no action, initiative may apply.

I think this affects the Town of Fort Fairfield, I want to see our Town grow, but I don't want to throw it under the bus either. So I want everyone aware that if it is passed tonight, there are choices to make at a later date.

Mr. David McCrea- One year ago, this past 4<sup>th</sup> of July weekend while on vacation, I received a call from someone who is here in the audience. That person was very unhappy, they had been approached about the windmills. Soon after that we had a meeting where it was said, let's not do anything until we come up with some rules, an ordinance. Once this ordinance is passed, its definition is that it is local law. It absolutely can be changed it is not cast in stone. It could be changed simply because a group of citizens got together and thought it needs to be changed and there is a process for that. We did set the moratorium, in fact we extended it, so that we could do a better job. I served on that committee, it is a committee that I am most proud of, and we did the best job we could do. I am proud of the job we did, whether we all agreed or not. We met for ten to twelve months, we met twice a month, we had sub-committee meetings in between and we developed an ordinance. The committee was taking this seriously, the community stayed involved and that's unusual. The public hearing was on the 8<sup>th</sup>, everyone that wanted to speak had a chance to do that. One thing that is a fact is that this little town wanted rules before we had an investment in it and that is what this ordinance is.

Mr. Jason Barnes- I am not going to try to convince my fellow councilor's here what their vote should be. The ordinance addresses a set of boundaries that should be included in an ordinance, but the questions that I have and I am struggling with is the criteria for the developer. I feel it may be too stringent for any project in this town. I also struggle with what benefits can be gained by the development and does the ordinance send any negative message to any other industry or business that would possibly consider Fort Fairfield as a location. The Town is struggling to maintain what we have, we are facing increased property taxes, stagnant growth, and we have exiting of our youth and others due to lack of opportunities. For me the questions and the factors have formed my opinion on the ordinance and I felt it should be changed. I encourage each of the councilors not to allow their thoughts to be chosen for you, take inventory and decide what is best for Fort Fairfield.

#### VIII. New Business

- A. Establish mil rate, due date, interest and interest penalty date for Fiscal Year 2015/2016 real estate and personal property taxes, Town Order 15-06- James Risner – Town Council approved the budget in July for a July 1<sup>st</sup> implementation but the mil rate is not set until the taxes are committed on October 1<sup>st</sup>. The recommendation is that the Town council adopts either a 24.50 mil rate and transfer of \$33,434 from the DOF Fund Balance (G 1-3325-00) to Community Center Reserve (G 1-3061-00) in order to support the FY 15/16 budget and surplus miscalculation, due date of February 1, 2016, interest rate of 7.00% and interest penalty date of March 1, 2016 for FY 15/16 real estate and personal property taxes.

OR

A 24.25 mil rate and transfer of \$73,164 from the DOF Fund Balance (G 1-3325-00) to Community Center Reserve (G 1-3061-00) in order to support the FY 15/16 budget and surplus miscalculation, due date of February 1, 2016, interest rate of 7.00% and interest penalty date of March 1, 2016 for FY 15/16 real estate and personal property taxes.

Motion: Ms. Susan LeVasseur to approve Town Order 15-06 to set the mil-rate at 24.50 mil rate and transfer of \$33,434 from the DOF Fund Balance (G 1-3325-00) to Community Center Reserve (G 1-3061-00) in order to support the FY 15/16 budget and surplus miscalculation, due date of February 1, 2016, interest rate of 7.00% and interest penalty date of March 1, 2016 for FY 15/16 real estate and personal property taxes.

Second: Mr. Robert Kilcollins

Vote – All affirmative

- B. General Assistance Ordinance – The State has issued new maximums for the 2015-2016 General Assistant Ordinance. These are updated annually and are effective beginning October 1<sup>st</sup> – September 30<sup>th</sup>. Appendices A & C are the only Appendices that have changed and affect Aroostook County this year. The law requires that the municipal officers adopt the ordinance and/or Appendices after notice and hearing. It is recommended that a Councilor need to introduce the attached ordinance during the September 16<sup>th</sup> Council meeting and direct staff to hold a public hearing on the ordinance.

Motion: Mr. David McCrea introduced the General Assistance Ordinance with the new maximums that the State has issued for the 2015-2016 year and direct staff to hold a public hearing on the ordinance.

- C. Tax Anticipation Note – As is customary to aid the Town with cash flow during the 2<sup>nd</sup> and 3<sup>rd</sup> quarters of the Fiscal Year, we put out to bid the interest rate on a \$600,000 line of credit. Two invitations were sent out, one to Katahdin Trust Company and the other to Machias Savings Bank. Machias presented an option 1 at 1.15% and option 2 at 1.65%. In order to take advantage of option one we would need to open our primary operating account with them. The Town has had an account with Katahdin for 26 years and their rate was 1.39%. It is recommended that the Council move to approve borrowing \$600,000.00 for a tax anticipation note at 1.39% for 6 months from Katahdin Trust Company, authorize the Town Manager James C. Risner and Council Chair Jason Barnes to sign the loan document, and the Town Manager James C. Risner and Town Treasurer Ella Leighton to take advances as needed on the Tax Anticipation Note.

Motion: Mr. John Herold moved to approve borrowing \$600,000.00 for a tax anticipation note at 1.39% for 6 months from Katahdin Trust Company. Motion also authorizes that the Town Manager James C. Risner and Council Chair Jason Barnes can sign the loan document and the Town Manager James C. Risner and Town Treasurer Ella Leighton can take advances as needed on the Tax Anticipation Note.

Second: Mr. Robert Kilcollins

Vote – All affirmative

- D. Ordinance for Lease of Puddledock, 38 Dorsey Road – The Town’s lease with Mama Bear Day Care, LLC of the Puddledock building located at 38 Dorsey Road terminates on October 31, 2015. They would like to continue leasing the building and premises for use as a licensed Daycare. The proposed lease is for one year with three one year options, for a total period of up to four years. The current monthly rent is \$300.00. An ordinance is required in order to lease any lands of the Town (Town charter, Section C-14, A (5)). It is recommended that a Councilor needs to introduce the attached ordinance during the September 16 Council meeting and direct staff to hold a public hearing on the ordinance.

Motion: Mr. John Herold introduced Ordinance 15-05 to lease 38 Dorsey Road (Puddledock) to Mama Bear Daycare LLC (Heather Beaulieu) and direct staff to hold a public hearing on the ordinance.

- E. Maine Municipal Association Annual Business Meeting Voting Delegate – Each year the Town Council elects one individual to represent the Town as a voting delegate and one individual as an alternate to the MMA annual meeting. This year’s meeting is held 1:30 – 2:30 on Wednesday, October 7<sup>th</sup> at the Augusta Civic Center. Tony Levesque and James Risner are planning on attending this year. It is recommended that the Council appoints James Risner as the Town’s voting delegate and Tony Levesque as the alternate.

Motion: Mr. John Herold moved to approve appointing James Risner as the Town’s voting delegate to the MMA annual meeting and Tony Levesque as the alternate.

Second: Ms. Susan LeVasseur

Vote – All affirmative

- IX. Minutes: Council Meeting August 19, 2015

Motion: Mr. Robert Kilcollins moved to approve Minutes of August 19, 2015 as written.

Second: Ms. Susan LeVasseur

Vote – All affirmative

- X. Warrants: #4 in the amount of \$129,016.29, #5 for \$166,439.01

Motion: Mr. David McCrea moved to accept warrants #4 and #5 as presented.

Second Mr. John Herold

Vote – All affirmative

- X. Other – None

- XI. Executive Session – 6:52 PM

Motion: Mr. John Herold moved to go into Executive Session to discuss

- A. MRSA 405 (6)(A) – Personnel
- B. MRSA 405 (6)(C) - Disposition of Property

Second: Mr. David McCrea

Vote – All affirmative

Came out of executive session at 7:20 PM

Motion: Mr. David McCrea moved to approved paying the water bill in the amount of \$1,481.82 that is due on 19 and 21 Richard Street and execute the necessary paperwork to sell the properties to the Libby's with the condition that both properties are to be in livable conditions within one year or the \$1,481.82 will be due back to the Town.

Second: Mr. Robert Kilcollins

Vote – All affirmative

XII. Adjournment at 7:25PM

Respectfully submitted,

Rebecca J. Hersey  
Council Secretary