

**Fort Fairfield Town Council Meeting Minutes**  
**Council Chambers**  
**Wednesday, September 21, 2016**  
**6:00 P.M.**

Councilors: David McCrea, Jason Barnes, John Herold, Robert Kilcollins and Scott Smith  
Staff: Tim Goff, Darren Hansen, Rebecca Hersey, Ella Leighton, Tony Levesque,  
Shawn Newell, James Risner, Billie Jo Sharpe and Thomas Towle  
Citizens: 6 including media

- I. Roll Call – Chair David McCrea asked that the record reflect all councilors present.
- II. Prayer – Tony Levesque offered the prayer
- III. Pledge to the Flag - All in attendance pledged their allegiance to the Flag.
- IV. Public Comment- None

V. Correspondence and Reports

- A. Recognition of former Planning Board Members – Mr. James Risner – This was postponed until the October 19<sup>th</sup> Council meeting.
- B. Stand up for Students Initiative – Mr. Garrett Martin, President of the Fort Fairfield Teacher’s Association and Ms. Lou Willey, Regional Director for District 15 of the Maine Education Association made a presentation on the “Fund to Advance Public Kindergarten to Grade 12 Education”. This is a citizen initiative item on the November 8<sup>th</sup> ballot.

Ms. Lou Willey – Here tonight to ask you to consider supporting referendum #2 which is “Stand Up for Students”. Think of all of the funding that has been drained out of our schools the last few years. When we voted in 2008 to ask our legislature to keep our funding up to a minimum of 55%, everyone voted and that was passed. It has never been 55%, the last few years we have been running 45% to 47%. So what happens, we need an extra \$154 Million to reach the 55% and because we have never reached it since 2008, in 2015 we were \$1.2 billion behind, which means loss of jobs, asking people to do more with less. So basically the solution and we thought of a lot of them, was to come up with this tax initiative. The taxes would be on the top 2% of the people who live in the State of Maine, people who make over \$200,000 in personal income tax, it should not affect small businesses. They thought we would generate about \$100 million, but when the office in Augusta got hold of it and reviewed it, they said that we were a little bit off, it would actually generate the first year \$157 million. So using today’s codes, Fort Fairfield would receive about \$249,458 extra dollars. This money has been marked to go directly into class rooms, used for more teachers, educational technicians, more materials anything that will directly affect the children in the class rooms. The surcharge will only impact only the 2% and actually help 180,000 students in Maine.

Mr. John Herold – This \$157 million will be dedicated specifically to classrooms and instruction. In the remainder of the funding universe for the schools, there is no mandate that this all has to be additional, this could all just be folded in and we are still at 51%. Because the legislature might reduce other funding, that is a real danger to this too. Is there a mechanism in place to prevent this?

Ms. Willey – Within the actual law, it says it has to be a supplement, it can't take away.

Mr. Herold – The point is that unless there is some kind of iron clad mechanism to make sure that this is additional funds. That's major. Another thing you see these people who make \$200,000 a year, and we are adding that 3% surcharge, how are we going to keep them here.

Ms. Willey – I don't have an answer to that, however you do need to understand that the past four years, those people who were making \$200,000 or more have been taxed at the same rate that we have been taxed. They share the same tax rate that we do, it's not like they are paying more.

Mr. Herold - I guess my theory on this is basically, of course we need more tax money to spend more money on school, that's a given. The question is how do we go about achieving that? This is one way, but I would prefer to see economic development that would create more taxable property, that would create more taxable income and a higher level of prosperity across the board and the taxes would come in from that at the same rate they are now, but we would see more of it.

Ms. Willey – I agree with you, however I have lived in the county all my life and I have not seen growth, I have seen decline. We need something now to make our schools better and stronger.

Mr. Jason Barnes – I agree quite a bit with what John said, the problem is that we already have legislation that they are supposed to fund 55%, that's where the problem lies. The other issue, as John stated, the level that you start taxing will affect business, there are many types of businesses and how they are taxed and many individuals are taxed rather than the business and its going to affect them greatly and there are a lot in Aroostook County.

Mr. Robert Kilcollins – I think the solution between what your caught up in and now every community is going to be caught up in is the mis-interpretation of the amount of funding of welfare. The graph that you are showing is complete, but what is happening is the estimation of funding for welfare has overcome the difference of figures. The amount you are seeing on your graph is the difference and there is more and more funding needed to keep up with the sustained input that our working people are actually committing to and serving the purpose of the tax, the balance just isn't there.

Ms. Willey – As a lifelong school teacher I hear what you are saying. I often wonder as children came into the county from all over, why were they coming here and it is because our welfare laws within the State. I do know that hopefully this will get us closer to helping those kids that come in hungry every day and get them where they need to be. We tried to be creative with the funding source, they can't tax us anymore, and we needed to look at the guys up at the top. They have had tax decreases in the State of Maine the past five years and you are right maybe they will, but we can't control that either. I strongly believe that there are people out there, like our great author, Stephen King, who says, "If you live in the State of Maine and you make money in the State of Maine then you need to be paying taxes in the State of Maine". He strongly backs us up and he will be impacted by this tax. Who knows in five years maybe there will be and

we can say we don't need to do this anymore. We need to be getting those classrooms back up to where they were so that the teacher doesn't have to be pulling money from their pockets to pay for supplies.

Mr. Scott Smith – During your presentation you said that it should not affect business income, what does that mean?

Ms. Willey – What I have been told is businesses are taxed differently than personal income tax and this is supposed to apply only to personal income tax.

Mr. David McCrea – I would assume that if someone owns a business, if they turn a profit that would be personal income, that would probably be the simple difference between business income and personal income is when it gets turned into the business owners.

Ms. Willey – I am here to ask for your support, thank you.

- C. Licenses / Permits- Ms. Hersey – There were no license or permits issued during the period of August 18, 2016 through September 21, 2016.
- D. Financial Report – Mr. James Risner – The FY15/16 Audited Financial Statement showed the Town has a budget surplus of \$230,456. The majority of the surplus was used to offset increases in expenditures and decreases in revenue in the FY 16/17 budget, leaving \$55,357 as excess to the FY 16/17 budget. With Council's approval, I will put the \$55,357 in the following accounts:

Community Center Building Repairs	E 01-05-30-10	\$ 3,000	electrical & gutter work
Police Department Reserve	G 1-3050-00	\$15,757	Payment for new police officer and saving for new police vehicle
Public Works Reserve	G 1-3060-00	\$30,000	Saving for roof repair & equipment replacement
Fire Department Equipment	E 01-06-25-10	\$ 2,600	Self-contained breathing apparatus air bottles
Emergency Management	E 01-01-55-10	\$ 4,000	Repairs at Pump Station

The Town's Real Estate and Personal Property tax collections for August were \$53,434 compared to \$55,159 for August, 2015. Excise tax collections as of August 31 are \$149,813.63, which is 27.24% of the budgeted amount. State revenue sharing as of August 31 is \$34,111.48, which is 15.95% of the budgeted amount. Our expenses as of August 31 are at 18.37%, I am comfortable with the expenditure rate of all accounts except the Emergency Management account (E 01-01-55-10), which has expended 82.18% of its budgeted amount. This account is used to pay fire department personnel who monitor the pump house during ice out. I recommend putting \$4,000 of the FY

15/16 surplus into the Emergency Management account (E 01-01-55-10) to pay for the repairs. Cash flow is good with a balance of \$117,314.70 in checking and \$500,000 in savings after completion of Warrant #5.

Motion: Mr. John Herold moved to approve the transfers of the excess in the amount of \$55,357 as presented.

Second: Mr. Robert Kilcollins

Vote – All affirmative

- E. Tri-community Landfill Report –Mr. Stev Rogeski- The next meeting is scheduled for Friday the 23<sup>rd</sup>. We have been working with the Pepsi Company doing a recycling program and they have been bringing a lot of aluminum our way. They have chosen to go another way. Mark is trying to find something that might elevate that loss, it was approximately \$24,000.00 per year. We are also continuing to working with Presque Isle towards the possibility of doing something with them.

VI. Old Business –

- A. Morse Road Speed Limit – Mr. James Risner – Received an update from Mr. DeMerchant on September 13<sup>th</sup>, he said that with construction season winding down he will have some availability to take care of the speed zone request that he currently has.

VII. New Business

- A. Town Order 16-08 – Establish mil rate and due date, interest and interest penalty date for Fiscal Year 2016/2017 (FY 16/17) real estate and personal property taxes – Mr. James Risner – The mil rate is not set until the taxes are committed on October 1<sup>st</sup>. No mil rate increase is needed in order to support the FY 16/17 budget that was approved on June 22, 2016. There are two possible mil rates, starting with the current mil rate of 24.50, would have an estimated buffer of \$49,321. The other mil rate of 24.19 would have an estimated buffer of \$0.

Motion: Mr. Jason Barnes moved to adopt a 24.50 mil rate to support the FY 16/17 budget; due date of February 1, 2017, interest rate of 7.00% and interest penalty date of March 1, 2017 for FY16/17 real estate and personal property taxes.

Second: Mr. Robert Kilcollins

Discussion: Mr. John Herold stated that we have had the 7% interest penalty rate for several years, is that right?

Mr. James Risner – yes it has.

Mr. Tony Levesque – It is the maximum allowable by law.

Mr. Herold-Normal interest rates on loans and so forth these days are easily less than 7% I believe. Do we make a lot of money on that 7%, probably not. Does the 7% make it more difficult for a tax payer to pay his taxes and additional penalties, probably. Would anyone here consider reducing that 7% to something like 4%?

Mr. Jason Barnes – I prefer to stay at the higher rate, it's an incentive.

Mr. James Risner – The Town has a tax club, the Tax Collector works with individuals. So it is a penalty for those individuals who basically don't want to pay.

Ms. Ella Leighton – I don't believe that reducing the interest rate is going to help in anyway, it's not going to help the home owner. Bottom line is to avoid an interest they participate in a tax club and pay their taxes on time. If they participate in the tax club all interest is waived.

Mr. Herold – My recommendation is to drop the interest rate to 4%.

Council then voted on Mr. Barnes Motion

Vote – All affirmative

- B. General Assistance Ordinance 16-09- Ms. Billie Jo Sharpe – This maximums are updated annually and are effective beginning October 1, 2016. Appendices A and C are the only Appendices that have changed for this year.

Motion: Mr. Jason Barnes moved to introduce the 16/17 General Assistance Ordinance Maximums and direct staff to hold a public hear on October 11, 2016 at 1 pm on the ordinance.

- C. Modification to the Town's ATV Use Permit to the Fort Frontier ATV Club – Mr. James Risner - At the June 15, 2016 Council meeting the Council authorized the Town Manager to sign an ATV use permit for the Fort Frontier ATV Club. The ATV Club has requested two sections of land owned by the Town or portions of Town owned Roads be added to their ATV use permit.

- First Modification: Gives permission to cross land formerly owned by the B & A and now owned by the Town. Entering just beyond the abandoned potato house at 19 Cheney Grove Road, crossing that land to Brown Street and travelling along Brown Street to a dead end at R & J's Market, then returning back to the Trail. (Maps 1 & 2, attached)
- Second Modification: Gives permission to use that portion of the Dorsey Road just before 481 Dorsey Road from the trail crossing Flewelling Farms on the west side of the Dorsey Road and travelling along the Dorsey Road to a dead end at Kipp Park, then returning back to the trail. (Maps 3 & 4, attached)

Motion: Mr. Robert Kilcollins moved to authorize of the two modifications to the Fort Frontier ATV Club's use permit

Second: Mr. Jason Barnes

Vote – All affirmative

- D. Public Works Equipment- Mr. James Risner – The Town's Hyster rubber roller, used by Public Works is an unusable piece of equipment as it is insufficient to be of use to the Town. Aroostook Asphalt Applicators has a Layton Track paver that Public Works can use to make moderate repairs that they are currently unable to do. The value of each piece of equipment is approximately \$1,500.

Motion: Mr. Robert Kilcollins moved to authorized the Town Manager to exchange the Town's Hyster rubber roller for a Layton track paver from Aroostook Asphalt Applicators.

Second: Mr. Jason Barnes

Vote – All affirmative

- E. Public Works Trucks – Mr. James Risner – The 1995 GMC Topkick that Public Works uses to plow streets might not make it through the 2016/2017 snow season. Also, the 1997 Dodge 2500 4x4 pickup used for grounds maintenance and plowing at the Community Center, Library and Puddledock has transmission problems and it is not financially reasonable to make the necessary repairs. The State of Maine Agency for Surplus Property conducts auctions every other month in Augusta and their next auction is September 22<sup>nd</sup>. I would like Mr. Darren Hanson, Public Works Director, to go to this auction. He believes that trucks that will meet the needs of the Town could be purchased for under \$15,000 for both trucks.

Motion: Mr. John Herold moved to authorize the Town Manager to use not more than \$15,000 from the Public Works Reserve Account (G 1-3060-00) to purchase a single axel plow truck and a 4x4 pickup from the State of Maine Agency for Surplus Property.

Second: Mr. Robert Kilcollins

Vote – All affirmative

- F. Building Maintenance in Fire Department Truck Bay – Mr. James Risner – There are two pipes in the fire department truck bay that are leaking and causing water to pool on the floor. One of the leaks is due to a break in a connecting seal and the water from the leak is collected in a bucket on the floor next to one of the fire engines. The other is due to a leaking valve and the water from the leak pools on the floor next to the ambulance.

Motion: Mr. Jason Barnes moved to authorize the Town Manager to use \$602.50 from the Fire Department Reserve Account (G 1-3020-00) to fix the two leaking pipes in the fire department bay.

Second: Mr. John Herold

Vote – All affirmative

- G. Maine Municipal Association Annual Business Meeting Voting Delegate – Mr. James Risner – 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 being held from 1:30 – 2:15 pm on Wednesday, October 5<sup>th</sup> at the Cross Insurance Center in Bangor. Mr. Tony Levesque and Mr. James Risner are planning on attending the annual meeting.

Motion: Mr. Robert Kilcollins moved to appoint James Risner as the Town's voting delegate to the MMA annual meeting and Richard A. "Tony" Levesque, Jr. as the alternate.

Second: Mr. Jason Barnes

Vote – All affirmative

VIII. Minutes: August 17, 2016 Town Council Meeting

Motion: Mr. Robert Kilcollins moved to approve Minutes of August 17, 2016 as presented.  
Second: Mr. Jason Barnes  
Vote – All affirmative

IX Warrants: #4 - \$140,215.74 and #5 - \$124,964.37

Motion: Mr. Jason Barnes moved to accept warrants #4 & #5 as presented.  
Second: Mr. Robert Kilcollins  
Vote – All affirmative

X Other – Mr. James Risner – The Fire Departments Annual open house is scheduled for October 15<sup>th</sup> from Noon – 3 PM

XI Manager's Report- Mr. James Risner submitted this to the Council for information purposes only.

XII Executive Session –

Motion: Mr. Jason Barnes moved to go into Executive Session at 6:48 PM to discuss:

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

Second: Mr. John Herold  
Vote – All affirmative

Motion: Mr. Jason Barnes moved to come out of executive session at 7:06 PM

Second: Mr. Robert Kilcollins  
Vote – All affirmative

Motion: Mr. John Herold moved to authorize the Town Manager to offer 109 Riverside Avenue to the adjacent property owners in AS IS WHERE IS condition with no guarantees expressed or implied and invite each abutting property owner to submit a bid.

Second: Mr. Jason Barnes  
Vote – All affirmative

XIII. Adjournment –

Motion: Mr. John Herold moved to adjourn at 7:09 PM.

Second: Mr. Scott Smith  
Vote – All affirmative

Respectfully submitted,

Council Secretary  
Rebecca J. Hersey