

NOTICE OF HEARING  
Pursuant to Title 17 MRSA Sections 2851-2859  
Dangerous Buildings  
Wednesday, August 17, 2011  
5:30 PM

To: Carleen Elliott  
Re: Building at 7 Fairmont Siding  
Map 2 Lot 38

Tony began the meeting by saying he is here to present the facts only and not to speculate. On July 25, 2011 a certified copy of the notice of hearing was sent to Carleen Elliott and was received and we have a copy of that receipt on file. Also by regular mail all of the abutters received a copy of the notice of hearing.

Carleen Elliott has been the owner of this property since 2006. Tony then went on to read his notes on the documented contacts on the violations and attempts to respond to complaints that are in the file on the property located at 7 Fairmont Siding currently owned by Carleen Elliott and formerly owned by Robert Wortman. These notes will be attached to these minutes and kept in the permanent file located in the Town Office.

July 27, 2011 there was an inspection done of the property with Dan Foster and Reginald Elliott. At that time the grounds were not maintained, windows were broken, there were no working stairs and there has been a drop in the roof line. There is also debris out behind the garage and along the house.

August 16, 2011 there was an inspection done of the property with Mike Bosse and Shawn Newell – some of the windows were secured, there were no trespassing signs posted and the stairs were still gone. There is no electricity to the building, the chimney is falling. It is an unsafe abandoned property.

Tony proceeded with showing the council pictures of the building. He went on to say that the Council directs him to do a town wide inspection each year, and along with George do this annually. These pictures showed the missing stairway, the rotted front stoop, cut electrical wires and the shift in the structure. With the no trespassing signs up they only did their inspection outside they did not attempt to go inside.

At this time there were no questions.

Rick Currier, attorney for the Elliotts: The Elliott's did receive notice dated July 25<sup>th</sup> and on August 5<sup>th</sup> wrote a letter to Dan Foster asking for copies of all letters, pictures and notes on this subject. Did not receive anything not even a phone call. All of this could have been easily forward to me by email or fax, it is very unusual that this could not be furnished. I would like to ask for a delay for at lease a couple of weeks. Hear the testimonies here tonight, delay for a couple of weeks then meet again. This will give us time to go over all of your notes and prepare. After everyone here gives their testimonies Mr. Elliott would like to speak.

Reginald Elliott: I didn't know that buying this property would be such a nightmare.

When we bought it every window was broken, doors were open. When we received the first letter we went to the property and secured it. We use the building as a warehouse, he then gave pictures to the council showing what is being stored in the building. These pictures are located with the original minutes and are kept in the permanent file located in the Town Office. Mr. Elliott said that they can't keep locks on the doors because they are always broken into by kids. He then went on to ask Tony how he knew that there was a car in the garage.

Tony: I saw it thru the window.

Elliott: I don't know how because I had those windows boarded up, someone must have torn it down to look inside. Every time we get a letter we fix the problem, this is on going each year. I believe the building is going to be sold to an Amish family in the next couple of weeks. As for the stairs I have been up and down the stairs repairing windows two or three times just last week, I am not a small man and they held me. Yes Tony walked around taking pictures, I asked him, "What do you want me to do?" His response was we will decide at the hearing. They just want to harass people. The no trespassing signs have always been there, why were they there without me that's not right.

Tony: As building inspector, I have the right to inspect when there has been a complaint. I have not entered the building have only been outside.

Elliott: On my property though, when I have no trespassing signs. I don't believe anyone should be there without my knowledge. I should be called. I feel we have been harassed ever since we bought the property. It's not abandoned, we use it every day. It is my decision not to have electricity, it's just another fire hazard.

David McCrea: We are here to hear the comments only, then we will decide, this is just an information gathering only.

Elliott: I am very upset, I do not want anyone there without me being there, no one is allowed.

Currier: Due process, delay action until we review the information. Title 17 does not pertain to a dangerous building but rather a land use issue, this should be taken to court. As to building codes there is no account for code violations. Your declaring it a dangerous building, asking that it be abated to removed, you need to give us time to prepare a response. I am asking the Council to direct Tony to make it a land use situation and take it to District Court. What steps need to be taken, perhaps explore other remedies.

Tony: Title 17 sections 2851-2859 does pertain to dangerous buildings and an excerpt is on the second page of the notes that are attached to these minutes and are in kept in the permanent file located in the Town Office. The notice has been fulfilled.

Currier: Asked two weeks ago and we never received any information.

Tony: This information was just created today. We need to create a healthier and safer property, rather not enter into a debate at this time.

Elliott: I understand what Tony is saying, never got a letter stating to fix this or that, and a letter should have been done stating that.

The hearing was adjourned at 6:00 PM

Fort Fairfield Town Council Meeting  
Council Chambers  
Wednesday, August 17, 2011  
6:00 P.M.

Councilors: David McCrea, Kim Murchison, Mark Babin, Terry Greenier and Ruel Flannery

Staff: Tony Levesque, Mike Bosse, Paul Durepo, Billie Jo Sharpe  
George Watson, Bill Campbell, Shawn Newell

Citizens: 15 including media

Roll Call - Chair David McCrea asked that the record reflect that all councilors are present.

II. Prayer – Councilor Mark Babin offered the prayer

III. Pledge to the Flag - All in attendance pledged their allegiance to the Flag.

Public Comment Period – Scott Fields read a statement to the council regarding what he considers a violation of the interview process, the disregard for the town charter and the lack of respect given to the town council. His complete letter is attached to these minutes and will be kept in the permanent file located in the Town Office. There was no other discussion.

V. Correspondence and Reports

A. Licenses/Permits – None

B. Financial Report – The first month of our new year is in the books and we are in pretty good shape. We have paid our insurance premiums for the year and we are already under budget by \$7,000.00

C. Tri-Community Landfill Report – Last meeting was on July 22<sup>nd</sup>, and the next one is scheduled for this Friday, August 19<sup>th</sup>. The pipeline is still ahead of schedule, should be crossing the Madawaska Stream this month and everything should be done by October. The upgraded scale house is on line and working. Everything is going well.

D. Update on Quality of Place Council – The meeting was held on the 16<sup>th</sup> and the NextGen program was discussed. Looking at implementing a family residential program, to build a spec home and sell to a family below market value. This would be done in the sub-division off of Currier Road. Also considering having a seminar on Main Street Development with Carolyn Dorsey, looking to invite 20 -25 people.

- E. Update on Atlantic Custom Processors- DKF – Was asked by the Council to contact Simplot to talk with them about turning the building over to the Town. They respectively declined, they want the property, the location is good, it's next to the railroad and there is roughly 60 acres of land. They are planning to start tearing it down next week. The taxes are approximately \$156,000.00 and they will be dropping to approximately \$3,500.00. Tony is on top of this he is applying for a severe and sudden loss grant to help minimize the affect that this will have on the community.
- F. Update on Riverside Park Project –The work is continuing on Riverside Park Pavilion. Received a call from Lowes, their employees would like to work on the pavilion as a project and would like to donate up to \$1,500.00 in materials. They will be having 40-60 employees helping and would like to have a bar-b-que for the employees after it is finished. Mike is working on letting the media know. This is just another example of how our community comes together.
- G. Update on Coal Furnace Installation - The oil tank is out, it had 800 gallons of fuel which was moved to Public Works. The tank was sold to Smith Farms for \$5,000.00 and this will go towards the installation of the new furnace. This should be coming in on Monday.
- H. Update on Senior Citizens Housing - Received a great phone call today from John Egan of Coastal Enterprises. We have been approved for the 4% round. TD Bank is excited about participating, we are looking at building with no long term debt. Wayne Troicke has done a great.
- I. Update on Audit for FY 10/11 – Felch and Co is putting together a Draft audit that will be presented to the council in September. There have been no issues.
- J. Central Aroostook County Meeting - This meeting is taking place at the UMPI campus on Thursday, September 1<sup>st</sup> at 5:30 PM. The invitation has gone out to Councilors and managers. Will need to RSVP by August 26<sup>th</sup>
- K. Update on George's pickup – In March the Council approved the purchase of a vehicle from State of Maine surplus property up to \$6,500.00. We have continued to look at what makes the most sense as it relates to reliability for George, especially during the winter months when he is out at any time and in all kinds of weather checking roads. George will be going back to Augusta on the 18<sup>th</sup> to look at another truck that is being auctioned from the State of Maine Surplus.
- L. Update in the Police Department: Shawn Newell – He has applied for several grants:
  - 1) A grant to have AED in each cruiser, one in the Town Office and one in the Rec. dept. At this time they are sharing one difibulators in the 3 cruisers.
  - 2) A grant for four new bullet proof vests, 3 out of the 4 they now have are outdated. They run approximately \$1,000.00 per vest and the grant

funds will cover 50% of that cost. Shawn has done some searching through previous grants and has found additional funds to cover the remaining balance, so this will not cost the Town anything.

- 3) The Federal Government has required us to upgrade all of our radio equipment for the Police, Fire and Public Works Departments. These upgrades are required to be completed by January 1, 2013. This grant will help with the expenses of these updates.
- 4) He has also found a project and is working with Inland Fisheries and Wildlife on a "Life Saver Project". This entails a bracelet with a transmitter attached to it. If someone with a debilitating disease such as Alzheimer's gets lost we would have the receiver and be able to locate them through this bracelet.

David McCrea – Shawn I would just like to thank you very much for taking on the extra responsibilities of the Chief until the replacement was found. You are doing a great job!

VI. Old Business -

- A. Approve Quitclaim Deed to Stacy Robbins & Kurt LeVasseur – Stacy came into the office and spoke with Ella regarding her mothers home. She really did not want to see it torn down and was willing to pay all back taxes, accrued interest and cost to have this property back in the family name.  
Motion: Ruel Flannery moved to approve signing the deed over to Stacy Robbins and Kurt LeVasseur.  
Second: Mark Babin Vote – All affirmative
- B. Approve September's Council Meeting to be held on September 14<sup>th</sup> - Due to Dan's vacation it was requested to move the council meeting ahead by one week.  
Motion: Mark Babin moved to approve moving September's council meeting from September 21<sup>st</sup> to the 14<sup>th</sup>.  
Second: Kim Murchison Vote – All affirmative
- C. Approve Felch & Company contract: They have been providing our audit services since 1996. The cost this year is \$7,700.00.  
Motion: Ruel Flannery moved to approve the contract from Felch & Company in the amount of \$7,700.00.  
Second: Kim Murchison Vote – All affirmative
- D. The QPC is recommending that the Town of Fort Fairfield establish a NextGen Program in conjunction with FAME to provide any infant born between July 1, 2011 and June 30, 2012 a \$250.00 contribution to a college fund in their name. They are also recommending that the Town participate in the NextStep Matching Grant of \$50.00 to all students who are in kindergarten. Look for Councils endorsement to contribute approximately \$12,000.00. We are looking at funds coming from other individuals in the form of donations which would minimize the cost to the Town.  
Motion: Ruel Flannery moved to approve pledging the funds for the NextGen



- D. Approve Resolution #11-05 to Authorize CDBG Grant for Alpha One – The Town of Fort Fairfield for the past four years has been the administrator of the grant at the request of DECD.  
Motion: Kim Murchison moved to approve Resolution #11-05 to authorize CDBG Grant to Alpha One.  
Second: Mark Babin Vote – All affirmative
- E. Approve Fire Dept Service Billing Policy – This is a policy that has been developed by Paul to further compensate the Town for the additional responsibilities that the Fire Department has assumed. These services are reimbursable from insurance companies.  
Motion: Mark Babin moved to approve the Fire Departments Service Billing Policy  
Second: Kim Murchison Vote – All affirmative
- F. Approve Municipal Release Deed - As we are aware Brent Flewelling is selling land to Cavendish to build their new facility. In reviewing the abstracts on this property it was discovered that a small piece was acquired from the Town of Fort Fairfield some time ago without a recorded quitclaim deed. To obtain a clear title a release deed is required from the Town on this property.  
Motion: Ruel Flannery moved to approved signing this Release Deed  
Second: Terry Greenier Vote – All affirmative
- G. Approve signing Order #11-06 – Fairmont Siding property owned by Carleen Elliott.
- David McCrea - What would a delay mean?
- Tony – There is no issue with a delay. We can always adopt the order as is, Deny the order, table the order and reschedule or adopt as is and amend it later.
- Motion: Terry Greenier moved to table the decision and delay until the next council meeting at 5:30 PM September 14<sup>th</sup>.  
Second: Mark Babin Vote – All affirmative
- VIII. Minutes: July 20, 2011  
Motion: Terry Greenier moved to approve Minutes of July 20, 2011 as written.  
Second: Mark Babin Vote – All affirmative
- IX. Warrants: #2 - \$341,992.98; #3- \$93,062.07; #4 - \$108,974.10  
Motion: Ruel Flannery moved to accept warrant #2, 3, & 4 as presented.  
Second: Kim Murchison Vote – All affirmative
- X. Other - NONE

- XI. Executive Session -  
move into executive session at 7:08 PM

MRSA 405(6)(E) – Consultations with Legal Council  
MRSA 405(6)(A) – Personnel Matter

No action taken

Out of executive session at 8:35 PM

- XII. Adjournment at 8:37 PM

Respectfully submitted,

Rebecca J. Hersey  
Council Secretary