

Fort Fairfield Town Council Monthly Meeting  
Council Chambers  
Wednesday, December 20, 2017  
6:00 P.M.

I. Roll Call –  
Councilors: Jason Barnes, Mitchell Butler, John Herold, Melissa Butler, Scott Smith.  
Staff: James Risner, Jennifer Gaenzle, Darren Hanson, Ella Leighton, Shawn Newell,  
Mitchell Dufour, Theresa Greenleaf, Tony Levesque, Billie Jo Sharpe  
Citizens: 53+/- including media.

II. Prayer – Tony Levesque offered the Prayer.

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

IV. Public Comment Period

Robert Novak from Fort Fairfield wanted to publically thank Kevin Pelletier and his crew from K-Pel for their efforts in constructing the new Gazebo, and also to thank Mike Greenlaw from Greenlaw Electric for donating his services to the project. "It's people like this that make this Town great."

Councilor Mitchell Butler, Fort Fairfield mentioned that he has received a letter from someone complaining about fireworks being set off at night and thinks this is an issue that needs to be addressed at a future meeting.

Councilor Jason Barnes, Fort Fairfield agreed with Mr. Butler that there needs to be discussion about the use of fireworks in Fort Fairfield and would like Council to consider a possible Ordinance in the future.

Mr. Risner said staff would draft an Ordinance upon Council's request.

V. Correspondence and Reports

A. Recycle Presentation – Ms. Hunter St. Pierre: This item was moved to XI.B. Other.

B. Safety and Health Award for Public Employers (SHAPE) Award – Chief Shawn Newell

After months of working with the Department of Labor, Workplace Safety and Health Division (SafetyWorks!) the Town has been awarded the SHAPE Award. The SHAPE program recognizes public sector employers who maintain an exemplary safety and health management system. Acceptance into SHAPE by the Maine Department of Labor, Bureau of Labor Standards is an achievement that distinguishes the Town as a

model for workplace safety and health. The Town will be exempt from programmed inspections during the period the SHAPE certification is valid.

On average, 6 SHAPE awards are given each year. They are given to the "Best of the Best." There are only 8 or 9 whole municipalities that have received this award since the program started.

Maine Department of Labor Program Manager Mike LaPlante presented Council Chair, Jason Barnes on behalf of the Town of Fort Fairfield this award.

Mr. Risner recognized all staff and Mr. Newell for all their hard work toward this award.

#### C. National Flood Insurance Program Community Rating System – Mr. Tony Levesque

A question of fairness was raised several years ago regarding the way flood insurance rates were applied nationwide. Regardless of how well a jurisdiction administered its floodplain regulations, the insurance rates were the same. Those Towns that practice good floodplain management reduce their exposure to flooding risk and therefore reduce costs to the National Flood Insurance Fund. Less cost should mean lower rates. The Community Rating System (CRS) was created to acknowledge a Town's efforts to enforce floodplain development. A task force appointed by the Federal Insurance Administrator developed a list of 18 activities that have been proven to reduce losses. Communities that practice these activities can obtain credit points. Each 500 points that a community earns can translate into a 5% savings on the flood insurance premiums for those in the Town that buy flood insurance.

The Town of Fort Fairfield has qualified for CRS since 2001. Our rating was as an 8 from 2001 to 2016, saving Flood Insurance Policy Holders 10% off their rates. There is an annual recertification process and every 5 years there is a full application process. The Town's rating has become a 7 after the application submitted in August 2016 was approved in January, 2017, saving Flood Insurance Policy Holders 15% off their rates. The Town of Fort Fairfield's program has always scored over the required 1500 points to be rated a 7. In the past we did not receive full credit for project activities because of limitations in the State's Building Codes. In this application round the Town received full credit for all activities on record, allowing for the rating increase.

Recommendation: That Town Council continues to support the National Flood Insurance Program and the Community Rating System.

Mr. Levesque presented Council Chair, Barnes the award recognizing the recertification.

Mr. Barnes asked how many residents are participating in the program.

Mr. Levesque stated that right now there are 19 with only 1 in the flood zone.

Chair, Jason Barnes then presented outgoing Councilor John Herold a plaque honoring his time served on Town Council and his service to the citizens of Fort Fairfield.

#### D. New Fire Department Officers – Chief Newell

Chief Newell announced the new Deputy Chief, Tim Browning, Captain, Dale McCarty and Lieutenant, Mitch Dufour. Along with these new officers, last summer Chief Baldwin appointed Darryl Doughty as the department Safety Officer.

E. Licenses and Permits

As of December 20, 2017 we have not received any license and permit applications.

F. Financial Report –Mr. Risner

The Town's Real Estate and Personal Property tax collections as of November 30 are \$673,576.66, compared to \$594,640.00 for November 30, 2016.

Excise tax collections as of November 30 are \$297,442.99. This is 53.11% of the budgeted amount, which is 11.44% more than the 41.67% expected as of November 30. State revenue sharing as of November 30 is \$101,973.55. This is 41.70% of the budgeted amount, which is slightly more than the 41.67% that is expected as of November 30.

Our expenses as of November 30 are 1.72% higher than the budgeted amount, at 43.39% compared to the 41.67% expected as of November 30. I am not concerned at this time, as most of the difference is driven by seasonal requirements such as material needed for plowing and accounts such as insurance which are paid in a lump sum early in the Fiscal Year. I am concerned about the Emergency Management Account, and I will address this in more detail under New Business.

Cash flow is good, with a balance of \$57,160.22 in checking and \$5,000 in savings after completion of Warrant #13 on December 12. In comparison, last year at this time we had \$23,150.44 in checking, no funds in savings, and had taken an advance of \$100,000 from our Tax Anticipation Note.

We received a dividend check from the Maine Employers' Mutual Insurance Company (MEMIC) on November 28 in the amount of \$5,243.31. The Town uses MEMIC for its workers' compensation insurance. The dividend represents 15.57% of the budgeted amount for this year's workers compensation insurance.

We received \$98,712 from the State for road assistance on November 29. This is \$3,712 over our budgeted amount of \$95,000.

Mr. Risner stated that overall we are doing well.

G. Update of Legal Action on Land Use Complaint – Mr. Levesque

The Town continues to receive complaints about 107 Riverside Avenue. Today, Darren Hanson and Mr. Levesque conducted a site inspection of the property to review its current condition and it was noted that the violations have not been remedied. New pictures will be taken tomorrow in preparation for the next court date.

The Court Date for the Continuance of the case that was scheduled for November 29, 2017 was postponed. The new Court Date has been scheduled for December 22, 2017 at 8:30 a.m.

Recommendation: To continue to participate in the litigation.

#### H. Preservation Assistance Grant – Mr. Risner

The Library applied to the National Endowment for the Humanities (NEH) for a grant on May 2, 2017 to do an assessment of the Jesse Drew Historical Room.

The National Endowment for the Humanities notified the Fort Fairfield Library on December 13, 2017, that the Library had been awarded a grant in the amount of \$5,915.00. This grant will assess the room, shelving and climate requirements to properly protect our local, state and Civil War collections. The funds will be used to hire preservation specialists from the Northeast Document Conservation Center to work with the Library to devise short and long-term plans of action to make the room safe and protective for the books and documents housed in its collection.

This was a highly competitive grant, with only three other institutions in the state being offered grants from NEH. The library is extremely grateful to NEH for the opportunity this grant will afford us in protecting our historic collection.

Recommendation: No Town Council action is required and Mr. Risner stated how this is another way staff is using other people's money through the grant process to keep taxes down and make improvements the living conditions. Mr. Risner also applauded the librarian, Mrs. Gaenzle for doing a good job writing and receiving the grant.

#### VI. Old Business

#### VII. Public Hearing - Tri-Community Recycling & Sanitary Landfill Interlocal Solid Waste Agreement

Mr. Risner introduced Mr. Rogeski.

Mr. Rogeski stated that he has been on the TCL Board for over 14 years and TCL has had many challenges over the years remaining compliant with the DEP. TCL has been able to meet or beat these challenges and has been recognized for being a very proactive and profitable organization because of the staff and the Board members.

Mr. Rogeski introduced Mr. Draper.

Mr. Draper: "First, I want to take a minute to recognize Stev's long-standing service to Tri-Community Landfill ("TCL") as a volunteer Board member. Stev has been a very active member of the Board for 14 years; attending monthly meetings to talk trash. He represented TCL as a member of the negotiating committee that worked with Presque Isle ("PI") on this proposal, and I can attest to the fact that he is a very strong advocate for the Town of Fort Fairfield."

To reiterate what Stev presented in his memo, I want to remind Councilors that the Board entered into these negotiations because it recognized that there is an abundance of landfill capacity in Aroostook County; and a declining amount of waste requiring disposal. They believe there simply isn't enough trash to cost-effectively support the operations of both facilities over the long term, and that we are duplicating costs by operating separately. Both facilities have relative debt, labor, equipment, closure, and operational costs; and both entities have recognized that combining the available tonnage, and eliminating duplicative costs makes sense.

Perhaps it would be helpful to very briefly describe the waste management system as it currently exists in Aroostook County. TCL operates essentially as a business. In addition to the 3 owner communities, TCL provides disposal services to more than 35 other County communities under specific contractual arrangements, the terms of which Stev is intimately familiar with. In addition to themselves, PI provides disposal services to 6 additional communities, also under specific contractual arrangements. Otherwise, there are a handful of communities in the St. John Valley that currently contract with a Canadian landfill for disposal and some communities in the far southern Aroostook region transport their trash to facilities in the Bangor region. I would refer you to the color-coded map that was included in your packet for additional details.

So how will this work? The Board has unanimously approved an operating scenario which plans for operating both landfills until the constructed capacity (existing cells) at the Presque Isle Landfill ("PILF") is full, (I'll touch more on capacity later in this presentation) and then to cease operations at the PILF. Depending on contractual arrangements with some of our municipal and commercial customers, this initial phase is expected to last about 7 years. During this period, very little will change operationally at either landfill site, except to share resources. While this is perhaps counter-intuitive with regard to why we are merging, there are some short-term advantages for doing so, particularly with regard to extending the existing constructed capacity at TCL. Following cessation of operations at the PILF, only the TCL landfill in Fort Fairfield ("FF") will be operated for the foreseeable future. The other scenario that the Board considered was to immediately cease operations at the PILF and move all disposal operations to TCL. In either case, there would be no significant changes for the current users of TCL - residents and local haulers will continue to utilize the TCL facility as they do today.

Next, let's talk about landfill disposal capacity. First, let me clarify the difference between licensed capacity, and constructed capacity. The Maine Department of Environmental Protection has issued a license/permit for a total proposed size and shape

of the landfills at both sites, but the “cells” (liner systems, etc.) are only constructed as needed. There are about 1.5 million cubic yards of licensed capacity remaining at the TCL location, which, at current waste generation rates, would last about 44 years if we don’t merge. There are about 1.4 million cubic yards of licensed capacity remaining at the PILF, which would last them about 101 years if we don’t merge. So combined, there are about 2.9 million cubic yards of remaining licensed capacity at both sites, which should last about 55 years at current waste generation rates. This does not take into consideration a conceptual plan to add an additional 1 million cubic yards of capacity at the TCL site if necessary, or any additional capacity that could be licensed at the PILF site. Therefore, the Board has determined that there is more-than-enough available disposal capacity if the merger takes place. So, just to be clear, although it will only take about 7 years to fill the constructed capacity (the existing cells) at the PILF, there will still be substantial remaining licensed capacity at that site if it is ever needed in the future.

There have been concerns expressed with regard to control of the organization. I would note that this issue was initially raised by Board members, particularly from both Limestone and Fort Fairfield, at the onset of these discussions. Those concerns have been subsequently addressed to the satisfaction of all Board members, and this is how. An Interlocal Agreement (“ILA”) between the owners controls how TCL is organized and functions. For example, the ILA defines how many votes each owner municipality is granted on the Board of Directors. As proposed, one of the revisions to the current ILA is to provide PI with 2 votes on the Board of Directors. Caribou will continue to have 2 votes, and Fort Fairfield and Limestone will each continue to have 1, for a total of 6. Additionally, a change is proposed that requires a 3/4ths majority vote (5 out of 6 Board members) to pass the annual operating budget, along with other defined financial decisions. Furthermore, the ILA defines how costs are allocated to the Owner Communities, and that is based on a 3-year average of the waste tonnage from each of the communities. It does not, however, dictate how a community chooses to raise the funds to pay for those costs...that is a local decision. No one community can dictate that choice over another. The ILA cannot be changed without approval from the legislative bodies of all of the current owners, which is why we are here tonight. This is what you will be voting on. So, the only way PI could gain more control in the future (i.e.; more votes), or the only way the appropriation formula could be changed, is if you folks (or the folks sitting in those chairs in the future) agreed to those changes. The Board is confident that the ILA, particularly with the proposed amendments, substantially limits, or eliminates, the ability of any one community to dictate the actions of the organization. Just as an anecdotal aside, I would add that in my 14 years of working with the Board, there have only been 2 split votes. The Board works very hard to reach a consensus that benefits all participants, and the PI representatives have clearly stated they have no intention of changing what TCL is doing, as it is obviously working and they want to support that. In fact, by them voting to accept the terms of the ILA, they have essentially agreed to play by TCL’s rules.

So, we've talked about why the Board is proposing this merger, and how the Board anticipates it functioning; so now I'll provide some more details on the key aspects of the merger agreement that the Board has negotiated.

First and perhaps foremost, the City of PI will make a \$2 million payment (over 3 years), to be distributed to the current owners of TCL. This amount is approximately equivalent to the estimated future equity of the current owners that may be reduced by the addition of PI as a co-owner. The Board was adamant that this be retained by the current owners. Fort Fairfield's share of this payment is approximately \$461,500. To put this in perspective, the Town currently pays about \$89,000 annually to TCL.

At the time the merger is finalized, (with the goal being December 31, 2018), PI must provide a payment to TCL in the amount of the current liability for closure of the PILF; so TCL will not assume any unfunded liability for that purpose. Currently, that amount is approximately \$740,000.

PI must make supplemental payments to TCL of \$145,000 annually for 8 years (in addition to their annual appropriation) to help offset accelerated debt payments for the PILF constructed capacity. We have calculated that the total additional annual revenue received by TCL from the merger (not including the \$2 million which will be distributed to the Owners) will cover the increased debt cost and closure reserve liability for the PILF.

And finally, PI must provide to TCL all mobile and fixed equipment related to their solid waste management operations.

So what is created with the proposed merger? A combined entity that would own the only 2 municipal landfills in Aroostook County (and 2 of only 5 municipally-owned landfills in Maine) with a combined capacity to last at least 55 years; and a current municipal and commercial customer base of 41 communities, representing about 70% of the County's population. As such, the Board has identified the following anticipated benefits from the proposed merger:

- Stabilized long-term costs for the region by spreading reduced expenses over a larger volume of waste;
- Increased disposal capacity available to a single entity;
- avoidance or reduction of future cost increases to the Owner Communities;
- the ability to jointly take advantage of certain grant opportunities; and,
- enhancing the possibility of future waste management alternatives.

Alternatively, if the merger does not happen, the Board anticipates the two entities will perpetually vie for a shrinking amount of waste in Aroostook County, with the associated risk of increased costs to the owner communities (Fort Fairfield) as customers and tonnage potentially swings from one facility to the other, or to some other third option. It would also likely negate the ability to take advantage of future opportunities for alternative disposal methodologies.

In closing, I would like to publicly thank the TCL Board, the PI City Council and staff, and my staff for all of the work they have done to create this opportunity, and I thank you for providing this forum to present this information. I would be happy to try and answer any remaining questions.

Councilor Mitchell Butler – A few concerns are the amount of votes Fort Fairfield will have on the board, and if something happens in Presque Isle, who is financially responsible and why wasn't more information given to the public. Mr. Butler was informed that information would be made public prior to voting as a Council. The public needs more information in order to understand the potential merger.

Mark Draper responded – All owners would be jointly responsible for the Company. Keep in mind that Presque Isle is also responsible for any financial liabilities at TCL while both landfills remain open as a joint owner too. As far as the voting, the 2 votes versus the one vote, this is roughly determined by the amount of cost each entity incurs to operate. In regards to information to the public, I was not at liberty to discuss any of the details of the merger while negotiations were on going. Negotiations were going on until last month. We are here today to try to provide that information and answer any questions.

Mr. Butler – I was informed that information was going to be put out to the public prior to any vote. When we find out we are voting on it at next council meeting and there still hasn't been any information given to the public.

Mr. Risner commented – As a Board member there was discussion within the Board about doing a public release, however the Board couldn't agree by a majority to do a public release because negotiations we still on going. Mr. Butler's comments regarding having information released after negotiations were final are spot on and the Board could have done a better job at getting more information out. Mr. Risner agreed with Mr. Butler that a better job getting information out could have been done.

Mr. Butler – re-iterated that it's important that the public has access to the information, otherwise you have a "rumor mill" and it gets blown out of proportion.

Mr. Draper – responded that hopefully some of those questions can be answered tonight.

Councilor Jason Barnes – The liability for closure. Who determines that and is it done in conjunction with DEP or do they do it independently and is it verifiable.

Mark Draper responded – The methodology for calculating closure liabilities is actually defined by the Governmental Accounting Standards Board, which is comprised of Auditors. In Presque Isle's case a vast majority of their landfill that has previously been used has already been capped.

Mr. Barnes – So that current estimate is for the current cell that is in process.

Mr. Draper – Yes, keep in mind that the agreement says just prior to the Merger, we need to recalculate that and whatever the number is at that time, is the amount of money that Presque Isle will have to provide to us. We can verify that, we can review the calculations, we can have our Accountant review it, and we can have our Engineering Consultants review it to make sure they feel comfortable with that.

Mr. Barnes opened the public hearing at 6:50 p.m.

Gary Sirois, resident of Fort Fairfield – I have issues with the proposal from a financial point of view. We haven't seen any financials and I would like to see performance statements for both Presque Isle and TCL. It would be nice to know that what you say can be done to save money can be shown on paper in order to analyze the benefits to our Community and the other members of the Communities. I have an issue with projecting costs of closures in the future. I have a problem with more traffic coming down our country roads. There is no provision there to maintain the roads. My biggest concern are the financials, it would be nice to see the income and expense statements for the last 2 years for both entities and performance statement. Only option is to table the matter until you have that information.

Robert Novak, resident of Fort Fairfield – After Mr. Drapers address, I feel that the citizens have more questions than we originally showed up with. I am personally against the Merger for a multitude of reasons which I had addressed to Council in October. I do have two additional points to make, the first being an argument being leveled in favor of the Merger, arguing that this Merger is needed to remove the likelihood of turning Presque Isle into a direct competitor of TCL with each bidding on the same tonnage. I am not convinced that their business model is a threat. It can be equally perceived as an attempt for Presque Isle to get rid of their fiercest competitor, which is TCL. The second issue I have is comments made by David Deschesne regarding should this merger happen, in the future, Presque Isle could argue for more seats on the boards if the amount of votes is determined by population. Council members have mentioned before that they vote in alignment with what the Fort Fairfield citizens want. I believe that if this proposal were to go to a public vote tonight, it would not pass; with an overwhelming majority of citizens voting against it. If any Council members are truly set that this is the right move for Fort Fairfield to make, I ask that they consider a third option and to table it. Where does it say that this has to be in place by January 1? Nobody will ever fault the Council member to taking the high road and it is the least that we deserve.

David Dorsey, resident of Fort Fairfield – Most of my questions were answered by Mr. Draper however, much of my concern is that it seems everything went “under the radar” and that Council should have spoken up for the Citizens. I don't think it is right that we have to pay for Presque Isle's mismanagement of their landfill. What kind of environmental situation will we be in 10 years down the road? Can we force Presque Isle to post a “performance bond” in case something does come up to protect the other communities because they don't compact like we do?

Robert Kilcollins , resident of Fort Fairfield – Listening to the information gathered I would that Council table this. Fort Fairfield started TCL and it is ours and we have more to lose. We worked hard for what we have and as a taxpayer we should have 2 votes. The right thing to do tonight is table it.

Gerald Saccucci, resident of Fort Fairfield – Agrees that there is not enough information and it has caused mistrust. We have a good Town, Departments, and businesses in this Town. How is having less garbage a bad thing? “We have less trash, which is a good thing.” Now that regulations have changed, Presque Isle wants in because they don’t want to deal with the regulations anymore. “Why is competing for garbage a bad thing?” “Let’s compete.” When you travel down the Interstate through Bangor, you see the “Trash Mountain” this is what you will get when you combine.

John Durepo, resident of Fort Fairfield – Wanted to know if Southern Aroostook hauls to TCL and do they pay. Mr. Draper responded “yes” to both questions. Mr. Durepo stated that Presque Isle wants to be part of our program and wanted to know why TCL wants to merge when they already have a secure operation. Ask that Council take a hard look before making a decision. “Let’s take our time”

Kathryn Allenby, resident of Fort Fairfield – I am concerned with the conditions of the roads the merger will create by large trucks travelling on the North Caribou and Murphy roads. Ask Council to table it at this time.

Leo Rideout, resident of Fort Fairfield – Does not agree with the Merger because of what is will do to the roads in Fort Fairfield and we need to think about it more. No other Town should be able to veto our choices/decisions.

Richard Emerson, resident of Fort Fairfield – Does not agree with the Merger. Presque Isle wants us to pay for their mismanagement and “clean up their mess.” Fifty years from now where are we? We don’t need a massive pile up here.

Mr. Barnes closed the public hearing 7:01 p.m.

Town Manager, Jim Risner – The Board did not look at “we don’t like Presque Isle, we don’t trust Presque Isle.” The Board looked at it for over 2 years as a business proposition which is what it is supposed to do. The Board took the politics out of it and looked purely at the bottom line. The Board has seen the bottom line stretched in several different ways and looked at numerous alternatives over 2 years. When Caribou changed their Board of Directors, we went through that again. We have put spreadsheets out on forecasts for dollars that I know would satisfy people. What I don’t hear and what disappoints me is the lack of trust you have in your elected leaders and the people they appoint to a Board to run a business. We looked out over several years. We used the inflation factors. We used the best forecast tools that we could use. I would not bring this to Council recommending approval if I thought this would harm Fort Fairfield. I want to see Fort Fairfield continue to be strong, continue to grow. After looking at all the options, all the financials, and not looking at the years of mistrust, I looked at purely business and what is going to do to

taxpayers. The probability of tax rates going up is greater without the Merger than with it, and the last thing I want to do is raise the Mil Rate. If the Mil Rate goes up because costs go up, then what Earlan Turner and Caldwell's charge us is going to go up. So I am looking strictly at the money and not that someone is a little better off than someone else. We have to get past that and look at what's in the best interest of the taxpayer here in Fort Fairfield. We have minimized the risk as much as we can, maybe even more.

Mark Draper, TCL Director – We have a Board that meets monthly and talks only about what we do for a living and that is to manage the trash for not only your community, but for the other 2 owners and 35 other communities. We have had our independent Accountant review our financials and their financials and we have put together a balance sheet that blends those two together. We have put together budget forecasts though 2033 as best as we could do and as accurate as possible. This is the second or third time discussions have been going on in the past 14 years. In the business scheme of things, if you are a business with 2 tiny landfills as are Presque Isle and TCL, you would not operate both landfills twenty five miles apart from each other. It is not cost effective to have the debt, the labor, the expenses, the fuel and the equipment at both of these facilities when we have trash literally coming from as far as southern Aroostook and as far north as Allagash. We ought to be able to figure out a way for it to work for the communities in the central Aroostook region.

The likelihood of a transfer station or some sort of a facility in Presque Isle that would consolidate the trash in Presque Isle and then have it delivered to Fort Fairfield is probably what would happen. I cannot not say, that is what absolutely will happen, because that decision hasn't been made. I certainly know that's what our preference is because we cannot handle that amount of traffic coming in on a Saturday; we have enough traffic as it is.

Trash is a volume based business. No matter how much trash that comes in there are still per ton-costs, but the more trash coming in the less per ton it costs.

We have current contracts that are the revenue for TCL. If we have competitors bidding for our contracts and we lose, we lose revenue and our rates will have to go up.

Councilor, Jason Barnes – asked what the chances are that the “financials” can be released to the public.

Mark Draper, TCL Director – responded to Mr. Barnes that it would be a decision only made by the Board to release financial information.

Closure costs are reviewed every single year by a surveyor; they also consider inflation costs every year associated with a closure when it gets to that point.

Mr. Barnes – In this assessment, is there any environmental aspects, potential liability or is it strictly capacity and usage.

Mr. Draper – For the closure piece of it the only environmental aspect would be if rules that dictate how a closure is done change. If the rules change and the costs change, that would have to be factored in going forward, because not only do we have to have money for closure, we also have to have money set aside to monitor the site for thirty years following

the closure. That's the case for both facilities, that's the requirement per DEP and GASB that we operate under.

Mitchell Butler – You said there was an independent account study done?

Mr. Draper – We've been working with our auditors, to look at the City of Presque Isle's financials. We are well aware of our financials. We've been working on combining those 2 so that if and when we decide to merge.

Mr. Butler – Was there a report that was put out to you that could be put out to the public?

Mr. Draper – No, there hasn't been that level of report generated. He has been advising the Board as to what the financials are for the City of Presque Isle.

Ken Murchison, TCL Board member – I understand that this is your community. One very basic reason that Presque Isle's model didn't work as well as ours is that their business model was not a business model; it was a department of the City, so they needed money and they went straight to taxation and it didn't work. We've been able to back off from that. We've been able to take the volume of trash that we get and keep our costs low. This is what will protect us for decades and well into the future. In the almost twenty years that I have been on the Board, we have never made a decision that would adversely affect any one of our communities.

Stev Rogeski – Keep in mind that TCL has 31 contracts coming due. These contracts are 10 years long. If Presque Isle lowers their ton rate just by a few dollars, then TCL could lose those contracts and it will affect our rates. You might think it's wrong to want all that trash, but it costs the same to run TCL no matter how much trash comes in. By merging we eliminate the problem with TCL fighting with Presque Isle. Whether you table it or vote on it tonight, keep in mind that there are a lot of numbers we will never be able to show you because we are just not allowed to do that. If our contracts come due and we lose them, I can tell you that during this 2-year process, Presque Isle has learned so much about us, that they will go out and get them. We are very vulnerable and Presque Isle has no contracts that we can go get because their contracts are not up yet. This is very critical and keep in mind that it's not as easy as perceived.

Councilor Melissa Libby – I think that there are good things about this Merger and some things that I don't agree with but if we are looking at this from a business standpoint, why would a business that is functioning well on all levels, want to give up a seat on a new business Board, not have equal seats, yet take on extra liability should something happen. So to not have equal seats, but have equal liability doesn't make sense.

Stev Rogeski – You are not equally liable, you are only liable for your percentage of seats. So Fort Fairfield's liability actually becomes less with the Merger

Councilor Libby – If something has been mismanaged and there is a pollution issue because of something in the Presque Isle landfill.

Stev Rogeski – As a rule surprise costs are factored in to the budget and can be divided among all 31 communities. We share that liability with all the communities, not just Fort Fairfield, Caribou, and Limestone. That why those 31 communities (contracts) are so important.

Councilor Libby – My biggest thing is not having equal number of seats. I know there are reasons behind having it set up the way it is, but if we are all going in it together...

Town Manager, Jim Risner – But we are not, Mr. Draper explained about each municipalities financial responsibility differs in that Fort Fairfield's financial responsibility is \$89,000 and Presque Isle is \$260,000. So if I am bringing three times the amount of money "Joe" is bringing, then I would expect to have at least one more vote than "Joe" because I have more vested than "Joe".

Councilor Libby – what about the quality of life the residents of Fort Fairfield, the extra trash.

Town Manager, Jim Risner – The quality of life could be affected in a couple different ways, such as the Mil Rate not going up and the extra traffic could mean more people are frequenting our businesses. There is always good and bad, and you weigh that.

Councilor Libby – I think as far as financially, there are more things to consider when the amount of seats on the Board comes in to play.

Stev Rogeski – TCL does not lose any control. Presque Isle cannot gang up and vice versa. Presque Isle can never become bigger than Fort Fairfield.

Town Manager, Jim Risner –Limestone and Fort Fairfield said that the only way this is going to work is if there is a  $\frac{3}{4}$  vote, so you don't have the smaller municipalities being run over. A business decision is much different than a political decision. TCL is a business. I will repeat the fact that yes; the Board dropped the ball by not getting information out to the public sooner and it causing a rumor mill. It would be unfortunate if a rumor led us to a bad decision when you have a Board that has gone over the information for 2 years several times with a fine tooth comb and you already have 2 owners that have said yes, they are comfortable with it.

Gary Sirois – The Board should have provided more information to the Council sooner since they have been working on this for 2 years.

Robert Kilcollins – I have worked with Mr. Risner for 3 years on the Council and what Mr. Risner say he does, he does thoroughly. We just have too much to digest in 2 hours to make a decision. It's not that everyone doesn't want it, they just need more information. I know you all did your homework. We need more information.

Shelley Everett, resident of Fort Fairfield - will the Merger cause any loss of jobs?

Stev Rogeski – only through attrition. No one will lose their job, employees that get done either through retirement or other reasons simply won't be replaced.

Mark Draper, TCL – actually in the short term, we may have to add jobs.

## VIII. New Business

### A. Tri-Community Recycling & Sanitary Landfill Interlocal Solid Waste Agreement – Mr. Rogeski and Mr. Draper

The TCL and the City of Presque Isle began negotiations in December, 2015 to merge the Presque Isle landfill operations with TCL. Since that time, legal counsel has reviewed; and provided legal opinion; on the proposed Interlocal Solid Waste Agreement. The Presque Isle City Council approved the Agreement on December 13, 2017. An independent accounting firm has completed a financial review of TCL and the City of Presque Isle's landfill operations.

The proposed merger is projected to bring stability to Fort Fairfield's ownership cost by making the Presque Isle Landfill part of TCL instead of a competitor to TCL. Annual tonnage is a key factor in determining owner cost, and the merger of the two entities will increase the annual tonnage to TCL, thereby greatly reducing the probability of a near-term increase to owner cost, and minimizing; or possibly eliminating; any increase in the future.

The Town of Limestone and Cities of Caribou and Presque Isle have signed the new Interlocal Solid Waste Agreement.

Recommendation: That Town Council approves and signs, a Resolution of the Fort Fairfield Town Council Approving Amendments to the Tri-Community Recycling and Sanitary Landfill Interlocal Solid Waste Agreement.

Mitchell Butler made a motion to table the signing of a Resolution of the Fort Fairfield Town Council Approving Amendments to the Tri-Community Recycling and Sanitary Landfill Interlocal Solid Waste Agreement for at least a month to give TCL time to get some information about it to the public.

John Herold seconded.

Discussion – Mr. Risner asked that if Council voted to table the signing of the Resolution, that Council agree to table it for a shorter period than one month. The TCL Board was meeting later that week and could agree to put out more information in the local newspaper by that following Wednesday, then hold a special Town Council meeting and have a public hearing and then an executive session in order to get more financial information to the Council. Immediately following the executive session, Council will hold a special Town Council meeting to vote on the Resolution Approving

Amendments to the Tri-Community Recycling and Sanitary Landfill Interlocal Solid Waste Agreement.

Mitchell Butler made an amendment to his original motion to table the signing of the Resolution from one month to January 3, 2018.

John Herold seconded the amended motion.

Mr. Barnes stated that we are going to have to vote on this a make a decision, not everyone is going to be happy, but you need to trust your Council. I have a lot of faith in this Council and the Board, and I know they have done a lot of work. We are going to do our best and do what's best for our Community. Not all decisions are easy.

Councilor John Herold – Business opportunities have to be taken in order not to lose our Business.

B. Appointment to the Housing Authority of Fort Fairfield Board of Commissioner

The Housing Authority of Fort Fairfield Board of Commissioners recommends Town Council appoint Lynn Tarbox as a Resident Commissioner, Housing Authority of Fort Fairfield, to complete the term ending June 30, 2021. A letter of recommendation from the Fort Fairfield Housing Authority Board of Commissioners is attached.

Recommendation: That Town Council appoints Lynn Tarbox to complete the term ending June 30, 2021.

Mitchell Butler made a motion to appoint Lynn Tarbox to complete the term ending June 30, 2021.

John Herold seconded.

Discussion – None.

Vote – All affirmative.

C. Resolution to Authorize the Application for Community Development Block Grant Funds on Behalf of the Fort Fairfield Utilities District – Mr. Levesque

The Fort Fairfield Utilities District (FFUD) is seeking assistance from the federal and state governments to construct a new wastewater lagoon system. The existing facility was constructed in the mid-1970's and is in need of major upgrades and repairs. The upgrades and repairs are very costly and for that reason the FFUD has decided to construct a new wastewater lagoon system.

The FFUD is currently examining all sources of funding necessary to complete this project in the most cost-effective manner as possible in order to keep user fees at a minimum.

The 2018 Community Development Block Grant (CDBG) Program includes funding for this type of activity in the Public Infrastructure (PI) Program.

Only Municipalities or County Governments are eligible to apply for CDBG funds. The Town of Fort Fairfield may apply for the funds on behalf of the FFUD to be used as the gap funding for the project by signing Resolution 17-11.

A Letter of Intent to Apply for 2018 CDBG-PI funds is due to the Department of Economic and Community Development - Office of Community Development by January 19, 2018.

Recommendation: Town Council approves and signs Resolution 17-11, authorizing the Town Manager to submit an application for 2018 Community Development Block Grant Public Infrastructure funds on behalf of the Fort Fairfield Utilities District. Scott Smith made a motion to approve and sign Resolution 17-11, authorizing the Town Manager to submit an application for 2018 Community Development Block Grant Public Infrastructure funds on behalf of the Fort Fairfield Utilities District. John Herold seconded.

Discussion – None.

Vote – All affirmative.

D. Donation of 60 inch TV and Chromecast to Library –

Background: Title 30-A M.R.S.A. §5655 states that a gift without conditions, of any type of property, offered to a municipality may be accepted or rejected by its legislative body.

Discussion: Kendall and Beth Stratton have graciously offered a 60 inch Samsung LCD Series 6 TV to the library. The donated TV will benefit library patrons, as it will allow larger groups of patrons to see the screen. Mr. and Mrs. Stratton included a Chromecast device, which allows the library or anyone using the community room to cast computer presentations, live educational video-streams and Power-point presentations, directly from a smartphone, tablet or laptop.

Recommendation: That Town Council accepts the donation of the 60 inch Samsung TV and Chromecast device from Kendall and Beth Stratton.

Mitchell Butler made a motion to accept the donation of the 60 inch Samsung TV and Chromecast device from Kendall and Beth Stratton.

John Herold seconded.

Discussion – None

Vote – All Affirmative.

E. Donation of Vehicle and Ambulance Body from the Town of Limestone – Mr. Risner

Background: Title 30-A M.R.S.A. §5655 states that a gift without conditions, of any type of property, offered to a municipality may be accepted or rejected by its legislative body.

Discussion: The Town of Limestone Board of Selectpeople has graciously approved the donation of the following two items to the Town of Fort Fairfield: 1) 1997 Dodge 1-ton truck; 2) ambulance body.

The Dodge truck will be used for parts to repair our 1999 Dodge 1-ton truck.

We will use the ambulance body for parts to repair the current Town ambulance body.

Recommendation: That Town Council accepts the donation of the 1997 Dodge 1-ton truck and the ambulance body from the Town of Limestone.

Scott Smith made a motion to accept the donation of the 1997 Dodge 1-ton truck and the ambulance body from the Town of Limestone.

Mitchell Butler seconded.

Discussion – none.

Vote – All Affirmative.

F. Transfer Funds from Administration Reserve to Emergency Management – Chief Newell

Chief Newell is requesting a transfer of \$3,600 from the Administrative Reserve account (G 1-3010-00) into the Emergency Management account (E 01-01-55-10).

The \$4,000 that is in the FY 17/18 budget has been expended for pump house and dike maintenance this year. The Town has incurred over \$2,250 in unexpected expenses for vegetation mitigation, pump repair, and electrical issues within the pump house.

Discussion: The request for a transfer \$3,600 to the Emergency Management account will fund the operation of the pump house throughout the remainder of FY 17/18 for personnel during spring ice out and the replacement of a broken sump pump. We spend an average of \$2,600 for personnel during spring ice out. The replacement of the broken sump pump is approximately \$450. The remainder of the requested funds is for unforeseen expenses during the remainder of the Fiscal Year.

Recommendation: Council approves the Town Manager to transfer \$3,600 from Administrative Reserves (G 1-3010-00) to Emergency Management (E 01-01-55-10), with any funds remaining at the end of the Fiscal Year returned to the Administrative Reserve account.

Mitchell Butler made a motion to approve the Town Manager to transfer \$3,600 from Administrative Reserves (G 1-3010-00) to Emergency Management (E 01-01-55-10), with any funds remaining at the end of the Fiscal Year returned to the Administrative Reserve account.

Scott Smith seconded.

Discussion – None.

Vote – All Affirmative.

*G. \*Inventory of Industrial Sites Available for Redevelopment – Mr. Levesque*

On November 22, 2017, the State of Maine Department of Economic and Community Development (DECD) requested a list be compiled of any applicable nonproductive industrial or manufacturing sites available for redevelopment in the Town of Fort Fairfield. The requested list is a requirement under Maine Public Law 174, which directs the Maine Rural Development Authority (MRDA), in consultation with DECD, to develop an inventory of nonproductive industrial or manufacturing sites Statewide.

Mr. Levesque created the inventory (copy attached) and presented it to the Economic Development Board during their regular meeting on December 18, 2017. The Economic Development Board voted to approve the inventory and recommended the Town Council approve the submittal of the inventory by the Town Manager to the State.

Recommendation: The Town Council authorizes the Town Manager to submit the Fort Fairfield inventory of industrial sites available for redevelopment to the State

Scott Smith made a motion to authorize the Town Manager to submit the Fort Fairfield inventory of industrial sites available for redevelopment to the State.

Mitchell Butler seconded.

Discussion – None.

Vote – All Affirmative.

*H. \* Farm Park Pavilion – Mr. Risner*

Mr. Risner informed Town Council; at its October 18 meeting; that the structural beams of the pavilion have shifted to such an extent that Mr. Hanson, Director of Public Works, and Mr. Risner are concerned about the structural integrity of the pavilion. Town Council authorized the Town Manager to award a contract for the structural analysis and improvements to the Farm Park Pavilion to B.R. Smith Associates, Inc. (BRSA) in the amount of \$1,300 using funds from the undesignated fund account.

The Town received the structural report from BRSA on December 15. A copy of the report is attached. It is the opinion of BRSA that the "...facility should not be allowed to be used until upgrades are properly designed and constructed."

To give Council an idea of the magnitude of the cost to repair the structure, one part of the structural analysis says that roof sheathing should be installed. There are 625 sheets

of sheathing, and at a cost of \$25.00 per sheet, the cost just for material would be \$15,625.

Recommendation: For discussion and guidance from Town Council.

Mr. Herold – It looks like high costs for repairs, how much revenue does the Town receive from Farm Park? Can it be sold?

Mr. Risner – No, it cannot be sold under the current conditions of the building.

Mr. Barnes – So the only options are to repair or demolish.

Mr. Hanson – We could go back to the Engineering Company, do it right, do a cost analysis for repair, if that's what Council chooses. Analysis could cost about \$10,000 including giving specs, and there is a chance we still not get it right.

Mr. Butler – Don't put any more money into something that we may not want to fix anyway.

Mr. Risner – Another option is to get a bid on the cost to demolish.

Mr. Smith – Can we get a contractor to do the repairs based off the report from BRSA?

Mr. Hanson – No.

Mr. Risner – We can't risk unless we have a good Engineering Company. I believe it's going to be very expensive to fix.

Mr. Butler – I don't want to put more money into it if it's not producing revenue.

Mitchell Butler made a motion to get a quote for demolition of the Farm Park Pavilion.

John Herold seconded.

Discussion – None.

Vote – All Affirmative.

*I. Release of Lien – Mrs. Leighton*

A title examination on 88 Aroostook Falls Road (Map 12, Lot 73) showed that a tax lien from 2013 had not been released, though a subsequent lien was properly released. Because the tax lien has been on record for longer than 18 months, a Municipal QuitClaim Deed is needed in order for the lien to be released.

NorStar Title Company of Presque Isle has requested the Town sign a Municipal QuitClaim Deed so that a tax lien may be released. Town records show that the lien should have been released, as the taxes and fees were paid.

Recommendation: Town Council signs the quitclaim deed for 88 Aroostook Falls Road (Map 12, Lot 73).

John Herold made a motion that Town Council signs the quitclaim deed for 88 Aroostook Falls Road (Map 12, Lot 73).

Mitchell Butler seconded.

Discussion – None.

Vote – All affirmative.

IX. Minutes of the November 15, 2017 Regular Council Meeting.

Mitchell Butler made a motion to approve the November 15, 2017 regular Council Meeting.

John Herold seconded.

Discussion – None.

Vote – All affirmative.

X. Warrants: #12; \$266,567.81 #13; \$312,071.49

Mitchell Butler made a motion to approve Warrants: #12; \$266,567.81, #13; \$312,071.49

John Herold seconded.

Discussion – None.

Vote – All affirmative.

XI. Other

A. Closure of Town Office and Library for Employee Christmas Gathering

The Town Offices and Library will be closed from 11:30 a.m. to 12:30 p.m. Thursday, December 21 for the employee Christmas gathering.

B. Recycle Presentation – Ms. Hunter St. Pierre

Ms. Hunter St. Pierre, a senior from Fort Fairfield High School gave a presentation on Community Recycling focusing on the problems of plastic bags in our landfills.

XII. Manager's Report – given to Council for informational purposes.

XIII. Executive Session

A. MRS §405.6.C.

Mitchell Butler made a motion for Council to enter into Executive session.

John Herold seconded.

Council entered into Executive session at 8: 38 p.m.

A. MRSA §405.6.C.

John Herold made a motion to come out of executive session.

Council came out of Executive session at 8:46 p.m.

#### XIV. Adjournment

Mitchell Butler made a motion to adjourn.

Council adjourned at 8:46 p.m.

*\* Added at Council Meeting*