



Presque Isle City Council Meeting

Monday, December 7, 2015

6:00 PM

Presque Isle Council Chambers

Call to Order - Roll Call

Present: Chairwoman Emily Smith, Vice-Chairman Michael Chasse, Councilors Richard Engels, Craig Green (arrived 6:04 PM), Peter Hallowell, Leigh Smith and Randy Smith

City Manager Martin Puckett and City Clerk Beverly Labbe were also present.

Pledge of Allegiance

Chairwoman Emily Smith called the meeting to order at 6:00 PM and led those present in the Pledge of Allegiance.

Public Hearings

1. Approval of Automobile Graveyard Permit for Paul Jalbert d/b/a Jalbert Auto & Salvage, with a location of 204 Chapman Road (Single Hearing)

The public hearing portion of the meeting was opened at 6:00 PM. Hearing no comments from the public, the public hearing was closed at 6:00 PM.

BE IT RESOLVED by Councilor Engels, seconded by Councilor Leigh Smith to approve an Automobile Graveyard Permit for Paul Jalbert d/b/a Jalbert Auto & Salvage, with a location of 204 Chapman Road, with the condition that a representative of the Presque Isle Police Department shall be allowed to inspect the premises at any time. **Vote 6-0.**

2. Discontinuance of Sunrise Lane (Single Hearing)

The public hearing portion of the meeting was opened at 6:01 PM. Hearing no comments from the public, the public hearing was closed at 6:01 PM.

BE IT RESOLVED by Councilor Randy Smith, seconded by Councilor Chasse to approve and execute the "Order of Discontinuance" for Sunrise Lane as described in the Order of Discontinuance. **Vote 6-0.**

Chairwoman Emily Smith also read the following “Resolution to Discontinue Public Way: Sunrise Lane” into the record.

RESOLUTION TO DISCONTINUE PUBLIC WAY: SUNRISE LANE

WHEREAS, the City of Presque Isle is authorized pursuant to 23 M.R.S.A § 3026 to discontinue any portion of a public way under its jurisdiction and control; and

WHEREAS, the City Council of the City of Presque Isle has determined that it is in the best interest of the City to discontinue the public way known as Sunrise Lane and that the discontinuance causes no damage to abutting property owners;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Presque Isle, State of Maine, by this resolution, adopted by a majority of the City Council, with a quorum present and voting, proper notice having been given, that it is in the public interest to discontinue Sunrise Lane as a public way and public easement for its entire length pursuant to the procedures set forth at 23 M.R.S. A § 3026. The public way to be discontinued begins at Morningside Road and runs southeasterly a distance of approximately 350 feet, as shown more particularly on the City Tax Maps at Map 53 Lot 75-10 on file at the Presque Isle City Hall and further described on the Parcel Description and Survey attached hereto as Exhibits A and B.

All utility and aviation easements of record shall remain in full force and effect.

3. 2016 Municipal Budget (Second Hearing)

The public hearing portion of the meeting was opened at 6:05 PM. Hearing no comments from the public, the public hearing was closed at 6:06 PM.

Citizen Comments

Clint Deschene addressed the City Council regarding the pool. Deschene believes the community center is a wonderful project, but also feels the pool should not be constructed at this time. Deschene thinks the Council should consider the splash pad as an alternative. UMPI has a beautiful facility which includes a pool, therefore Deschene feels the community is not going without.

Consent Agenda

4. Approve minutes from September 9, 2015 and November 2, 2015
5. Approve 2015 Warrants #41 - #44, totaling \$1,947,324.26
6. Approve Return of Votes Cast for November 3, 2015
7. Pole permit application from Maine Department of Transportation on Chandler Road
8. Pole permit application from Emera Maine on Edgemont Drive
9. Reallocation of funds regarding ACME Monaco
10. Closing non-essential offices on December 24, 2015
11. Safety Mission Statement

BE IT RESOLVED by Councilor Engels, seconded by Councilor Randy Smith to approve Consent Agenda items #4 - 11 as presented. Vote 7-0.

Old Business

12. TABLED: Zoning Board Appointment

BE IT RESOLVED by Councilor Hallowell, seconded by Councilor Randy Smith to appoint Carl Allen to fill the unexpired term of Marcella Walton, term to expire December 31, 2017. Vote 7-0.

13. TABLED: Chapter 9 - License and Public Hearing Fees

City Manager Puckett stated the City held a public hearing regarding Chapter 9 last month. At that time, the Council decided to table this agenda item to determine whether the assessed fees were reasonable. Puckett stated staff has looked at other municipalities around the state and found the fees were comparable.

There was a short discussion regarding the fees. Councilors Engels and Green agreed to assist in researching fees being assessed and determine whether or not they should increase.

BE IT RESOLVED by Councilor Chasse, seconded by Councilor Leigh Smith to TABLE amendments to Chapter 9 - License and Public Hearing Fees. Vote 7-0.

14. TABLED: Chapter 16 - Land Use and Development Code - Chapter 2 - Section VI:D - Performance Standards for Mobile Homes

City Manager Puckett stated the Council tabled this agenda item in order to receive clarification. The City Solicitor has been consulted, and has determined if the Council adopted this section of the Code, it would go into effect immediately, and unless a mobile home is being moved inside City boundaries, all other mobile homes within the City would be grandfathered.

BE IT RESOLVED by Councilor Chasse, seconded by Councilor Leigh Smith to adopt Chapter 16 - Land Use and Development Code, Chapter 2 - Section VI:D - Performance Standards for Mobile Homes. **Vote 7-0.**

New Business

15. Solid Waste Budget

Dana Fowler, Director of Public Services, addressed the Council regarding the way the City calculates the formula for the Landfill. The towns of Washburn, Perham and Wade have decided to no longer participate in Pay-As-You-Throw, thereby reducing the amount of refuse being delivered to the landfill. As a result of the decrease, a greater portion of the costs have been shifted to the remaining member communities. In addition to the shift in operational costs, earlier this year, the Council approved a reduction in tipping fees at the landfill in hopes of enticing other entities to bring their refuse to Presque Isle, thereby increasing revenue streams.

In August of 2015, the Council voted to authorize a new formula for use of the landfill. Since that time, it has been determined that the new formula could present some serious issues. Based on the new formula, if a community had higher than normal tonnage delivered to the landfill in 2013, they would be "locked into" a higher payment for debt service. The motion also included a penalty being assessed to a community if they "have not met the expected tonnages that were based on the historical trend".

Fowler recommended the Council do two things, (1) reconsider the motion taken on August 3, 2015 and (2) establish a new formula.

Fowler recommended the 50/50 credit calculation be based on an eight-year (2008-2015) average of waste that is delivered to the landfilled. The starting year of 2008 was chosen because that is when the Inter Local Community Agreement was signed with all seven communities. Fowler is also recommending other 50% of the formula be based a rolling four-year budget using Pay As You Throw percentages. Using the four year rolling average allows the formula to capture the implementation of PAYT to the present.

Fowler stated the agreement signed in 2008 states the municipality(ies) will be responsible to pay a portion of the debt service, operating costs, as well as closure and post closure costs. Councilor Chasse asked if there has been any communication with Washburn, Perham and Wade informing them that they are in violation of the Inter Local Agreement. City Manager Puckett stated a letter was sent.

Fowler informed the Council that a meeting was held with the towns a few weeks ago, all but the Town of Wade were in attendance. Those present were comfortable with the new calculation.

Councilor Hallowell asked if the eight year average was a fixed payment, or was it an eight year rolling average. Fowler responded the debt service would be a fixed payment.

BE IT RESOLVED by Councilor Chasse, seconded by Councilor Green to reconsider the motion made on Agenda Item 15-155 – Authorize new community formula for use of landfill taken on August 3, 2015. **Vote 7-0.**

BE IT RESOLVED by Councilor Engels, seconded by Councilors Randy Smith to (1) establish debt service as a fixed payment based on landfilled tonnage for the 2008-2015 budget years, and (2) to calculate the 50/50 credit portion of the solid waste budget by using 50 percent based on landfilled tonnage from the 2008-2015 budget years and 50 percent based on the most current 4-year budget year rolling average for Pay as You Throw tonnages. **Vote 7-0.**

16. Approve Solid Waste Collector License for Edgar J LeBlanc d/b/a Star City Sanitation

City Manager Puckett stated Pay As You Throw contracts with Gil's Sanitations and Star City will not expire until 2016. He has been in discussions with the haulers and they have agreed to reduce the Pay As You Throw price per household from \$12/month to \$10.50/month. This reduction will save the City approximately \$52,000.

BE IT RESOLVED by Councilor Engels, seconded by Councilor Green to approve a Solid Waste Collector License for: Edgar J LeBlanc d/b/a Star City Sanitation, Inc, with the following conditions:

- (1) Only solid waste produced and originating within Presque Isle and the seven (7) communities consisting of: Mapleton, Chapman, Castle Hill, Wade, Washburn, T11 R4 (SQOPAN), and Perham may be handled at the Solid Waste Facilities of the City.
- (2) The recyclable materials shall be kept separate from the solid waste and delivered to a recycling facility.
- (3) Payment for all invoiced tipping fees shall be received by the City within 60 days of invoice date or the City Council may suspend or revoke the Solid Waste Collector License.
- (4) Loads containing waste from more than one member municipality must have an individual scale weight for each municipalities waste, unless an exception is authorized by the Public Services Director. **Vote 7-0.**

17. Approve Solid Waste Collector License for Gil's Sanitation, Inc

BE IT RESOLVED by Councilor Engels, seconded by Councilor Green to approve a Solid Waste Collector License for: Gil's Sanitation, Inc, with the following conditions:

- (1) Only solid waste produced and originating within Presque Isle and the seven (7) communities consisting of: Mapleton, Chapman, Castle Hill, Wade, Washburn, T11 R4 (SQOPAN), and Perham may be handled at the Solid Waste Facilities of the City.
- (2) The recyclable materials shall be kept separate from the solid waste and delivered to a recycling facility.
- (3) Payment for all invoiced tipping fees shall be received by the City within 60 days of invoice date or the City Council may suspend or revoke the Solid Waste Collector License.
- (4) Loads containing waste from more than one member municipality must have an individual scale weight for each municipalities waste, unless an exception is authorized by the Public Services Director. **Vote 7-0.**

18. Approve Solid Waste Collector License for Pine Tree Waste

BE IT RESOLVED by Councilor Engels, seconded by Councilor Green to approve a Solid Waste Collector License for: Pine Tree Waste with the following conditions:

- (1) Only solid waste produced and originating within Presque Isle and the seven (7) communities consisting of: Mapleton, Chapman, Castle Hill, Wade, Washburn, T11 R4 (SQOPAN), and Perham may be handled at the Solid Waste Facilities of the City.
- (2) The recyclable materials shall be kept separate from the solid waste and delivered to a recycling facility.
- (3) Payment for all invoiced tipping fees shall be received by the City within 60 days of invoice date or the City Council may suspend or revoke the Solid Waste Collector License.
- (4) Loads containing waste from more than one member municipality must have an individual scale weight for each municipalities waste, unless an exception is authorized by the Public Services Director.
- (5) Limited to construction and demolition debris only transported via semi-trailer and roll-offs. No other collection of municipal solid waste is permitted. **Vote 7-0.**

19. Approve Solid Waste Collector License for Jack Herbert d/b/a McNeal's Trucking

BE IT RESOLVED by Councilor Engels, seconded by Councilor Green to approve a Solid Waste Collector License for: Jack Herbert d/b/a McNeal's Trucking with the following conditions:

- (1) Only solid waste produced and originating within Presque Isle and the seven (7) communities consisting of: Mapleton, Chapman, Castle Hill, Wade, Washburn, T11 R4 (SQOPAN), and Perham may be handled at the Solid Waste Facilities of the City.
- (2) The recyclable materials shall be kept separate from the solid waste and delivered to a recycling facility.
- (3) Payment for all invoiced tipping fees shall be received by the City within 60 days of invoice date or the City Council may suspend or revoke the Solid Waste Collector License.
- (4) Loads containing waste from more than one member municipality must have an individual scale weight for each municipalities waste, unless an exception is authorized by the Public Services Director.
- (5) Limited to construction and demolition debris only transported via semi-trailer and roll-offs. No other collection of municipal solid waste is permitted. **Vote 7-0.**

20. Update on the ice system at The Forum

Chris Beaulieu, Director of Recreation & Parks, updated the Council regarding the newly installed ice system at the Forum. The system is functioning well. Beaulieu stated the compressor is running 8/hours a day versus 16/hours. The time required to freeze ice has been reduced from 24 hours to 6 hours, and stated the patrons are pleased with the ice. Beaulieu believes the City should see additional savings in fuel consumption because the large water tank was replaced with a 360 gallon tank.

21. Moratorium on Medical Marijuana Facilities

City Manager Puckett stated staff is still working on the Medical Marijuana Facility ordinance. There has been a great deal of input from various departments and staff has been comparing the City's ordinance with other municipalities. Puckett stated the ordinance will not be ready before the current moratorium expires, therefore Puckett is recommending the moratorium be extended an additional six months.

BE IT RESOLVED by Councilor Randy Smith, seconded by Councilor Green that the Presque Isle City Council vote to extend the City's August 3, 2015 Medical Marijuana Moratorium for an additional six months.

Vote 6-1, with Councilor Engels abstaining.

22. Fire Contract

City Manager Puckett stated the Town of Chapman had requested the City freeze the fire contract for three years at \$25,398. They have now asked that the rate of \$25,398 be frozen for 2016, which would allow time for the municipalities to work out a reasonable rate for fire service.

Councilor Emily Smith stated the costs for the City's fire department have not remained flat. It creates a greater tax burden, if the City would keep the Chapman fire contract the same, while Presque Isle taxpayers are paying more for fire services.

Puckett stated the rationale for the formula is unknown. It is the hope of the Chapman town manager that the rate remain the same for 2016, and then have a discussion about how to proceed with future contracts.

BE IT RESOLVED by Councilor Green, seconded by Councilor Hallowell to approve a contact with the Town of Chapman for fire services in the amount of \$25,398, and to not pay the Payment in Lieu of Taxes on the old transfer station. **Vote 7-0.**

23. 2015 Tax Acquired Properties

City Manager Puckett stated this is an annual procedure. If the Council approves this motion, it will allow the City to ask the prior owners if they would like to "buy back" their property.

BE IT RESOLVED by Councilor Chasse, seconded by Councilor Green that the City Council authorize the City Treasurer to contact the prior owners of the properties, EXCEPT Acct #1103 and #1202, owned by B & A RR Retirement Trust at 59 Elm Street and 69 North Street respectively, acquired at the November 6, 2015 automatic foreclosure of the 2013 tax liens, per the Policy for Tax Acquired Property to make acceptable arrangements for repurchasing the property from the City by paying all taxes, costs, administrative fees, and interest due the City if they wish to regain title of their former property. **Vote 6-0, with Councilor Engels abstaining.**

24. 2016 Budget Discussion

City Manager Puckett stated the Council needs to decide how to proceed in regards to borrowing for the new community center. The mil rate in 2015 is 25.46, if the Council includes the pool with the new community center, the mil rate will increase by \$1.92 mils.

If the Council borrows \$7,000,000 and amortizes the payments over the next 25 years, the payments will be \$424,800/year for a repayment total of \$10,620,000. If the City elects to borrow \$7,000,000 utilizing equal principal payments, the payments start at \$525,000, are reduced every year, for a repayment total of \$10,185,000.

If the City borrows \$9,000,000 and amortizes the payment for twenty-five years, the payments will be \$546,000/year for a repayment total of \$13,650,000. If the City elects to borrow \$9,000,000 utilizing equal principal payments, the first payment would be \$675,000 and will be reduced every year, for a repayment total of \$13,095,000.

Councilor Emily Smith commented the City has never received an estimate for the pool, so the real cost of the pool is not known. Councilors had a brief discussion regarding the short season the pool has, the pros and cons of a pool versus splash pad, total amount that will need to be repaid, and whether money should be borrowed to replenish the contingency account.

Councilor Green wondered if the City should hold a public hearing at their next meeting, December 14th to determine what the wishes of the residents are. Puckett stated the Financial Advisor needs to have an amount by Wednesday.

Councilor Engels believes a community center is needed, but believes the pool and splash pad are a luxury the City cannot afford at this time. Engels stated he is in favor of borrowing \$7,000,000. Councilor Green believes the splash pad will draw many people to Presque Isle resulting in increased traffic for local businesses.

BE IT RESOLVED by Councilor Engels to borrow \$7,000,000. There was no second.

Motion fails.

BE IT RESOLVED by Councilor Randy Smith, seconded by Councilor Green that the Council approves to borrow \$7,500,000, which includes funding for the splash pad and Riverside Building renovation. **Vote 6-1, with Councilor Engels abstaining.**

Pat Webb, City Treasurer, stated with reducing Pay As You Throw expenses by \$52,500 and removing \$98,000 from the paving account, the mil rate increase will be 1.41. City Manager Puckett stated the ambulance contract will be expiring in July of 2016, and he believes the City could increase revenues by \$35,000.

Councilor Engels stated he would like to have budget adjustments sooner. The figures the Council are deliberating over, were received at the meeting. Engels would also like to have more suggestions from staff for further reducing the budget. Engels is concerned that increasing the mil rate by 1.41 will cause Presque Isle to be one of the highest mil rates in the state.

Councilor Emily Smith stated the 1.41 increase does not take into consideration requests made by department heads. There are buildings and equipment that need replacement or repair.

Puckett stated any further cuts to the budget will impact the services the residents receive.

25. Change Order for Community Center

Chris Beaulieu, Director of Recreation & Parks, addressed the Council regarding the change order. Beaulieu stated the addition of the kitchen in the senior's room will cost \$110,857. Beaulieu stated the City has already received a generous donation of \$85,000 for this project. Because the difference (approximately \$25,000) is over \$7,500, this change order needs council approval.

BE IT RESOLVED by Councilor Chasse, seconded by Councilor Engels to approve change Order proposal #10 -0 Kitchen for the amount of \$110,857 as presented.

Vote 7-0.

Councilors requested the Clerk of the Works, Roger Crouse, update the Council.

26. Municipal Fees

City Manager Puckett stated there are two departments that would like to increase their fees: Northern Maine Regional Airport and Mark & Emily Turner Memorial Library.

If the Council approves the fee structure, the Mark & Emily Turner Memorial Library will be charging \$50/three hours for the Conference Room/Gallery; \$10/three hours for the Teen Lounge Conference Room, and \$10/three hours for the Mezzanine Meeting room.

Councilors expressed concern regarding the low fees and whether they would be undercutting local businesses.

BE IT RESOLVED by Councilor Hallowell, seconded by Councilor Leigh Smith to double the fees as presented for the Mark & Emily Turner Memorial Public library as presented.

Vote 7-0.

Councilor Emily Smith stated she is opposed to increasing fees at General Aviation. The increase in fees will primarily affect one business, Fresh Air. Smith believes this service is necessary and the lower fee can be justified to taxpayers.

Scott Wardwell, Director of Northern Maine Regional Airport, addressed the Council. Wardwell stated when the memo was submitted, it was based on 2 or 3 hour callbacks. Since that time, the City is in union negotiations and callbacks may increase to four hours. Because of that, the fees increase from \$80 for a two hour callback and \$120 for

a three hour to \$155 for a four hour callback. Wardwell stated in the last twelve months, there have been 23 three hour callbacks.

Wardwell stated if the City constructed separate "T" buildings (separate storage buildings) for businesses such as Fresh Air, it would eliminate 64% of the callbacks. In addition, businesses would be responsible to pay for their own utilities. Wardwell believes the buildings would be filled before construction was completed.

BE IT RESOLVED by Councilor Emily Smith, seconded by Green, to keep General Aviation call in fees as they are, and to research alternative structures.

Vote 4-3, with Councilor Engels, Leigh Smith and Randy Smith opposed.

Manager's Report

City Manager Puckett reported the end of the year budget is on target.

Announcements

Councilor Leigh Smith read the announcements.

Executive Session

BE IT RESOLVED by Councilor Chasse, seconded by Councilor Randy Smith to enter into Executive Session at 8:32 PM pursuant to 1 M.R.S.A. Section 405 (6) (D) to discuss labor negotiations. **Vote 7-0.**

Councilors came out of Executive Session, with no action taken.

Adjournment

BE IT RESOLVED by Councilor Hollowell, seconded by Councilor Randy Smith to adjourn the meeting at 8:44 PM. **Vote 7-0.**

Attested by: _____
Beverly A Labbe, City Clerk