

MINUTES OF MEETING

Town of Dixfield

Board of Selectmen/Assessors/Overseers of the Poor

Monday, October 25, 2010

5:00 p.m., Town Office

Board Members Present: Bettina M. Martin (Chair), Norine H. Clarke, Stephen G. Donahue, Malcolm M. Gill and Katherine N. Harvey

Board Members Absent:

Administration Present: Eugene R. Skibitsky (Town Manager), Charlotte M. Collins (Minutes), Chief Richard Pickett, CEO Calvin Beaumier, Planning Board Chair David Harvey

Press Present: WVAC (Kim Couch)

Citizens Present: Robert Blanchard, Norman and Terri Mitchell of East Dixfield, Tom Carroll of Patriot Renewables, LLC

PUBLIC HEARING – GENERAL ASSISTANCE ORDINANCE AMENDMENTS

Chair Martin called the Public Hearing to order at 5:00 p.m. to hear comments regarding the proposed General Assistance Ordinance Amendments. The Town Manager explained to the audience that these changes are proposed by the State Department of Human Services regarding the levels of assistance to be used for General Assistance in Oxford County. A public hearing is required. As there were no comments or questions, the hearing closed at 5:01 p.m.

PUBLIC HEARING – JUNKYARD LICENSES

Chair Martin called the Public Hearing to order at 5:02 p.m. to hear comments regarding the renewal licenses for Junkyards located within the Town of Dixfield. As there were no questions, the public hearing closed at 5:03 p.m. Approval of licenses were to take place by the Board of Selectmen at a later agenda item.

2. Approval of Minutes:

- a. On a motion from Mr. Donahue and a second from Mr. Gill, the Board unanimously approved the minutes of October 11, 2010.

b. On a motion from Mr. Donahue and a second from Mr. Gill, the Board unanimously approved the minutes of October 13, 2010. Mrs. Harvey abstained from voting as she had not attended the meeting.

c. On a motion from Mr. Donahue and a second from Mrs. Harvey, the Board unanimously approved the minutes of October 20, 2010.

3. **Approval of Warrants and Payroll:** On a motion from Mrs. Clarke and a second from Mrs. Harvey, the Board voted unanimously to approve the warrants and payroll as listed on the agenda.

4. **Department Head Reports:**

b. **Planning Board (David Harvey):** Mr. Harvey stated that the Planning Board wished to be involved with the development of the town's Wind Energy Facility Ordinance and was somewhat disturbed by the lack of inclusion from the Wind Committee. They were left out of the process, and the Planning Board Members were upset because of it. A letter was to be drafted to present to the Board of Selectmen; however, it was not available for this meeting.

Mr. Harvey also reported that the updating of the Shoreland Zoning text was complete and the accompanying map is next in the line to be amended.

a. **Police Department (Chief Pickett):**

- Chief Pickett presented the Board with his monthly report and discussed the purchase of a new cruiser for the Police Department. The Town Manager stated that there is a \$29,007.11 in the Cruiser Reserve Fund. Chief Pickett would like to ask for proposals as opposed to sealed bids as he can make a better deal with a trade-in and reduce the initial costs. He would also like to extend the proposal to larger dealers and specifically look for a 2010 Crown Victoria or a 2010 Ford Expedition.

The Ford Expedition that the department currently uses is getting better mileage than the Crown Victoria and over the long run, should be considered quite an important feature when purchasing the car. The Chief also stated that the Police Department's maintenance account could come into play if need be.

On a motion from Mr. Donahue, and a second from Mr. Gill, the Board voted unanimously to allow the Chief room within his proposals for the purchase of a new cruiser.

- The Chief will speak with the Maine DOT regarding increasing the speed limit on Averill Hill Road as soon as possible.
- The signs for the resident on Weld Street have not been placed as yet; there is a hold up from Maine DOT.

- The Chief will schedule a meeting with Pine Street residents for Thursday, November 4, 2010 at 6:00 p.m. at Ludden Memorial Library.
- The Town Manager received a call from Holt Hill residents regarding the use of proper safety clothing and equipment used by construction workers while on the job; the Chief will be checking the situation.

5. Old Business:

c. **Wind Ordinance – Patriot Renewables:** Tom Carroll, Project Coordinator for Patriot Renewables, LLC, brought to the Board several concerns that were found by his lawyers regarding the proposed Wind Energy Facility Ordinance for the Town of Dixfield. The ordinance was supposed to be neutral to development, but it will become impossible for any wind project to take place due to the following:

- In the definition for a WEFU (Wind Energy Facility Unit), the committee included roads and power lines in the definition and required a four thousand (4,000') foot set-back from any home which makes it physically impossible to do any project.
- The committee used a four thousand (4,000') foot set-back to include a survey of wetlands. The State of Maine standard is a one hundred twenty-five (125') foot set-back, and Patriot Renewables does not own property four thousand (4,000') feet from every turbine. The company cannot be responsible for surveying property they do not own.
- The C-Weighted Standard for noise is written with 45-55 DBA (Decibal A-Weighted Scale) and is different than the C-Weighted Scale; the C-Weighted Scale has no standard.

Mr. Carroll will host an informational meeting “Open House” on Thursday evening, October 28, 2010, at Ludden Memorial Library from 6-8:00 p.m. Eaton Peabody and an acoustic engineer will also be present to answer any questions from the public. They will speak of how the project stands today and what will be involved in the next steps.

a. **Ballot Questions Alternatives:** Due to the warrant for the Special Town Meeting ballot questions being signed at the meeting, the ballot for the Wind Energy Facility Ordinance could be removed. A seven-day posting time frame will still be legally correct. The State and MMA were both consulted. The Town Manager had prepared two warrants: one with the ordinance listed; one without.

Board members discussed the pros and cons of the ballot question. Ms. Martin stated that she didn't realize until recently that there would be very little impact financially on the town through the use of the ordinance. Mr. Carroll stated that he wanted the public to know that Patriot Renewables was not asking for anything for the company and that they were not pressuring the Board or the Town.

- On a motion from Mrs. Harvey and a second from Mr. Gill, the Board voted unanimously to remove the ballot question from the Special Town Meeting ballot warrant. The ballot removed stated: “Shall an ordinance entitled WIND ENERGY FACILITY ORDINANCE FOR THE TOWN OF DIXFIELD as proposed by the Dixfield Wind Ordinance Committee, be enacted?”
- On a motion from Mrs. Harvey and a second from Mr. Donahue, the Board voted unanimously to approve the warrant with four (4) ballot questions.

The Board will discuss the election results at the next, regularly scheduled meeting of the Board of Selectmen. They felt that the results would give them a better idea of the direction the townspeople would like to see regarding wind power development.

b. Water Department Update:

1. The Town Manager explained that the owners of 65 Main Street cannot get a full abatement of water charges, but are reduced to a flat rate for the winter months. The water freezes at this location and must be run throughout the winter. PUC was contacted for the proper way in which to repair the line and apply appropriate charges. A bleeder valve is used over the winter with repairs done in the spring.

2. The town has been billing Irving Forest Products for Private Fire Protection since 1996. At that time, Irving contends they were disconnected from the town’s fire protection and used their own. They would like a refund of charges. The Town Manager will research the documentation for the past 14 years, if possible, and negotiate with Irving regarding the refund. Mrs. Clarke felt that a committee should be formed to do the negotiating with Irving. On a motion from Mrs. Clarke and a second from Mrs. Harvey, the Board voted unanimously to form a committee to negotiate water charges with Irving Forest Products, Inc. Mr. Donahue and Mr. Gill will work with the Town Manager to negotiate for the town.

6. New Business:

a. Junkyard Licenses: The following residents have applied for their Junkyard Licenses to be renewed. They have also been inspected by the town’s Code Enforcement Officer.

1. **Clifford Hall:** Mr. Hall has made improvements with the set-back requirements and his records are in much better shape.
2. **James Speranza:** The CEO will make a chart for him to follow.

3. **Robert Blanchard:** Most of his vehicles are in the 100-year flood plain and must be moved. He was given conditional approval and must have his property (located in the flood plain) surveyed within 60 days, and must have all vehicles removed from the area within 90 days.
4. **Roland Tyler:** Mr. Tyler has agreed to stop operations of a junkyard altogether and return to the business of gravel and logging.
5. **Shannon Drown:** premises approved.
6. **Claude Averill:** premises approved.
7. **Norman Mitchell:** premises approved.
8. **Morrison Motors:** premises approved.
9. **Colin Philbrick:** revoked.

1. On a motion from Mrs. Clarke and a second from Mr. Gill, the Board unanimously approved Claude Averill's Junkyard License.

2. On a motion from Mrs. Clarke and a second from Mrs. Harvey, the Board unanimously approved, with conditions, Robert Blanchard's Junkyard License.

3. On a motion from Mr. Donahue and a second from Mr. Gill, the Board unanimously approved Shannon Drown's Junkyard License.

4. On a motion from Mr. Donahue and a second from Mrs. Harvey, the Board unanimously approved Clifford Hall's Junkyard License.

5. On a motion from Mrs. Harvey and a second from Mr. Donahue, the Board unanimously approved Norm and Terri Mitchell's Junkyard License.

6. On a motion from Mrs. Harvey and a second from Mr. Donahue, the Board unanimously approved Morrison Motors' Junkyard License.

7. On a motion from Mr. Gill and a second from Mrs. Harvey, the Board unanimously approved James Speranza's Junkyard License.

b. **Town Report Dedication:** The Board will bring nominee names to the next Board meeting. Ms. Martin will proof the draft report.

c. **State Mandated Building Codes:** The Town Manager and Code Enforcement Officer explained the new building codes rules and regulations that are being mandated to all communities in Maine with a population of over 2,000. The town must comply with the new regulations by 2012 and can accomplish this by:

- Doing inspection through local officials
- Have an inter-local agreement with another community
- Have a contractual agreement

- Obtain a third party inspector

The Town Manager said that no decision needed to be made immediately, but the position will be discussed through the budget process.

d. **Sign General Assistance Ordinance.** The Board approved the General Assistance Ordinance and signed the document.

7. **Town Manager's Report:**

a. **Update Road Projects:** The Town Manager gave an update of the various road projects in town and requested approval for funding from the Road Construction Reserve Account for Brian Street. On a motion from Mr. Gill and a second from Mr. Donahue, the Board voted unanimously to approve the additional payment of road work on Brian Street.

b. **Halloween Walk:** Additional police and public works department time may be needed to see that the Halloween Walk is run smoothly and safely. On a motion from Mrs. Clarke and a second from Mrs. Harvey, the Board voted unanimously to approve additional funding for the police and public works departments if needed for the Halloween Walk.

c. **Town Manager Days Off:** The Town Manager will be taking personal time on November first and November twelfth.

d. **Fire Truck Bids:** According to the Fire Chief, bids will be received and opened in December for the fire truck.

8. **Board Questions and Comments:**

Mr. Gill: toured the Water Department Plant with Jim White and found it to be very impressive and well maintained. Mr. Gill felt that we were very lucky to contract with the Town of Mexico for such a capable worker as Jim. He does an exceptional job, and the system was designed very well for additional growth.

Mrs. Harvey: thanked Steve Donahue and Norine Clarke for the many hours of hard work they spent creating the wind ordinance.

Mr. Donahue: thanked Norine Clarke for the many hours she spent creating the wind ordinance. He also congratulated Town Manager Gene Skibitsky and Selectman Katherine Harvey for securing the refinancing of the Water Department loan, saving the town over \$192,000 in interest.

Mrs. Clarke: thanked Steve Donahue for his hard work with the ordinance. She also thanked the Halloween Walk committee members for all the work they do for the area children.

9. **FYI:** So Noted.

10. **Next Meeting:** Monday, November 8, 2010, 5:00 p.m., Town Office

11. **Adjournment:** On a motion from Mr. Donahue and a second from Mr. Gill, the Board voted unanimously to adjourn at 7:15 p.m.

Respectfully submitted,

Charlotte M. Collins
Secretary

/cmc

Attachments`