

TOWN OF DIXFIELD
Minutes of Meeting
Board of Selectmen
Monday, Oct. 15, 2012
5:00PM, Ludden Memorial Library

Board Members Present: Chairman, Malcolm Gill, Robert Withrow, Hart Daley, Scott Belskis

Board Members Absent: 1 (one) vacancy

Administration Present: Eugene R. Skibitsky (Town Manager), David Phair (Public Works), Jim White (Water Department Superintendent)
Richard Pickett (Chief of Police), Scott Dennett (Fire Chief)

Citizens Present: Walter Newman, Dan McKay, Mr. and Mrs. Norman Mitchell,
Norine Clarke (Recorder of Minutes)

Others: Tom Carroll (Patriot Renewables)

Press: WVAC tv 7, Eileen Adams, Cherri Crockett

1. Call Meeting to Order: Chairman Gill called the meeting to order at 5PM and led the Pledge of Allegiance.

2. Approval of Minutes: Board minutes of Sept. 10, 2012 were presented for approval. Mr. Daley called attention to Section c labeled wind ordinance: "The legal review by Kristen Collins of the wind ordinance was received the afternoon of the Sept. 10 meeting and because of the late arrival, Chair Gill suggested that the discussion be tabled to the next regular meeting." Mr. Daley pointed out that meeting was not held until Oct. 15 due to a lack of quorum on Sept. 24, 2012 and there was no scheduled meeting on Oct. 8, 2012". Mr. Daley then made a motion seconded by Mr. Belskis to accept the minutes of Sept. 10, 2012 as corrected. Vote 4-0

The Minutes of the Sewer Rate Public Hearing and of the Selectmen/Trustee's Sewer Dept. meeting were declared accepted by Chair Gill after receiving no objections from Board Members.

Minutes for the September 17, 2012 Public Hearing on the proposed withdrawal from RSU #10 were presented. Mr. Daley said that he would like to have an item added to the minutes. "Mr. Ward was asked a question by Mr. Belskis. 'If the town's evaluation increased would it be worse for the RSU? Mr. Ward's answer was Yes.'" Mr. Belskis made a motion to accept the minutes as corrected, seconded by Mr. Daley. Vote 4-0.

3. Approval of Warrants and Payroll: Chair Gill presented the Warrants and Payroll as listed on the Agenda as a-c. Hearing no objection, they were accepted as presented.

4. Department Head Reports:

a. Water Department: Superintendent Jim White reported that the new meter for the Irving Mill should be on line on Oct. 26, 2012.

Mr. White reminded the Board members who had not yet had a tour of the Water Department that the offer was still available.

A Marble Lane citizen who lives at the end of the road called with a problem and they could find nothing wrong. Mr. White feels that the upcoming flushing should take care of the problem and they will re-check at that time.

The work at the new bridge project is completed.

A disturbance near 407 Weld St. (old Dick Pierce property) had to be corrected. Several pipe extensions had been capped instead of removed during work done several years ago. Those pipes began to perforate and were leaking under a lawn across the street. Extra equipment had to be employed to manage the mud in order to correct and replace the necessary piping with correct materials.

Mr. Daley asked who made the mistake.

Mr. White replied that Archie's was the contractor. The materials used then did pass the code at the time but would not have been used if Mr. White's crew had been doing the job.

b. Public Works: David Phair

The current inventory of waste oil collected is 2600 gallons with a commitment for 400 more will make the 3000 gallons which are expected to be enough for the winter. This should save the town \$10-12 thousand.

All 4 culverts on the Common Road have been repaired.

The area of previous work in front of the Town Garage driveway has been Repaired.

The multi-plate culvert construction on Porter Road has been completed with a final cost of about \$23,000. The State Inspector Ben Foster has approved the work. A savings of \$45,000 was realized on the job.

Upcoming jobs include the wash-out on the Porter Road and repairs on Holt Hill.

Walter Newman's driveway has been priced out by A&W Paving for \$2430.

A&W and Mr. Newman have both approved the plan to divide the run-off water to both sides of the driveway.

Bullrock Lane needs a small sluiceway.

The valve pit cover on Bradley Street needs some work.

All the trucks are stickered and ready to have the plows attached.

The backhoe is ready and the loader is OK except for a brake assembly.

The cemeteries are being prepped for winter closing and an ad was placed in the Times to notify the public. The man hours to date are 589 which includes Mr. Halacy's hours. There are still some more small jobs to do.

Limbs of the trees on the Kidder Avenue side of the new section of Greenwood Cemetery are touching the grave stones and should be limbed out. These trees are on cemetery property.

Mr. Daley suggested that abutters be notified that this work will be done.

The crew will shortly take down the American flags and change the regular banners to the holiday banners.

Some repair and prep work has to be done at the skating rink.

Severy Hill and Valley Rd. need grading.

There were no questions from the Board.

5. Old Business

a. Tax Acquired Properties

Selectmen were given an updated list which is correct and ready to be put out to bid as of Sept. 24, 2012. A title search is complete on property #914 (Vargas/Bordetsky and one additional mortgage)

Three additional properties may be put out for bid. Finnan (Canton Pt Rd.) McDonald (Main St), and Webber (41 acres and a building).

The Board members agreed that any of the owners could reclaim their property by paying what is owed on it at any time up to the property going out to bid.

Further discussion was tabled until early 2013.

b. Force Main Project

There is still no agreement on the cost of using flowable fill in the discontinued main.

The completion date has been extended from Oct. 26, 2012 to Nov. 10, 2012. Final paving is scheduled for Oct. 15 and 16, 2012. The traffic island will be level with the tar when completed and painted a different color.

The Bond closing was scheduled for Oct. 17, 2012 and will be done as

soon as all agreements have been made.

c. Mr. Newman's Driveway

The drawings showing the planned adjustments to the driveway were distributed to the Board. Mr. Belskis asked if A&W explained the plan to Mr. Newman and he responded yes.

A motion was made by Mr. Daley, seconded by Mr. Withrow to accept the \$2430. bid by A&W for Mr. Newman's driveway adjustment.

A motion was made by Mr Withrow to add \$600. for the sluiceway on Bullrock Lane, \$600. for the Valve Cover on Bradley St. and \$ for the work needed on Holt Hill. The motion was seconded by Mr. Belskis and voted 4-0

6. New Business

a. Town Manager's Position- MMA

MMA has presented a 9 step plan that they would implement to help Dixfield find a replacement for the current town manager who has announced his resignation as of early Jan., 2013. Cost for their help would be \$4900.

Mr. Daley made a motion to allow Chairman Gill to meet with MMA to discuss what the town is looking for in qualifications for the new manager and to give him the authority to approve the agreement. Seconded by Mr. Belskis, Vote 3 for and Chair Gill abstained.

Several ideas for what should be the qualifications were mentioned and Chair Gill said he would take a list of the current duties.

b. Porter Bridge Road Bid

Only one bid was received for this job. C.H. Stevenson bid was \$33,895. Dixfield's engineer, A. E. Hodsdon has negotiated with C. H. Stevenson and the Agreed upon price is \$28,520. Work is supposed to begin Wed. Oct 17, 2012 and finish on Fri. Oct. 19, 2012.

Mr. Phair reported that they had tried to get help from FEMA and from the State but there was no help available. There is a minor possibility that our Engineer may be able to negotiate with the DOT for some monetary assistance.

Mr. Withrow asked if this problem will re-occur. Mr. Phair replied that the plan is to re-locate where the Route 2 run-off goes.

Mr. Belskis asked how this could be done for less without affecting the longevity of the repairs. He remarked that he did not want to have saving money cause an inferior fix.

The Town Manager replied that the guardrails may be changed and the re-routing of the water on Route 2 should make the difference.

Mr. Withrow made a motion to trust the engineer to have negotiated a fix and go ahead with the contract. Seconded by Mr. Daley Vote 4-0.

The contract was signed by Chair Gill.

c. Holt Hill Bid

This job also had only one bid and it was also from C. H. Stevenson. The amount on the bid was \$33,600. The Town Manager, Mr. Phair and the

Engineer all felt that this was too high.

Mr. Phair made the suggestion to cut the curb that is directing the run off to the opposite side of the road to allow the water to run into the prepared area. The next step would be to re-shape the other side of the road to stop the undermining of the edge of the road. It could eventually require a catch basin.

Mr. Daley made a motion to not accept the C.H. Stevenson bid and allow the town crew to make the changes needed. Seconded by Mr. Belskis Vote 4-0

d. Fire Station Boiler Bid

There was only one bid for the replacement of the boiler at the Fire Station and it was from Community Energy. The bid gave three different options and the prices for each.

Buderas oil boiler with hot water. \$9,565.

Two G115 oil boilers \$13,171.

Trinity Wall hung propane with \$14,062.
a separate 30 gal hot water heater

A note was made that work could begin in 10 days.

Discussion followed: Only one bid
Propane vs. oil
What papers were the ads placed in?

Mr. Belskis made a motion to table the decision to the next meeting. Second Mr. Daley. Vote 4-0

e. Winter Sand Bid

Mr. Phair reported that 1000 yards of sand would be needed and it would Be trucked by the crew. It will be mixed with salt remaining from last year. A Bulldozer will be needed to “stack” the material.

Two bids were received.

Clinton Bradbury gave a price of \$5000. to be hauled from the Route 108 pit.

Roland Tyler gave a price of \$5000. to be hauled from Canton Pt. Rd. and the offer of the use of a bulldozer for \$75. per hour with the town providing the fuel.

Discussion included the note that Bradbury’s pit is further away and the bid did not include a bulldozer.

Motion made by Mr. Withrow to use Roland Tyler, second by Mr. Daley, Vote 4-0.

*****At this point, Fire Chief Scott Dennett arrived at the meeting and the Fire Department Boiler Bid was re-opened.

Mr. Dennett reported that the newspaper ads were placed in the Rumford Times and requests were sent to those people in the area who were listed in the Yellow Pages. One business from Wilton also took bid papers.

There is a 500 gallon propane tank in place at the Fire Station.

Mr. Belskis made a motion that the Propane Boiler be chosen, seconded by Mr. Withrow, Vote 4-0.

The Board returned to the regular agenda.

f. Proposed State Evaluation

Just as a matter of information the Town Manager noted that the State has dropped the evaluation for the town of Dixfield from \$150,450. to \$144,850.

g. MMA Legal Question on Moratorium Petition

The Board was asked if the printed question in their folders was the question they wanted to ask MMA.

“At last night Selectmen’s meeting, the Board voted to ask MMA Legal the following questions:

On October 14, 2009 a six (6) month Wind Energy Facility Moratorium Ordinance was enacted by the legislative body (Town Meeting) of Dixfield. Six Months later, after public hearing, it was extended six (6) months to October 13, 2010 at which time it expired. The Ordinance is attached to this email. If we now learn the Ordinance was violated (testing was done in violation of the Ordinance) in 2010, does the person who allege the violation have any recourse? If they do, to whom? If a violation is proved, what would be the penalty?

Thank you for your response.”

Mr. Belskis stated that wind testing towers were in place during the moratorium, and asked who would you go to for enforcement of penalties or infractions?

Mr. Withrow replied that the testing was in Canton, not in Dixfield Tom Carroll from Patriots Renewables was present and explained that they did put up the tower because they had a permit that their lawyers considered as “grandfathered”.

Section 3 of the Moratorium was read. (See attached)

Mr. Belskis moved that the question as presented be sent to MMA Seconded by Mr. Daley. Vote 3 in favor, 1 abstention.

h. Sign Election Warrant and i. Wind Ordinance

The board had copies of an email from town lawyer Lee Bragg in response to a phone call from the town manager stating that the town election warrant could proceed as printed.

Mr. Daley challenged having the wind ordinance on the ballot. With a 34 page document from lawyer Kristen Collins which suggests 90 changes means that the ordinance is flawed he stated. He also quoted John Maloney as saying it needed additional work and quoted Norine Clarke from several months ago that the ordinance was “unclear”. Therefore it should not be put before the public as a “flawed” document and should be removed from the ballot.

Mr. Belskis commented that even more changes need to be made than before and did not want an unclear document that could be misinterpreted. This is a totally changed document and should have a new hearing.

Chairman Gill stated that a Board decision made in May, 2012 was to put the question before the largest number of people possible. The document needs reconciliation with the Comprehensive Plan and changes to make it clearer to read. It was recommended that this Nov. election was the best opportunity to get the largest input.

If voted down—an anti wind ordinance will be written.

If accepted, the ordinance will be reviewed.

We need to give the voters the opportunity to choose.

No motion was made.

Chair Gill and Mr. Withrow signed the Election Warrant.

The Town Manager commented that some voters have already cast their ballots.

Mr. Daley wanted it made clear that he did not want to be part of putting a flawed ordinance on the ballot.

Mr. Belskis did not sign the Warrant.

j. SRF Loan Applications

For the Boards information, they were given copies of loan applications prepared by Town Engineer A.E. Hodsdon for projects needed in town and including funding for a generator which has been requested by the Water Dept.

7. Town Manager’s Report

a. Police Complaint

There has been a complaint made against the Police Dept. and the Town Manager is conducting an investigation. He has spoken to the Sheriff and will speak to someone in the Attorney General’s office.

b. Voting Machine

The town has been asking for years for a vote counting machine. The State recently received some money and acquired some machines. They have offered to send a machine free of charge and the town needs only to maintain and insure it. Federal and State voting ballots will be counted by machine and the local ballots will be counted by hand.

Mr. Withrow made a motion to sign the agreement to accept the offer. It was seconded by Mr. Belskis. Vote was 3 for, Mr. Daley abstained.

c. Union Notice.

Notice has been received by email and USMail that application has been made to form a union by police officers and the office personnel.

d. Hiring Committee

A hiring committee must be formed to process the 19 applications received for Charlotte Collins replacement. The Town Manager, Vickie Carrier and Theresa Hemingway are currently on the committee and it could include a member of the Selectboard. Mr. Belskis volunteered.

e. Rumford Community Hospital Appeal

Because there is no money in the budget for this item and most families are approached individually, the request was set aside. It was suggested by Mr. Belskis that it be put in as a Budget item next year with other Social Requests.

f. Other

1. There has been a technical amendment to the General Assistance ordinance made by the state and it needs to be signed by the Selectmen. Mr. Belskis made a motion to accept, seconded by Mr. Withrow, vote 4-0.

2. RSU#10 is looking for comment on their new grant application and is looking for individual responses. Selectmen have their copies.

8. Board questions and comments.

Mr. Daley asked how the wording was developed about the “no windmill zone” It came from the law office of Matthew Eddy.

Mr. Belskis noted that there will be a joint Sewer Board meeting with Mexico on Tuesday Mar. 12, 2013 at 5:00 in Dixfield. At the meeting Mr. Belskis attended last week, the question was posed as to whether the Force Main should be replaced or should Dixfield build its own treatment plant.

Mr. Withrow and Mr. Gill had no questions or comments.

9. Executive Session

At 8:40 Mr. Belskis made a motion to go into Executive Session to discuss Labor Negotiations- M. R. S. A. Sect. 405(6)(D). Mr. Withrow seconded the motion and the vote was 4-0.

The Board came out of Executive Session at 8:00 pm. Motion to adjourn by Scott Belskis. Seconded by Bob Withrow. All in favor.

Norine H. Clarke
Recorder of Minutes

/nhc

Attachments