

**TOWN OF DIXFIELD**  
**Minutes of Meeting**  
**Board of Selectmen**  
**Monday, July 23, 2012**  
**5:00PM, Ludden Memorial Library**

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

**Board Members Absent:** Katherine Harvey

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

**Citizens Present:** Alexandra Walker, David Walker, Scott Dennett, Edward J. Ellis Ed B. Merrill, Dan McKay, Walter Newman, Fremont Tibbetts, Mr. and Mrs. Norman Mitchell, Norine Clarke (Recorder of Minutes)

**Others:** Tom Carroll (Patriot Renewables), Alice McKay

**Press:** Cherri Crockett, WVAC TV 7

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

A letter of resignation from Katherine Harvey was read by Chair Gill effective immediately because she is leaving the area.

**2. Public Hearing: Special Amusement Permit:**

Public Hearing declared open at 5:08 PM. Hearing closed with no comment given.

**3. Approval of Minutes:** Board minutes of May 29, 2012 were presented for approval. Only two members of the Board at that time were present to vote and Chair Gill recommended that all Selectmen present vote on the motion to approve. Mr. Daley questioned if the matter should be tabled and after discussion made a motion to approve which was seconded by Mr. Withrow. Vote to approve 4-0.

The minutes of the Annual Town Meeting of May 24, 2012 were presented and were approved 4-0 following a motion by Mr. Withrow and a second by Mr. Belskis.

The minutes of June 18, 2012 were accepted as read as suggested by Chair Gill.

**4. Approval of Warrants and Payroll:** On a motion by Mr. Daley and a second from Mr. Withrow, the Board voted unanimously to approve the accounts payable, payroll and utility warrants as listed on the agenda (a through g).

**5. Department Head Reports:**

**a. Public Works:** Dave Phair reported that Public Works ended the fiscal year in the black.

Work has been done on a culvert near Rusty Daley's home. The old culvert had sunk about 8 inches. A new one has been "cut in" and is being allowed to pack. There are 4 more in the area which have the same problem.

Last year the Town Garage used about 3000 gallons of waste oil for heat. So far this year, 1900 gallons have already been collected.

Four hundred seventy-five man hours have been used thus far for mowing. Records are being kept to compare the cost of in house versus contract mowing.

Common Rd.: Material caused by erosion is being pulled back from the shoulders. One mile was completed last week on the side northbound from the Canton Pt Rd. Both sides will be done. The drainage needs to be directed into the ditches and away from the edges of the road. Citizens have been requesting the material that is being removed.

A meeting was held with Al Hodsdon and the Town Manager concerning a drainage problem at the home of Walter Newman. Mr. Hodsdon will present a plan to mitigate the problem. Also reviewed was a concern at Newton Brook.

Mr. Belskis asked about subcontracting the mowing. Mr. Phair got a price from White's Landscaping and Hugh Daley turned in a quote. Mr. Phair is keeping track of the hours and says doing it in house saves about 2/3 of the contract prices. The only drawback is that the men are not available for roadwork.

Mr. Belskis asked about Calvin Beaumier being part of the Public Works because He was seen trimming the trees at the Town Office. TM Skibitsky reported that Mr. Beaumier was trimming the trees at no charge because he has knowledge of landscaping.

Mr. Belskis asked if the street sweeping materials were still at McGouldrick Park and was told yes.

**b. Water Department:** Superintendent Jim White reported.

Replacement of the Irving water meter is still a “work in progress”. Mr. White is offering assistance as needed to help the project along.

The ‘05 truck lost the transmission and it was replaced. Then replacement of the power steering pump was needed.

The three year cycle of painting fire hydrants is current.

The hydrant at Ellis and Armstrong Sts. was replaced. Replacement cycle is one every year.

North St. construction starts Monday. Phase 2 which is the following week will require closing of the Pine and North St intersection.

When the work is underway at the Dixfield end of the new bridge the crew will be on site to observe where the water pipes are located.

Supt. White said he had received a copy of the PUC Terms and Conditions, had reviewed them and had registered his comments.

Mr. Belskis questioned the presence of aquifers near the new bridge. Supt. White said that he was aware of it but had been assured by the State Hydro-geologist that there was not an issue.

**c. Police Department:** Chief Pickett began his remarks with a compliment for Selectman Katherine Harvey for her work for the town as a Board Member.

The Drug Take Back Program may be held a second time this year on Sept. 29, 2012.

The ATV patrols have been going well and the Chief is not aware of any problems. All riders who are stopped are being checked for registration, residency or a waiver.

A meeting will be held soon with the High Sheriff to discuss a grant program.

There have been a large number of robberies recently of copper, scrap metals, batteries etc. The Dixfield PD is working with other towns to try to stop some of these thefts.

Saddest concern for the PD has been the break-in at the Church on the Hill. Not only was \$400. for the “Love Fund” taken but between \$800 and \$1200 in

change in a water jug was also removed. The largest loss is the very old record books of the Church. Appeals are being made to anyone with knowledge of the whereabouts of these records to return them anonymously.

Mr. Belskis asked whether a new business for reclaiming metals will be a revenue loss to the town through the transfer station.

Chief Pickett announced that there is some home security equipment information available at the Police Department for those interested.

## **6. Old Business:**

**a. Patriot Renewables LLC:** Mr. Tom Carroll was invited to the table to answer questions from the Selectmen concerning Patriots plans for wind power in Dixfield.

Mr. Daley asked whether or not there had been any results from the “met” tower on Col. Holman mountain.

Ans. After issues with spring winds, all of the anemometers were changed. Some Wind data was collected but Mr. Carroll thought he would need permission to release that information. There is no information yet that would preclude windmills.

Mr. Belskis asked if Col. Holman Mountain was the only site in Dixfield that was considered for development.

Ans. In Dixfield, Col. Holman Mountain was the only place suitable for a project. Mr. Belskis stated that there were other mountains around that would be as much value that could be sacrificed to save Col. Holman.

Ans. Col. Holman was chosen to fit into the Carthage and Canton projects. The topography connects those two sites. Patriots has no interest in any other Dixfield site.

Mr. Withrow asked what the time frame for the project is.

Ans. “We are doing environmental studies” as per the handout. Numbers 1-3 are done and 4 is next. Fall bird studies must be done for \$100,000., \$400,000. has already been spent. Bird studies might be done in the spring.

Mr. Withrow asked if a November vote would affect the time frame.

Ans. No. Patriots can not do a permit application without a fall bird study. Mr. Carroll handed out the Carthage time line for an example.

Mr. Gill asked if there was any intention to file prior to the Nov. vote.

Ans. No.

Mr. Carroll said that they had received many compliments from Woodstock for the project there. Examples were:

Hiring local people  
Upfront with information  
Setting up a scholarship

Mr. Carroll also reported that he had worked for Jay Cashman for 20+ years. Woodstock was given help with  
Shag Pond milfoil problem  
Provided a float  
Will give help with repairs on Shag Pond Road.  
Woodstock's mil rate went from 12.85 down to 11.40  
Patriots likes to work with their neighbors and will also be helping with Concord Pond.  
A list of Maine companies used in the project was handed out which included 2 Mass. companies

A comment was made that Woodstock was developing an ordinance and that there were rumors that the project was going to be enlarged.

Ans. The Woodstock sub-station could not handle enlarging the project without a million dollar investment.

Sound Complaints

Ans. There have been 2 from the Concord Pond Rd. heading from the project toward Peru. As per law, the DEP was notified and the testing showed that the project was in compliance. Patriots is working with the Concord Pond Assoc.

Mr. Daley: How many people live within 2 miles of the project?

Ans. Probably over 50. Complaints so far, Shag Pond 1, Concord Pond 2. If anyone has questions specifically about the Woodstock project, the person to contact there is Vern Maxfield.

Mr. Belskis said the problem is that a project changes a way of life.

Ans. 150-200 people will be affected in Dixfield out of 2500.

90% of homes are all over a mile away. One is known to be  $\frac{3}{4}$  mile.

Flicker studies need to be done. Dawn to early morning is the time most flicker occurs. Studies will be done and they will return to present the information. The noise studies done in Woodstock were accurate in their projections.

It will be 2-3 years before a shovel could be in the ground in Dixfield, and Patriots will be interactive with the town and the Board as studies are done.

Mr. Daley: What kind of solutions have been offered in other areas?

Ans. Some were compensated for their issues.

Currently Patriots has two working projects. Whenever calls are received with complaints they are dealt with immediately.

Town Manager Skibitsky: Can special landscaping be provided to help with view complaints? Photo sims will be done to show homeowners what their sightline will be.

Mr. Belskis: What were the issues over the tax rate in Freedom? Already had the lowest tax rate.

Ans. The tax rate was not the issue. The first year there was no problem. The second year, the assessment was raised by \$1 million so Patriots questioned it. When they did not get any answers, Patriots appealed.

Mr. Daley: Did Woodstock have a Tif?

Ans. No.

What happens when there is no Tif? Within 4 years, the mil rate begins to rise when the state recognizes the increased value.

Ans. Yes but it does not change the project.

Mr. Belskis: Is the Carthage project still in court?

Ans. Yes.

Mr. Withrow: Is Canton's project after Carthage?

Ans. Yes. The DEP will hold one more meeting on Canton.

Mr. Belskis: Does Canton have an ordinance committee?

Ans. I do not know.

Mr. Carroll: We have been in Dixfield for three years but the actual work has been minimal because of being respectful of the town processes. It is not legal to have a YES/NO vote on wind power.

The snowmobile turn around is not to be touched and the trails will remain.

The current plan by the Town is to take the Clarke/Donahue ordinance to a vote In November. If it is accepted, it stays. If there is a no vote, the ordinance will be changed.

Questions were stopped at 6:30. Mr. Carroll offered to attend on a regular basis.

**b. Moratorium** Petition:

Mr. Norman Mitchell presented a petition to reinstate the moratorium. It was

signed by 200 people of which 192 were found to be registered voters. He said that the people wanted protection. He also requested that two ordinances be placed on the Nov. ballot and let people choose.

Mr. Daley said that the Selectmen should protect the citizens first before a wind developer.

Mr. Withrow said that in November citizens will have the option to vote on the ordinance and nothing will happen before that.

Mr. Belskis said that the citizens put the effort in to sign the petition and the Selectmen should allow a moratorium.

Mr. Gill said when it came up before it was made clear that it would be taken care of in November.

Mr. Daley asserted the Selectmen were turning their backs on the citizens. The developer is just a business and the Selectmen should listen to the citizens.

Mr. Belskis said this is just the tip of the iceberg; people are not in favor of wind.

Motion by Mr. Daley to accept the petition, and then have Town Manager Skibitsky set a special town meeting to vote on a moratorium. Seconded by Mr. Withrow, vote 2-2 which is considered a failed vote.

Mr. Daley thanked Mr. Mitchell.

### **c. Wind Ordinance Committee**

Mr. Mitchell proposed that a committee be formed to write an alternate ordinance. Mr. Withrow remarked that if a committee is needed it should be after the vote on the current ordinance. November is the first time a pro-wind issue will be put before the people. Two previous votes against wind were defeated.

Mr. Daley said a proper and legal wind ordinance must change because of the list of scenic resources. He recommended a 6-10 person committee be formed to re-write the ordinance.

Mr. Belskis said he has an issue with the Clarke/Donahue ordinance. He feels that it is biased and is concerned that it creates a zone when we do not have zones.

Mr. Gill asked for a motion. Mr. Daley made a motion that there should be established a wind ordinance committee. Second by Mr. Belskis. Mr. Gill asked who should choose the committee members. Vote 2-2.

**d. ECO Industries Donation**

Mr. Daley said that in the 2000-2001 warrant, it was voted that the Selectmen could accept donations and gifts. Eco Industries presented the town with \$10,000. He asked if there were copies of the check. Town Manager Skibitsky said no, only of the stub. Mr. Belskis asked what it was earmarked for. The answer was that it was put in a fund for Wind Education.

There can not be a change of intent of the use of the money unless by a Town Meeting vote. The condition of it being for wind education was put on by the Selectmen at the time.

Mr. Daley asked if we need a letter from Patriots to list their intent.

Mr Gill responded that his impression was that it be for legal help

Mr. Belskis asked if it was unconditional.

Mr. Daley repeated that the Board ask for a letter.

Mr. Belskis asked that the question be submitted to MMA

Motion by Mr. Belskis to table until a response can be given by MMA

Seconded by Mr. Withrow. Vote 4-0

**e. Road Commissioner Appointment**

Chair Gill read the information from the Maine Municipal Manual concerning who is eligible to be appointed Road Commissioner.

Mr. Belskis presented a copy of an e-mail from Richard Flewelling of MMA legal services saying Mr. Belskis could serve as long as he recused himself from any vote on Public Works.

Town Manager Skibitsky said that all employees report to the Town Manager. By law, the Town Manager instructs the road crew. Any Selectman is able to report any issues to the Town Manager for resolution.

Motion by Mr. Daley that Mr. Belskis assume the role of Road Commissioner.

Second by Mr. Belskis. Vote 2-2

**f. Sidewalk Project**

The Town is awaiting a final draft of the Proposed Sidewalk Project. There is a new price tag.

Previous	\$204,544.
New	\$439,750.

It is required that the Board accept the current report to forward the project to Spring 2013.

Motion Mr. Withrow to accept Preliminary Design Report. Second Mr. Belskis. Vote 4-0

**g. Water Department Terms and Conditions**

Town Manager suggested that the Terms and Conditions be approved subject to Supt. Whites changes.

Motion by Mr. Belskis to accept. Seconded by Mr. Daley. Vote 4-0.  
Terms were signed by Chairman Gill.

**7. New Business:**

**a. Tax Rate. Assessor’s Certificate of Assessment**

Town Manager Skibitsky presented a tax rate calculation form generated by Trio. Three rates are suggested, the minimum, the maximum and the recommendation by the Assessor and the Town Manager. The rate recommended is 19.45 which is up from the current 18.

Motion by Mr. Withrow to accept 19.45 as the new rate. Seconded by Mr. Daley.

Mr. Belskis made a motion to amend the amount from 19.45 to 19.165. Seconded by Mr. Daley. Vote 2-2.

Vote on original motion 2-2

Mr. Belskis made a motion to reconsider the original motion of 19.45. Seconded by Mr. Withrow. Vote 4-0. Signatures were added to the Assessors Certificate of Assessment.

**b. Fuel Pumps at Highway Garage:**

Discussion of concerns over maintenance costs have been ongoing for the past year. The question is whether to replace, rebuild, purchase all fuel from the DOT, or purchase gasoline from a local merchant (diesel not available).

Cost as of date of report

	Gas	Diesel
DOT	2.98	3.40
Town	3.1207	3.43
Local merchant	3.45less a 3mos. only 50 cent incentive (Diesel not available locally)	

Town Manager will bring assessment of fuel system by Adams& Fogg to next meeting.

**c. Disbursement Policy**

The Disbursement Policy allows Selectmen to sign warrants so that payments and payroll may be released.

Motion by Mr. Belskis to accept as presented. Seconded by Mr. Withrow. Vote 4-0. Policy was signed.

**d. Special Amusement Permit**

The American Legion Bingo Permit was presented.

Motion by Mr. Daley to accept. Seconded by Mr. Belskis. Vote 4-0

**e. MMA Ballots:**

Ballot # 1: 2 candidates for Policy and Executive Committee

Ballot #2: Candidate for Vice President

Motion by Mr. Withrow to accept Ballot #1, seconded by Mr. Belskis. Vote 4-0

Motion by Mr. Daley to accept Ballot #2, seconded by Mr. Withrow. Vote 4-0

**f. Webb River Bridge- name:**

A proposal from Cheryl Briggs was read suggesting the new bridge be named in memory of Dani Ranger. Following discussion, the Town Manager was requested to speak to Mexico Town Manager John Madigan and report back to the Board.

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

**a. Correspondence:**

(1) RHR Smith and Co will be providing a management letter for the audit.

(2) Honeywell Hometown Solutions has honored David Buck of the TW Kelly Middle School with the opportunity to attend the US Space and Rocket Center in Huntsville AL.

The Board agreed to send Mr. Buck a letter of congratulations.

(3) Notice has been received that a Tobacco Policy and a Breastfeeding Policy have to be in place. The Tobacco Policy has been done.

**b. Preliminary State Evaluation**

The State assessment will be coming down. The State is about two years behind.

**c. Other:**

(1) The Road Committee needs to meet in the second half of August.

(2) The Med-Care minutes are received monthly and are usually multiple pages long. A notebook has been placed in the Policy bookcase and they will be kept there for Selectmen to look at as they choose.

(3) Katherine Harvey's resignation leaves the Board without a Vice Chairman. Mr. Belskis made a motion that Mr. Withrow be elected to fill that position. Second by Mr. Daley. Vote 4-0

(4) Selectman Vacancy: Option to have a Selectman elected at the November elections to complete the term left by Ms. Harvey which would end in June 2013. This would allow time for the nomination process. It was noted that the two seats which would need to be filled in June, 2013 would be Ms. Harvey's replacement and Chairman Gill.

Motion by Mr. Belskis to fill the Selectman's vacancy at the Nov. 2012 election. Seconded by Mr. Daley. Vote 4-0

**9. Board Questions/Comments:**

Mr. Daley: a. Dan McKay's ordinance was sent to the Town Atty. and was found to have errors. An amended version of Mr. McKay's original was handed out to Selectmen.

b. Question of progress on Walter Newman's driveway drainage issue was asked. Al Hodsdon has reviewed it and will present a plan for a remedy.

Mr. Withrow, Mr. Belskis, no questions.

Chair Gill thanked the Board for electing him Chairman and said he hoped that they could all work together.

**10. Other Business:** None.

**11. Executive Session:** None.

**12. FYI:** So noted.

**13. Next Meeting:** Monday August 27, 2012, Town Office 5:00 PM

**14. Adjournment:**

Motion to adjourn at 8:45 PM by Mr. Withrow, seconded by Mr. Daley.

Respectfully submitted,

Norine H. Clarke  
Recorder of Minutes

/nhc

Attachments