

TOWN OF DIXFIELD
Minutes of Meeting
Board of Selectmen
Monday, Aug. 27, 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).

Citizens Present: David Walker, Walter Newman, Dan McKay, Jon and Sue Holmes
Freemont Tibbetts, Mr. and Mrs. Norman Mitchell, Darlene Brann,
Mike Brann, Mark Brann, Barbara Chow, Elizabeth Kelly,
Norine Clarke (Recorder of Minutes)

Others: Tom Carroll (Patriot Renewables), Ron Smith (Auditor), Dr. Tom Ward,
Lolisa Windover, Warren Oldham, Alice McKay

Press: Cherri Crockett, WVAC tv 7, Eileen Adams

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 July 23, 2012 were presented for approval. Motion by Mr. Withrow, second by Mr. Daley to approve. Correction of one error on page 3 change "new bridge" to "Peru Bridge". Accepted unanimously.

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

4. Department Head Reports:

a. Public Works: Dave Phair reported that Bruce Manzer has completed the corrections of the pavement on the Porter Road and it is draining well.

The Common and Mease Roads have been ditched. About 200 dump truck loads of gravel were removed.

To date, about 2000 gals of waste oil has been collected of the approximately 3000 needed to heat the Town Garage for the winter.

To date, 540 man hours have been used for mowing.

Work to be scheduled: Holt Hill repairs, Porter Road washout, Town Garage asphalt, Bradley St. pump station, Bullrock Lane sluiceway, Mr. Newman's driveway, multiplate culvert at Newton Brook.

Mr. Phair asked for approval to proceed. Motion Mr. Withrow, second Mr. Belskis, passed 4-0.

1. PPE Policy

If the crew is going to be doing sand blasting and painting, they will need to acquire a respirator. Mr Belskis made a motion to study what is required for painting equipment. Liability is an issue in cases where there are neighbors who might be affected. Seconded by Mr. Daley. Passed 4-0.

b. Water Department: Superintendent Jim White reported.

Replacement of the Irving water meter is still a "work in progress" but still hopes it will be completed by winter.

North St. construction went fairly well. Several issues were solved in the Pine and Rowe intersection but it took 2 days. There is a change in the paving plan for the intersection. The planned 4" of paving will be replaced with reclaim. Mr. Withrow commented that the neighborhood was not inconvenienced by the work.

They are still waiting for notice of when the work will begin on the Dixfield end of the new bridge so that they may be present to observe and/or repair.

Mr. White made an appeal to purchase a generator to serve the water plant in the event of a flood or long power outage. He would like to use the money saved in this year's budget to cover the cost. Town Mgr. Skibitsky and Mr. White are at odds over the need for the generator. Both Darlene Brann and Jim have searched for grants to acquire a generator but have not been successful. Mr. Gill noted that water for fire protection would not be available in a prolonged outage. The reservoir could cover the Town for 2 days but could not cover a major fire as well.

TM Skibitsky questioned whether the generator could be used at the reservoir if need be and Mr. White said yes. He also questioned if during a flood you could

not access the Hall Hill station. Mr. White said a man could access it but not get a generator there.

Mr. White feels that it will be very difficult to get service in the event of a large area outage because large populations get served first by CMP. The TM asked whether the town should buy a generator or put the money aside to replace old pipes. Mr. Gill remarked that it was not a good idea to keep putting it off. Board members asked Mr. White to present some costs for review.

5. New Business:

a. Auditor's report by Mr. Ron Smith, RHR Smith & Co.

1. Mr. Smith reported briefly on last year's Town audit. He said that Dixfield has about \$900,000 in its undesignated fund balance which is about right for the town. The State recommends that a town maintain enough in their fund balance to support the town for 3 months.

2. Mr. Smith also serves as auditor for the Town's Utilities. The Water Dept. is raising enough through its user fees to be solvent. The Sewer Dept., however, does not and he recommends a hearing and a vote soon or the Sewer Dept. will not be able to pay its debts. He reported that many towns are in the same situation. He will be here to answer questions at the Public Hearing.

3. Mr. Withrow made a motion seconded by Mr. Daley to set Sept. 17 at 5:00PM as the date for the hearing. Passed 4-0.

b. Appointments:

1. Road Commissioner. The Board had been given copies of legal opinions about a selectman assuming the job of Road Commissioner. Mr. Withrow stated that he was happy with the history of the position and saw no reason to change from the status quo.

Mr. Belskis requested moving this item to the end of the agenda so that the discussion of the current commissioner's performance could be held in executive session. Mr. Daley requested the same but to discuss a different individual.

The TM said he would not agree to an executive session with no previous notice or preparation. The other individual had also not been notified.

According to the current ruling, the TM has permission to appoint a Road Commissioner and report at the next meeting.

2. Katherine Harvey's resignation left 2 vacancies on outside boards; the River Valley Growth Council and AVCOG. After some discussion, Mr. Belskis nominated Mr. Daley for the AVCOG vacancy which was approved. Mr. Gill volunteered for the Growth Council spot.

c. Petition to withdraw from RSU #10 presented by Mr. Jon Holmes.

Mr. Holmes presented his petition which requests \$50,000. be used to study the effects of a withdrawal from RSU #10 and a return to the original make-up of SAD #21.

Q. Mr. Daley—Has another Maine town opted out of an RSU?

A. Mr. Holmes--Yes, for example, Monmouth, Wiscasset and schools from the Wiscasset area

Q. Mr. Daley—Is there a financial analysis on the cost of withdrawal?

A. Mr. Holmes-- We do not know yet.

Q. Mr. Daley—Would there be a reduction in State Funding? If Dirigo is removed, what would be the school make-up?

A. Mr. Holmes-- There are no more penalties. The new arrangement would be the original make-up of SAD #21.

Q. Mr. Daley—What does the petition ask for?

A. Mr. Holmes-- \$50,000. was the recommended amount from several sources as being needed for a feasibility study.

Mr. Belskis—The \$185,000. fine as been rescinded.

Mr. Holmes – We feel local control is preferable.

Mr. Withrow—Where does the \$50,000. come from?

TM Skibitsky—From Dixfield's budget.

Mr. Withrow—What are the steps?

Mr. Daley—Have you spoken to the other towns?

Mr. Holmes—Yes, I have spoken to all the towns involved.

Mr. Belskis—What if it will cost more to withdraw?

Mr. Holmes—Then we will stay as we are.

Mr. Gill—If we accept the petition, then a hearing must be held and a vote taken.

Motion by Mr. Belskis, second by Mr. Daley to allow Dr. Tom Ward to speak. Approved by all.

Mr. Ward stated he had great respect for Mr. Holmes and felt that they could agree to disagree. He would like people to understand the facts. In the beginning, the reorganization was the combination of 3 districts. They projected a \$400,000. savings and in fact it was \$600,000 the first

year. The budget did not go up for the first three years. They saved money but did not lower taxes. They did not fill open positions and absorbed many expenses to minimize increases and eliminated over 50 positions. It is now the 4th year and they are requesting their first increase. The first mention of merging Mountain Valley and Dirigo was to be for School Board discussion only; about 600 citizens came to the meeting to express their opinions. The current position of the School Board is that they will maintain 3 high schools. School populations will be the key to further discussion.

Q. Mr. Daley—Is the RSU goal not to combine High Schools?

A. Yes.

Mr. Ward. Closing a school is a long difficult process. The budget must be fiscally responsible and the buildings need to be used to capacity. RSU is currently negotiating with the UMS system now housed in Mexico to incorporate them into RSU buildings.

Mr. Withrow—If the petition goes forward what happens with the plans?

Mr. Ward—People need to know the facts, but the process will slow down.

Mr. Belskis—Why the increases now? What happened?

Mr. Ward—The first 3 years there was no increase but the State General Purpose Aid has shrunk and Dixfield's evaluation went up \$24 million. Next year the evaluation will be 2 years old and will be recognized by the state and Dixfield's share will go down.

Mr. Ward—Forming RSU #10 was the best thing we could have done. State Aid is now about 46-47% and the hope is, it will go up more.

PETITION

A public hearing and a public vote are mandated by school law.

Motion by Mr. Belskis, second by Mr. Withrow to have a public hearing on the petition at 6:00PM on Sept. 17.

Motion Mr. Withrow, second by Mr. Belskis to hold the vote at the Nov. 6 election. Passed 4-0

d. Fireworks Discussion—Elizabeth Kelly

Mrs. Kelly requested that the town have an ordinance to either

1. have no fireworks or
2. allow fireworks on certain days only

Q. Mr. Daley—What kind of problems have there been?

A. Day and night firing under the trees, and concern fires and for pets.

TM—There were no fire problems reported to the Fire Dept. according to Chief Dennett.

Chief Pickett: The Police Department handled 7 complaints between June 1 and August 27. Most were between July 3 and 12 and a varying times of day. With no ordinance, they were treated like noise complaints and were not to be allowed between 9PM and 9AM.

Mrs. Kelly related that she would do a petition if need be to bring it before the Town.

6. Old Business:

1. a. Patriot Renewables LLC: Mr. Tom Carroll was invited to the table to answer questions from the Selectmen concerning additional information requested at the last meeting.

Mr. Carroll reported that data collected about wind speeds etc. is proprietary because it is used to predict what will be charged for the power produced.

He was asked for the data collected for the past two years and he said that was protected information.

Mr. Daley commented that the citizens will never know if it is a viable and must take the Companies word. There will be no factual information until it is up and running.

Mr. Carroll said that no permit will be given or construction will go ahead without supporting data. The Company would never build a non-viable project with a 10-15 year purchase price agreement unless they could provide that power

Mr. Daley—How many years does the Woodstock Project have a contract for?

Mr. Carroll—There is a 15 year purchase price agreement. If the person buying the power chooses to release the price that is OK but the builder will not. A Rhode Island group is the purchaser of the Woodstock power.

The Dept. of Energy website has broken down the pricing figures. There is a 2-3 cent difference between fossil fuels and wind, but fossil fuel is variable, sale of wind power is the same over a period of time (10 or more years).

No Federal money has been spent in Carthage, Canton or Dixfield. All money spent so far has come from Jay Cashman.

Mr. Belskis—How many complaints have there been in Woodstock.

Mr. Carroll—To date, 4 people have made 7 complaints. There is a hotline number available that all citizens have been given.

Following several other questions, Mr. Carroll stated that if the vote on Nov. 6 indicates that Dixfield does not want wind power, the company will leave after Carthage and Canton projects are completed.

Mr. Withrow—Is \$40 million a good estimate of the value of Dixfield's project?

Mr. Carroll---Yes, but may be affected by the number of turbines decided for Dixfield. The rule of thumb is \$2 million per megawatt.

Mr. Daley—Did you speak to the Company about building on a scenic resource.

Mr. Carroll—An agreement has been made not to build on the so-called "snow-mobile turn around" and that a trail to it will not be touched.

Mr. Carroll made available copies of the results of a survey concerning the support for wind power in Maine and a letter from Patriot Renewables Todd Presson. (SEE ATTACHED) which stated that the \$10,000. given by Eco Industries was given to be used at the Selectmen's discretion.

a. 2. Ordinance Reviews.

Reviews were requested from AVCOG and Kristen Collins. AVCOG has responded but Ms. Collins has not. Chairman Gill requested that discussion on this matter be tabled until both reports are available. Agreed.

Mr. Daley requested to present correspondence about the petition presented by Norman Mitchell at the last Selectmen's meeting. He said in order to receive a legal opinion from MMA, the request must be accompanied by the signatures of all the Selectmen. He had planned to collect them prior to this meeting and, after approaching Mr. Withrow's home and not finding him there had decided to wait until this meeting.

Chairman Gill remarked that all correspondence must go through the board, not outside of a selectmen's meeting. He noted that a question was posed to MMA by Mr. Daley but he did not go to the Chairman first. All business must be done in public.

Mr. Daley—I agree but the intent was to get the public's question answered.

Chairman Gill—All business must be done in meetings or the Selectmen will be accused of exactly what the previous Board had been accused of, “conducting business in the ‘back room’”. It was not done then, and will not be done now.

In response to Norman Mitchell's petition, it was unnecessary because Mr. Carroll reported nothing could be accomplished between that time and the Nov. 6 vote. Following the election, if the ordinance is not passed, the Board will immediately begin the process to put together an ordinance not allowing wind turbines in Dixfield.

There was no refusal of the petition but no action was taken because the vote of the Board was a 2-2 tie.

Mr. Mitchell responded from the audience saying that Title 30 of the State Law says that the Selectmen should have acted.

Mr. Belskis to Chairman Gill—What part of your decision made you vote no? Was it Mr. Carroll's remarks?

Chairman Gill—Yes, because there was no possible way they could act before Nov. 6. My vote stands.

Mr. Belskis motion to put signatures on the request, second Mr. Daley. Vote taken, 2-2

b. Fuel System

Town Manager Skibitsky thanked Darlene Brann and Craig Woods for putting together the Adams and Fogg information about the possibilities for repairing, replacing or not using the current vehicle fuel system at the Town Garage. (SEE ATTACHMENT)

Mrs. Brann reported that the current system is hard to reconcile pump readings and usage.

Mr. Withrow—The choices then are to

1. get the fuel and diesel from DOT
2. use a local merchant which will provide gasoline only
3. maintain the system we have which is expensive.

TM—We have to remember the garage is in a flood zone. If the garage is ever moved, it is possible that the system could be moved.

Mr. Daley—Would it lower insurance costs if the tanks were removed?

TM said he would ask the insurance company. The DOT would offer the town a trial run. A Canton Selectman works in the DOT system and would come and speak in favor of the arrangement.

It was the agreement of the Board to invite the DOT and the Highway employees to discuss using DOT instead of our own pumps.

c. Webb River Bridge

A letter was presented concerning the sewer system as part of the work on the new bridge. Coleman and the State are at odds whether part of the work was included in the quote for the contract. There will be a decision made over who pays Ted Berry Company for the work done.

Unused pipe will be left in the ground and should any part of it collapse and do damage, the Town of Dixfield will be liable. Flowable Fill can be used to keep the pipes shape so that they can not collapse. Coleman's price for this process is 3 times higher than other sources. It has been suggested that the empty pipes be capped and do the filling at a later date.

The Peru Bridge will be closed overnight on Tues. Sept. 4 and Wed. Sept. 5 between 6:30 PM and 6:30 AM. Chief Pickett has notified all emergency personnel so they are aware of whatever adaptations they will have to make during those hours.

7. Town Manager's Report

a. Charlotte Collins has requested permission to put information on Dixfield's website in support of Dixfield's Farmland. Motion to allow by Mr. Withrow, second by Mr. Daley. Vote 4-0

b. The request to name the new Webb River Bridge for Dani Ranger has been withdrawn. The Dirigo field hockey team wants to put a bronze plaque on a post near the flag pole in Harlow Park.

Mr. Belskis asked for more research, specifically to find out whether her mother feel comfortable with this tribute.

Chair Gill wondered if it should be placed at the school along with several other memorial tributes.

The TM will ask about putting it at the school and the mother's feelings.

c. The Town Manager asked for permission to apply for the planned \$147,000. for sewer funding in connection with the bridge. Motion Mr. Withrow, second Mr. Belskis. Vote 4-0

d. Report on Roads Committee and Projects. (SEE ATTACHMENT) Report from A. E. Hodsdon on water, sewer and drainage problems and a 'score sheet' to list the

streets by their condition. The lower the number, the greater the need. Much of the damage is due to age. This study gives the Town the ability to apply for grants.

e. Walter Newman's driveway project (SEE ATTACHMENT) Mr. Newman is unhappy with the plan presented by engineer A. E. Hodsdon to remedy the drainage problem in his driveway. He stated he has lived there for 51 years and ever had a problem until the roadway was redone. He said it has been a concern for 3 years. The road is 6 inches higher than it used to be. He is unhappy with the responses of the Town Manager and Chairman Gill.

A heated discussion followed.

Mr. Belskis made a motion, seconded by Mr. Daley that the person doing the paving be consulted about the cure. Vote 4-0

NOTE: The name Jim Manzer appears on the A. E. Hodsdon paperwork. He is in no way connected to Bruce Manzer Construction.

f. Chief Pickett's report is in the Selectmen's mail boxes.

g. Dave Duguay will be holding a caucus.

8. Board Questions and Comments

Chairman Gill wished to give thanks to Katherine Harvey for her time on the Board of Selectmen and her service to the community.

9. FYI: So noted with one addition.

10. Next Meeting: Monday, September 10, 2012 at Ludden Library Meeting Room 5:00 PM.

11. Adjournment:

Motion to adjourn at 8:45 PM by Mr. Belskis, seconded by Mr. Withrow vote 4-0

Respectfully submitted,

Norine H. Clarke
Recorder of Minutes

/nhc

Attachments

