

**TOWN OF DIXFIELD  
MEETING MINUTES - CORRECTED  
MONDAY, APRIL 13, 2015, 5:30 PM  
LUDDEN MEMORIAL LIBRARY**

**Present:** Board of Selectmen, Chair Belskis, Dana Whittemore, Malcolm Gill and Hart Daley. Norman Mitchell was absent.

Town Employees present: Town Manager Carlo Puiia, Interim Police Chief Jeff Howe, Highway Dir. Calvin Beaumier and two employees of Ted Berry.

Citizens present: Peter Holman, Grayson Child, Dan McKay, Ricky Davis, Susan Holmes, Jeff Knight, Jared Luczynski, Donald and Susan Lutick, Royal Swan, Aaron Jamison, Ken and Carol Rafuse, Scott Blaisdell, Donald Litwin, Silver Varnum, Rebecca Skibitsky, Gerald Marcoux, and note taker Norine Clarke

Non- Citizens: Tom Carroll and Lauren .

Press present: WVAC tv 7 and Lew Sun Matt Daigle

**1. Call to Order: Pledge of Allegiance**

Chairman Belskis opened the meeting at 5:30 pm with the Pledge of Allegiance.

**2. Agenda Adjustments**

a. Mr. Whittemore requested that item 7b be moved up so that those attending could leave to go to the school board meeting.

a. to 4. a. add #92

b. to 9 add abatement correspondence

Chair Belskis announced that Tom Carroll would address the board only and then there would be an opportunity for questions.

The Citizen's Petition to withdraw from RSU 10 will require a Special Town Meeting at the High School on Thursday April 30 at 6:00pm. Mr. Daley made a motion to that effect and Mr. Gill seconded. All present were in favor.

Mr. Daley then made a motion to go in to Executive Session for Agenda item 13 a.

Pursuant to 1 MRS §405(6)(E) concerning a legal matter. Mr. Gill seconded and all were in favor. The Board retired to the Town Office for their session and returned at 5:50PM whereupon Mr. Daley made a motion to accept a Consent Agreement with Mr. Brown. Mr. Gill seconded and all were in favor.

**3. Minutes:** Mr. Whittemore made a motion to approve all of the minutes listed on the agenda and Mr. Gill seconded. All were in favor.

**4. Warrants and Payroll**

Mr. Whittemore made a motion to accept the warrants and payroll as in the agenda corrections. Mr. Gill seconded and all were in favor.

**5. Department head Reports:**

a. Sewer Department, Matt Timberlake of Ted Berry wanted to speak to the Board

about replacing the Hall Hill Pumping Station but TM. Puiia said they could not discuss that because the Board was not prepared with that information. Mr. Puiia said he was not aware there would be a money issue to be discussed. Mr. Timberlake continued with a report that the sewer ordinances are very out of date and need to be reviewed. One of the recommended changes is that back-flow units should be required to be installed in new construction. He displayed two units that they have researched and found to be the best options.

b. Police Department: Chief Howe had not arrived yet so the Board decided to move to item 6b.

**1. Old Business:**

**(out of order)b.** The board endorsed the Certificates of Appointments for Planning Board and Finance Committee members. Mrs. Holmes asked if they had been assigned term limit dates and TM Puiia said they were assigned to terms by the order of their appointment. The membership or alternate position for Rick Davis was discussed and because TM Puiia had not received a written resignation, that he was still considered the alternate.

a. WEF Ordinance Discussion on Proposed Sound Limits and Limits Effect on proposed project with Patriot Renewable's Tom Carroll

Mr. Carroll addressed the Board. Mr. Gill reminded Mr. Belskis about his remark about having Mr. Carroll address the Board only. When asked by Chair Belskis, Mr. Carroll said he would do whatever the Chair asked. Mr. Belskis said they would accept questions from the audience if they raised their hands. Mr. Carroll said he had been asked about 2 ½ weeks ago if he would come to a meeting and discuss the decibel levels in the proposed Ordinance. He said that when the decibel level was at 42, only one house on the Common Road needed to have a sound easement negotiated. With the sound level at 35, every house on the Common Road would have to have a sound easement and it is not realistic to expect all residents to agree. Mr. Whittemore asked how far the 35 limit would go feetwise. Mr. Carroll said a sound expert did the map and they work in decibels, not feet. The Selectmen said they did not have that map. Mrs. Holmes provided copies to the Selectmen. Mr. Carroll said he does not like to talk about sound because it is not his area of expertise. He said they never talked in feet for their mapping but in decibel levels. Mr. Daley looked at the map and said that there were still the original 13 placements, and they were on the peak. He said they had been led to believe that they would be placed on the backside of the ridgeline. He said the peak is over a mile from his house and if they were placed on the backside of the ridgeline, it would be about 1 ¼ miles to 1 ½ miles. He questioned if he would be affected by the 35 decibel level at that distance. Mr. Carroll said yes he would. Mr. Belskis said they had been told by people in the audience that 4000ft would be the distance required and Mr. Carroll said Patriot's does not speak in feet but in decibel levels. Mr. Whittemore said that there were 13 towers on the original map and that he understood there would only be 6 now. Mr. Carroll said yes because of technology. Mr. Whittemore asked if there were less of them would the sound be lower. Mr. Carroll noted that none of the engineering has been done since the new proposal. In the beginning there were three equal projects, Dixfield, Canton and Carthage. In Dixfield

Patriots has not progressed past the bird and bat surveys. There has been no progress since then in Dixfield because they have been building in Carthage and getting permits in Canton which is under appeal now. Mr. Daley asked what is available now for size of turbines and was told 2.85 megawatts. Mr. Whittemore asked if because they were larger they would make more noise. Mr. Belskis asked about the turbines in Carthage and have they done any testing there for noise levels. Mr. Carroll said he did not believe they had, but the towers ran all winter and there have been no complaints. Mr. Belskis asked about there being six turbines proposed for Dixfield and Mr. Carroll said that there had no progress in any decisions but that was his best guess. Nothing has progressed in "4" years. Mr. Carroll said he wished to make it clear to the voters that keeping the level at 35 as is in the proposed ordinance is their choice but it would prohibit any wind farm from coming to Dixfield. Mr. Whittemore asked if he was speaking for all wind developers or just Patriots. Mr. Carroll said he could not believe anyone else would come and attempt to get all of the necessary easements. It may not be impossible but is not feasible, he said. He mentioned that this will be the "5th" vote and they had stepped back and waited for Dixfield to decide. [Mr. Daley requested that it be noted that there were only 4 votes.] Mr. Carroll noted that since they have been waiting to see what the results would be, they have been aware of a change in the environment. They reserve their right to put a project in Dixfield but unless there is a change in the attitude of the Board, they will not be developing here. When asked, he said a change in the Board members is not necessary but a change in the attitude of the Board is. Patriots has taken pride in being able to work with the Boards where they have projects. Mr. Whittemore asked if they had worked in other towns in which there were close votes and Mr. Carroll said yes. He thought that the Carthage vote only passed by 15 but the results were accepted no matter what the margin. Mr. Belskis asked Mr. Carroll if other citizens have called him and asked questions. Mr. Carroll said yes they have and when he was asked to "weigh in" on the 35 decibel level, he decided to "weigh in" by coming in person. He said it was important for everyone to know that Patriots can not build at a 35 decibel level so that when they go to the polls in June they will have the facts.

Mrs. Holmes asked to speak and reported that citizens have asked questions but are not Mr. Carroll's "puppets". This effort is coming from the townspeople who want to see business come to town. The 4000 foot requirement came from the Planning Board, not this group. Tonight it has been made clear that 35 decibels won't work but we have heard it before. And if it is the case that all houses on the Common Rd. will have to be negotiated with, then two members of the Board do have a conflict of interest. Mr. Daley said he objected 1000%. He noted that he still does not know where the turbines will be sited. He was unaware that properties 1 ¼ mile away will be affected and that the Ordinance was to protect the citizens. He said that the Ordinance was "flawed" and needed to be changed by adding "decommissioning stuff, permitting fees, setbacks, etc." Mr. Carroll responded that there did need to be amendments but they were told not to change the Ordinance itself, change the wording but not the "scope". He said that Hart would have no way of knowing that his house would be affected but someone should have asked. Mr. Belskis asked about the 35 decibels and Mr. Carroll said that it would kill the project. Mr. Daley said that the Ordinance needed to be balanced and can not

favor any industry but must protect the citizens. Mr. Carroll said that he felt the first Ordinance was fair and balanced. Mr. Carroll said that he felt that versions since have never gone to the ballot box being balanced. It has always been for or against wind. Mr. Belskis said that Mr. Carroll had agreed that they could operate at 36 decibels and Mr. Carroll said he never said that. Mr. Belskis said that the Planning Board looked at other towns that had a 35 decibel limit. The subject of Woodstock's Ordinance came up and Mr. Carroll said that Patriots concern with that Ordinance was the height restrictions. They did not concern themselves with sound because their project was not retroactive. Mr. Belskis said that a discussion was held that because Woodstock has a high seasonal population that they did not have to worry about sound in the winter because no one was there to hear it. Mr. Carroll said they have sound meters there all year round. Mrs. Holmes asked about the sound readings that some folks had taken with their sound apps and Mr. Carroll said they would not be valid because they were unable to separate the sounds. They would be good for ambient noise and Mrs. Holmes said that was what they were trying to show. He described the conditions under which a true "sound study" must be done. Mrs. Holmes asked if Mr. Carroll felt that the sound studies done by the State to determine the 42 decibel levels were valid and he said he hoped they had done their "due diligence" and had chosen 42 for a reason. When asked if there would be less sound with six large turbines than with 12 smaller ones, he said he did not know. He said that what they have observed, is that progress keeps being stopped because of multiple votes. There have been "4 or 5". He said he could guarantee that if the "anti wind" folks won by one vote that it would all stop but if the no vote wins, there will be more changes. Mr. McKay asked if it made Patriots nervous to have such close votes and Mr. Carroll said there is no standard for what the majority is. Mr. Carroll said he felt that the outrage about windpower had diminished to a degree because the turbines are here now. He said that when they first came to town, Mr. McKay and his group did a really good job of spreading fear. When asked how many easements in Carthage were required by the change from 45 to 42 decibels, he answered 3. Mr. McKay said that the turbines should not be put in areas where there are large numbers of people. Mr. Belskis said a neighbor of his thought it was not as radical now because more people have had a voice. Mr. Carroll said the history of this is that people have consistently voted in favor. All of the votes have been close, but have been in favor. The moratorium vote was the only large win for the anti wind people.

Mr. Belskis said the the tapes of the Planning Board meetings show Mr. Carroll agreeing with

the 35 decibels and Mr. Carroll said that was not accurate. Mr. Gill said that three of the former

Planning Board members have said they would have recanted their vote if they had realized that

the 35 was prohibitive. Mr. Carroll said that he wanted to be present today so that people could hear him say that he never said 35 decibels was OK. Mr. Daley got up and stood beside Mr. Carroll to ask Mr. Carroll if he could ask "his people" to show if less houses would be affected if the turbines were moved further east. Mr. Carroll said yes he could ask the question but until

they know where the turbines would be sited he could not know if it would change the decibel levels. He said he wished someone could have called earlier. Mr. Belskis urged people to go to Maine Windpower Moratorium on Line and watch Mr. Tibbett's videos. Mr. Holman asked if the Ordinance provided protection for people with complaints. Is there a way to "right the wrong" that has been done to you? Mr. Daley said that if the windpower people are shown to be in compliance they do not have to do anything. Mr. Belskis said that the topic at the Planning Board meeting was about a sound complaint in Woodstock. Mr. Carroll reported that a Woodstock couple had complained about noise being over the State's 42 decibel limit. Patriots worked with the town, a DEP third party verifier and were accompanied by a reporter from the Bethel Citizen. At the end of the testing the level was found to be 36 ½ so Patriots was not required to do anything because they were under 42. There have not been any complaints from those citizens in the last two years. Mrs. Holmes spoke about the moratorium vote which had the large majority win and speaking for herself wondered how many understood what they were voting for. A group of citizens have asked to go with the state requirements of 42 and 55 because a daytime noise level of 45 would not allow the trucks on Weld St. or the Irving mill to operate. Mrs. Clarke suggested that it was not clear when the 35/42 levels appeared before the planning board and Mr. Carroll may not have been aware of the change when he attended their meetings. If 3 of the members had not retired, as has been stated, the vote would have been 3-2, not 2-1. Mr. Carroll said they have always been available but the town does not have a level of trust with the company. He said that if this is voted down again, that within 6 months there will be another attempt at a prohibitive Ordinance. Why are we (Patriots) being singled out? A close vote on any other subject would not be questioned. Do we need a "super majority"? Mr. McKay had a question of his referred to the upcoming Hearing. Mr. Whittemore questioned if the language in the first ordinance had been correct would that have affected the vote. Mr. Carroll said he understood that the first ordinance went back for some language-only changes without changing the body of the ordinance but added "I could be wrong". Mr. Gill noted that an ordinance had been submitted by Mr. McKay and Mr. Tibbetts that was turned down. The first ordinance was put on the November ballot to get a good majority of voters. Kristin Collins went through the ordinance and there was a 3-2 vote by Selectmen to give it to the Planning Board to keep the intent but make the wordage changes. They worked on it for 1 ½ years. There was a great deal of discussion but some did not realize the 35/42 levels were a no-go. After a Planning Board vote was taken, the majority vote was called unanimous. Mr. Daley said, Mr. Belskis and I refused to sign the warrant for the first ordinance vote. Mr. Gill said it got passed and is not a problem now. Mr. Belskis said that Mr. Carroll might not be aware but for about 8 months now, there has been a group at all of the Selectmen's meetings. Tonight, Mr. Carroll, you admitted that "they" have asked questions. Mr Carroll agreed. Mr. Belskis said the Planning Board does land use so this went before them and they made changes. He said there have been a lot of remarks that demean the Planning Board members and that they did not have correct information. They knew what they were doing and the questions should have been asked

at the time. Mr. Carroll said that in all fairness, there was no way that Mr. Daley could have known the effect of 35 decibels on the Common Rd. The bad part is that now he would have to negotiate with Mr. Daley and he felt he would never sign. He addressed Mr. Daley and said he would never question his integrity and that he does what he does because he believes in it. Mr. Daley thanked him sincerely. Mr. Child said that he remembered that at the time Kristin Collins presented the Board with the suggested changes that she noted to the Selectboard and the Planning Board that they should not change the intent of the Ordinance from a wind favorable ordinance to an anti wind ordinance. They should make the corrections but not alter the intent. Mrs. Holmes asked the Board, if it passes, would you accept a petition to amend the ordinance. Mr. Belskis said yes. If the Ordinance is passed, the moratorium will go away and any citizen can petition to change any one part of the ordinance. Mr. Belskis said that the Selectboard was asked repeatedly to go with the Planning Board and now, that has changed. Mr. Holman asked if this passes who will make the decision about changes. Mr. Daley said that "This Board will accept a legal petition". Mr. Holman asked what does "accept" mean? And Mr. Belskis said "It goes to a vote, but you will be voting only on one part". Mrs. Holmes said "Why did we not have that option on the first one? And was told by Mr. Belskis that there always was that option. The Town Manager read from the RSU Withdrawal petition to describe the petition process. Mr. Daley said that legal petitions had been turned down in the past. Mr. Gill said one was turned down by law because of a 2-2 vote and another was turned down on legal advice. One was a petition to enact a moratorium just prior to an election and the decision was made not to have a special meeting but to wait to see how the vote went. One item turned down was Mr. McKay's wind ordinance which had too many legal faults and legal opinion was not to accept it.

**1. New Business:**

**a. High and Pine St.** Five bids were received and CH Stevenson was the low bidder with complete and accurate specifications. AE Hodsdon recommends that they be awarded the bid. Mr. Whittemore made a motion to accept them as the contractor for the job and Mr. Gill seconded the motion. The vote was unanimous.

**(out of order)** Police Chief Howe had arrived so the Board went back to item 5b. Chief passed out the Feb. reports and told the Board to note the trends in thefts and burglaries. The Department is addressing the problem but he asked the citizens to be sure to lock your homes and vehicles at all hours and to please report any odd behavior no matter what hour of the day or night.

**b.** done

**c. and d.** Approval for the Town Manager to be the single signer on the paperwork for the new firetruck and loader was needed and Mr. Daley made a motion to have that approval accepted. Mr. Whittemore seconded the motion and all were in favor.

**e.** Thursday, May 7 will be the date of the hearings for the WEF Ordinance and the Recall ordinance at 6:00 pm at the High School. Mr. Daley made the motion, it was seconded by Mr. Whittemore and all were in favor.

**f.** The Special Town Meeting for RSU Withdrawal will be Thurs. April 30, 2015

**1. Other Business:** none

2. **Public Correspondence:** Letter of Request from Dirigo HS's Nicole Dumond for donations to attend a scholastic competition. TM Puiia had explained to her that there was no money in the Selectmen's fund for this kind of request but that hearing it on WVAC tv channel might help get her some notice.

Letter to Grayson Child from the Town of Roxbury was placed in the Selectmen's files but not made public.

1. **Public Comment:**

- a. Aaron Jamison reported that he saw the town crew working on the banners and had remarks about how and why it was being done. TM Puiia told him that there was a complaint policy and he should start by telling the Town Manager if he had one.

1. **Board Questions and Comments:**

**Mr. Whittemore:**

- a. Legal quarterly reports need to be distributed
- b. Asked how much money is in the police new equipment capital account. Chief Howe said he would check.
- c. Does the highway dept still have culverts and was the budget dropped because of the bulk buy. Director Beaumier said yes they have them. The company wanted a \$700 restocking fee so he did not send them back but they have plans to use them.
- d. What is the reason for the water sewer fee to the Fire Dept.

**Mr. Gill:** none

**Mr. Daley:** Because of the need to work on costs, cheaper ways to purchase things must be found. Sometimes the DOT has good buys. Dir. Beaumier said that he purchases salt through the group buying at AVCOG. He is researching the best place to buy plow blades.

**Chair Belskis:** Chair Belskis asked for a list of culverts on hand. Dir. Beaumier said they are going to use two on Averill Hill Rd. He also requested that a town employee ethics board be set up of independent members. Mr. Gill said what is needed is a Code of Ethics. TM Puiia said that when they put out a request for Appeals Board Members, they only got one application. Mr. Belskis wants to put out another ad. He was asked how membership would be decided since two previous openings in Boards were filled with people who had already been told they would be members. Mr. Belskis suggested that maybe Grayson Child would be a member.

1. **FYI:** As noted on Agenda

**2. Executive Session:**

**a.** has been re-scheduled

**b.** A motion was made by Mr. Daley to enter executive session pursuant to 1 MRS§405(6)(A) for two Personnel Matters. Mr. Whittemore seconded and all were in favor. Declared pout at 8:24 pm. Mr. Gill made the motion to support the appointment of Jeff Howe as Police Chief. Seconded by Mr. Whittemore. Vote was 3 in favor, none opposed, with Mr. Daley abstaining as he is employed with another branch of law enforcement and would not want any conflict of interest, if any.

15. Adjournment:

Mr. Daley motioned to adjourn at 8:25 pm, seconded by Mr. Whittemore, all were in favor.

**1. Adjournment:**

Respectfully submitted,

Norine H. Clarke, secretary  
nhc/nhc