

**TOWN OF DIXFIELD  
MEETING MINUTES  
MONDAY, March 14, 2016 – 5:30PM  
LUDDEN MEMORIAL LIBRARY**

Present: Board of Selectmen, Hart Daley, Malcolm Gill, Dana Whittemore, Norman Mitchell, and Eugene Skibitsky,

Town Employees present: Town Manager Carlo Puiia, PW Foreman Randy Glover, Fire Chief Scott Dennett, EMA Jay Bernard, Leo Jolin.

Citizens present: Ricky Davis, Aaron Jamison, Mr. and Mrs. K. Rafuse, Dan McKay, Mrs. N. Mitchell, Donald Lutick, Silvia Lutick, Peter Holman, Susan Holmes, Minister Hinckley, and note taker Norine Clarke.

Non Citizens: Mr. and Mrs. Albert Lane, Winter Hill, Carthage.

Press present: WVAC tv.

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

Chair Daley opened the meeting at 5:30 with the Pledge of Allegiance.

**1. Agenda Adjustments:**

- a. to 4. b add #82
- b. There will be an executive session after item 12. FYI

**1. Approval of Minutes:**

Mr. Gill made a motion to accept Regular Meeting minutes of Feb. 22nd, Mr.

Whittemore seconded. The vote was 4-0 as Mr. Mitchell had not attended the Feb. 22 meeting.

Mr. Whittemore made a motion to accept the minutes of the Feb. 29 Budget meeting and Mr. Skibitsky seconded. The vote was 4-0, as Mr. Gill had missed that meeting.

Mr. Whittemore made a motion to accept the minutes of Mar.3 Wind Energy Hearing and Mr. Mitchell seconded. The vote was 5-0.

**1. Approval of Warrants and Payroll:**

Mr. Whittemore moved to accept the warrants and payrolls as amended. Mr. Skibitsky seconded and all 5 were in favor.

**1. Department Head Reports:**

**a. Public Works:** Foreman Glover was present to give the winter summary of activity. He said there had been 32 events but they had used less salt and sand by calibrating the trucks and being ahead of the storms. During the 2014-15 winter season, they used 826 tons of salt and 1500 of sand compared to the 15-16 season of 481 salt and 563 sand. Having used less sand should help with the spring clean-up. Clint Bradbury has told Mr. Glover he will have the old tanks out of the ground by April 1, 2016. Mr. Glover reported that the spring equipment is all ready to go and that Mr. Jolin has already done a little rock raking because of the early spring rutting. The spring clean-up week will be the

third week of April and will be posted in the paper. The new chipper should help keep costs down saving time, fuel and wear on the trucks by cutting down on the number of loads to be transported. Mr. Skibitsky asked whether this might be a good year to offer collection of household waste during clean-up week since the budget is in good shape. Mr. Whittemore agreed and Mr. Gill suggested publishing a list of “can not dispose” items. TM Puiia said that he and Mr. Glover would look at the possibilities. Mr. Glover said that Holt Hill still continues to be the “problem child” to care for because of recurring ice problems. He said they have worked very hard to save money and that he has a “very good crew”. Members of the Board mentioned hearing good words from the citizens about the work being done. When asked, he reported that the roads have all been posted for two weeks. The Board thanked Mr. Glover for his report and the good work.

#### **1. Old Business:**

**a. 2016 Emergency Operations Plan Draft Recommendations:** Jay Bernard EMA Director was present to discuss and answer questions about the Draft. He reported it was based on a State template and had the input of the area EMA's . It also contains a very important Resource List. He apologized for it being “dry” reading and a “dark outlook” but feels it is very necessary. It gives basic protocol and the training is done. The two major concerns at this time are mental health issues and the possibility of an “active shooter” putting our “most precious resource, our children” at risk. Following comments from the Board, Mr. Whittemore made a motion to adopt the plan and Mr. Gill seconded. Mr. Skibitsky requested that the date on the cover be changed to the date the draft was accepted by the Board. All agreed. The motion passed 5-0. Mr. Bernard said that there would be hard copies for all department heads and it would be on flash drives as well.

**b. Wind Energy Facility Ordinance for June 14, 2016 Vote:** Donald Lutick was able to show the video meant for the hearing when there was an equipment malfunction. The 4 minute film was produced in the UK and Mr. Lutick and his daughter handed out sheets with American conversions. TM Puiia presented two letters from citizens who missed the opportunity to speak at the Hearing. Mr. Daley said that he did not want this meeting to turn into another public hearing. Mr. Mitchell said that there have been too many hearings. Mr. Skibitsky said that he felt they should discuss the hearing. Mr. Gill said after 6 years, it was still important and Mr. Whittemore said he felt they should discuss it. Mr. Skibitsky said that the town is divided. The petitioners want to see change. He said he felt the section on infrasound was left in the draft unbeknownst to the petitioners and some of the Selectmen, and he would not have voted for the earlier proposal by Mr. Daley had he known it was still there. Mr. Gill passed for the moment. Mr. Whittemore said that the company has a section in their agreements that they make with landowners about infrasound so he feels they are acknowledging it. Mr. Skibitsky said that response is not germane. He feels that the vote taken by the Board earlier mentioned the dba levels only and did not make it a conditional vote. Mr. Daley disagreed and said that earlier they had removed a lengthy section on infrasound. Mr. Skibitsky said it is not up to the Selectmen to decide what to put in for wording. He said he understood it was to accept the State sound standards and he now is changing his vote on the earlier motion. Mr. Gill asked “were you aware it was a 'no-go' when you voted? Mr. Skibitsky said he found out 2 days later that the infrasound section was in there. He recommended that they go back

to Kristen Collins legal recommendations. She did the work as did Jennifer Kreckel. The lawyers agreed on what the petitioners were asking for. Mr. Daley said that there is infrasound language in a least 12-14 other ordinances, for instance Woodstock, “to protect the health, safety, and welfare of the town”. Mr. Daley said that four Carthage residents had called him about Saddleback, three on a regular basis and one in the fall. He said he directed them to Steve Brown. At this point a man tried to speak and was told he would have to wait for public comment. Mr. Daley noted a report from Nextra Energy that said that greater than 1000 feet from a tower should cause no problem and he also noted a report concerning lawsuits in Wisconsin. He said if we do not have controls listed, we will strip people of recourse. Mr. Skibitsky said that the Board has an obligation to the petitioners, and it should be done using the legal opinions. Mr. Mitchell said that the decibel level referred to are just sound levels and Mr. Skibitsky interjected “State” sound levels. Mr. Whittemore said the Wind Company has infrasound in their agreements and their representative had said that it was not “financially feasible at 35 and 42 because if the limits were that low, they would have to pay “off” more landowners. Mr. Skibitsky made a motion to take the proposed ordinance and adopt Kristen Collins version of the amendments. Mr. Gill seconded the motion and the vote was 2-2 because Mr. Whittemore did not vote. Mr. Skibitsky made a motion to table the item to the next meeting, and Mr. Gill seconded. Vote 5-0.

**1. New Business:**

**a. Oxford County 2016 Tax Assessment, Assessor's Return, and Overall Tax**

**Commitment** The commitment for Dixfield is up \$2400 for a total of \$118,916. Mr. Whittemore moved to endorse that commitment and Mr. Gill seconded. All were in favor.

**b. AVCOG Ballot for Election of Officers in 2016**

TM Puia noted that he knew all but one of them and what was required was for the Board to vote to give the Town Manager permission to cast the ballot. Mr. Gill made a motion to permit TM Puia to vote as representative for the Town and Mr. Whittemore seconded. All were in favor.

**c. Municipal Revenue Sharing Report for FY 2017**

TM Puia referred to the reports sent to the Town and noted that Dixfield's share has increased.

**d. WVAC TV 7 request for Cable Franchise Fees**

TM Puia read a letter sent from the President of the Organization and he reminded the Board of an agreement made in 2013 to assign 2/3 of the Franchise fees toward the operation of the Station. This year, 2/3 of the amount will be \$7913.59 which leaves \$3956.79 for the use of the Town.

**e. Distinguished Citizen of the Year**

Copies of the guidelines for choosing a distinguished citizen were provided to the Selectmen in their packets and it was read aloud by TM Puia. The Board is open to nominees.

**1. Other Business: none**

**2. Public Correspondence:**

Selectmen were given copies of letters from Ed Ellis and Butch and Donna Towle concerning the Wind Ordinance.

### **1. Public Comment:**

Susan Holmes said she had a concern about not being able to speak during the discussion of the Ordinance earlier because the voices were not heard at the time of the discussion. There is a problem with the section on infrasound and it needs to be removed. She read the letter to the Planning Board to clarify again what the petitioners asked for. She said even Ms. Collins recommended that it match the State. Both lawyers agreed on the intent of the petitioners. Mr. Holman felt it was clear that the petitioners said change to the State levels and the Selectmen inserted their own ideas. People bring ideas and if the Selectmen don't agree with them, you can't take it out. He asked if all five selectmen would put in writing why they would spend money on lawyers and not use their advice. Mr. Daley said the minutes should be sufficient and it was not necessary to write anything. Mr. Whittemore said he would, Mr. Gill would, Mr. Skibitsky would and Mr. Mitchell and Mr. Daley both refused. The next speaker was a non-citizen from Winter Hill in South Carthage. Mr. Albert Lane and his wife were present and said that they live  $\frac{3}{4}$  of a mile from a turbine. He reported that the metal roof on his porch rattles and the rafters in his house vibrate. He has filed a complaint with Patriots and the DEP and he said they have sent a private sound expert. The tests show Leq levels that are within the median. They said they have lived there 20 years. The noise is 24-7. It is a little quieter in the winter. He was asked if any solutions were offered and he said they would come and push sound against the house to see how it was getting in. All encouraged him to go to a Carthage Selectmen's meeting. Mr. McKay said that the compliance rules are different from the DEP. He said that the DEP draws a 500 foot circle around the dwelling, our standards are 4000 feet from the tower. Our ordinance allows the town to duplicate sound testing and be paid for by Patriots. Dixfield will have to pay any legal fees for any "extraordinary" suit. On another topic, Mr. McKay reported that the 350 acres on Saddleback beyond the current turbines had been in the Supreme Court to determine who owned the land. The Court has ruled that the town of Carthage owns the land. He said that Todd Presson of Patriots Renewables could put 6-7 turbines there and bring the sub-station up to capacity without Dixfield. His next topic concerned the Comprehensive Plan and the section referring to Scenic Resources, and wanted to know if the Board was pursuing or neglecting that subject. Mr. Daley said that the landowner has to agree to put the land into conservation and they must negotiate a price with the owner for leaving it as a scenic resource. No owners have ever been contacted. It was agreed to put the topic on the next agenda. Mr. McKay continued with a question about the articles at previous town meetings that were in place until rescinded. His immediate concern is the item regarding what the Board will do if a budget is not passed at a referendum. TM Puiia said that he felt that the referendum voting is popular with the citizens. Mexico has referendum voting and they vote on procedures annually. Mrs. Holmes asked if the situation between East Dixfield and the "closest" ambulance had been decided. TM Puiia said he could ask Dixfield's Med Care rep to be at a future meeting.

### **1. Board Questions and Comments:**

Mr. Mitchell stated that "People don't understand what the issue is with this ordinance." The issue is limits on that ordinance. Mr. Daley said it is the dba levels 42 nighttime and 55 daytime.

Mr. Whittemore said he is still hoping Mike Rogers will be able to meet with the Board. The remaining members had no comments.

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

**2. Executive Session:**

At 7:25 p.m., Mr. Daley made a motion to go into executive session pursuant to 1 MRS §405(6)(E) Consultations with Legal Counsel. Mr. Whittemore seconded the motion and the vote was unanimously in favor. Attorney Seth Carey was present. Mr. Daley declared the Board out of executive session at 8:02 p.m. and there was no action taken.

**1. Adjournment:** Mr. Gill made the motion to adjourn at 8:03 p.m., seconded by Mr. Skibitsky, and all were in favor, 5 to 0.

Respectfully submitted,

Norine H. Clarke, secretary