

## **Town of Dixfield**

### **Meeting Minutes**

**Monday, April 10th, 2017 - 5:30 pm**

#### **Ludden Memorial Library**

Board of Selectmen: Norine Clarke, Aaron Jamison, Hart Daley, Eugene Skibitsky, Norman Mitchell

Town Employees: Town Manager: Carlo Puiia, Public Works Director Randy Glover, Leo Jolin and CEO Mike Moore

Town Citizens: Donald Lutick, Susan Holmes, Peter Holman, Dan McKay, Terri Mitchell, Dana Whittemore, Jr., Bernie Gilsleider, Sharon Gilsleider, Grayson Child, Rick Davis, and Royal Swan

Guests: Mia Purcell, Tom Carroll

Press: WVAC - Ben Hines, Rumford Falls Times Bruce Farrin

1. Call to Order: Mrs. Clarke called the meeting to order at 5:30 p.m.

2. Agenda Adjustments:

Under number 5. Department Head Reports add b. Water Department

Add under number 9. Public Correspondence a letter and a map concerning the landowners near the wind energy facility received from Grayson Child

3. Approval of Minutes: Regular Meeting Minutes - March 13th, 2017

: Regular Meeting Minutes - March 27th, 2017

Motion made by Mr. Jamison to approve the minutes of March 13<sup>th</sup>, 2017. It was seconded by Mr. Skibitsky. The vote was 4-0-1, with Mr. Daley abstaining as he was not present at that meeting. Mr. Jamison made a motion to approve the minutes of March 27<sup>th</sup>, 2017. It was seconded by Mr. Skibitsky. The vote was 4-0-1, with Mr. Mitchell abstaining as he was not present at that meeting.

4. Approval of Warrants and Payroll:

a. Accounts Payable Warrant #'s: 87

b. Payroll Warrant #'s: 85, 86

c. Water/Sewer Warrant #'s: 7

Motion made by Mr. Skibitsky to approve the warrants as presented. It was seconded by Mr. Jamison. The vote was 5 to 0.

#### 5. Department Head Reports:

a. Public Works Department - Randy Glover: Reported that we ran over a little bit on overtime wages. We used an extra 100 ton of salt with 54 events, only 7 day events with the rest at night. The crew is getting ready for spring services. Spring cleanup will begin on the 24th of April.

b. Water Department - T.M. Puiia: Request from Jim White, to install a new 2 inch line behind the American Legion Hall on River Lane. He is looking for approval to move forward with the project. Mr. Mitchell asked if we would be using existing funds. Mr. Skibitsky wanted to make sure we would be renting the Town's excavator. Mr. Glover said Mr. White has not spoken to him yet. Mr. Daley questioned the project's time frame: 2 days or 2 weeks? T.M. Puiia: Don't know the answers to these questions so he recommended they table it until Mr. White can attend to answer the questions.

Mr. Daley made a motion to table it. It was seconded by Mr. Jamison. The vote was 5 to 0.

#### 6. Old Business:

##### a. Letter of Support for Broadband Internet Planning Grant

Mia Purcell, the Manager for the Economic Development Council of Oxford County. We're trying to expand and improve broadband internet. Some places have better service than others. Applying for a grant to the Connect ME Authority. We want to do an inventory (over 30 towns). We want to asses, find out what people want (goals and needs), and do a gap analysis. We're selected through a request for proposal process which is out of Machias, ME to work with us (they have a lot of experience). We're not only interested in the infrastructure but what is called digital literacy - looking for people to afford to connect to the internet, affordable equipment and provide training to people on how to use computers. We have developed a vision statement from the 5 broadband community meetings held. We would love to include Dixfield. No money, just asking for a grant.

Mr. Daley questioned if it was a competitive grant process?

Ms. Purcell: Yes, extremely. There is no guarantee. We hope we do get a grant. There is \$3,000 available. We are preparing 4 applications: one for the whole region and one for the all the micro regions. We picked this region because it has a unique opportunity which is the "three ring binder". Dark fiber meaning it's not lit up. Time Warner, Fairpoint and Oxford Networks aren't being used by anyone except the university system.

Mr. Daley also wondered if there has been any negative feedback from the universities. Ms. Purcell answered: No, not at all?

Mr. Skibitsky stated he was reluctant about it at first, but relieved when seeing in the vision statement that the disabled and the elderly are included. He asked if she was requesting a letter of support. Ms. Purcell explained that they just need a letter and a person to represent the Town of Dixfield.

Mrs. Clarke felt it seems to be to our advantage. She doesn't see anything wrong with it. Ms. Purcell stated: We are not looking for you to put any money into it. It would be a benefit for the town.

Mr. Daley made a motion to supply a letter of support. It was seconded by Mr. Skibitsky. The vote was 5 to 0.

#### b. Wind Energy Facility Ordinance

T.M. Puiia: Provided a clean copy of the most recent rendition. Mr. Daley asked if there were any notable changes from the last one. T.M. Puiia explained the housekeeping for some sections, but mostly on page 24 the audible sound limits were amended. Mr. Skibitsky pointed out that the original had the state standards but they were taken out. T.M. Puiia explained the night time sound level was changed from 42 DBA to 40 DBA. The day time sound level was changed from 55 DBA to 53 DBA. Also, those sound levels cannot exceed the limits at any property line except on a project parcel or a participated parcel. Another change was on page 25, item g length/segment of measurement. Mrs. Clarke believes this new edition changes the intent. The intent was to make it possible to have wind towers. The distances and the decibel levels are not the state levels. Mr. Daley still sees mitigation waivers possible between property owners and the developer. He believes the language benefits land owners. The people who are in close proximity have a right to protect their rights as well. Mr. Jamison believes Mr. Daley is speculating that the noise is going to be over the State's numbers. Mr. Mitchell believes the ordinance is for the town, not just the people. Mr. Daley believes the ordinance should protect everybody's property value/rights. The intent of the ordinance is to protect the health, safety, quality of life and property interest of all involved. Not just an industry. Mr. Jamison said "I don't have full right on my property; if the state wants to come and take another 30 ft. of my road." Mr. Daley replied "That's eminent domain." Mr. Jamison said "You're talking about the rights of landowners. I don't have that right. I can't say to them they can't do that." Mrs. Clarke asked Tom Carroll the question "What studies have been done?" Mr. Carroll replied "None. All the studies that have been done are 5-6 years old. Every study has to be redone."

Mr. Skibitsky cited on page 24, paragraph d., a definition for short duration receptive sounds and there is also one in definitions. Mr. Skibitsky motioned to remove the duplicate on page 24 and keep it on page 7 under definitions. Mr. Daley seconded it. The vote was 4-1, with Mr. Mitchell opposed as he didn't see a problem with it. Mr. Skibitsky questioned on page 21, 11.2.a. a Safety review with the code enforcement officer and fire chief: Are there standards they go by? What is the safety review? Who defines what is or determines what is in it? Is it a state mandate? Since

the planning board isn't here, he requested an answer from them as to what they view that as or have them define it.

Mr. Jamison stated that the intention was to make the ordinance pro wind. He questioned Tom Carroll, Patriots Renewable's representative, if he had taken the time to read the most recent version. If so, did he have any concerns? Mr. Carroll stated he believes there is nothing in the ordinance that guarantees the developer they will be able to operate. If an anti-wind Board of Selectmen is in charge, they can use parts of the ordinance to shut down a wind project. In the state standards, they can. If he is following the rules, there is nothing the state can do. This though, you can't work with it, it's not possible for the project. If state sounds change, there would be no building of a project. With the changed DBA numbers, no project can be done.

Mr. Whittemore: "If we have a number that is safe for the town, stick with it." Mr. Holman: "Finance for the project. To be able to borrow money from the bank and or investors, that without using the state standards, they're not going to lend us the money. It's like trying to buy a car with bad credit. You're not going to get it. It's already been proven that the wind towers run lower than 42 and 55." Mr. McKay: "They wanted the regulation of wind projects of this town to be in the hands of the boards and the people for the board to respond to the people. This town does not need the disharmony anymore." Mrs. Holmes: As an example, "A tree falling down in the woods with no one around, can anyone hear it? No one is guaranteed their property value will change or stay the same years down the road. It fluctuates. 42 is not offensive, not dangerous. The sounds of the mills in these towns are loud but have been put up with. Your reason is you don't like the look of them. There are some just down the road. They will be visible. You can't do anything about it. It's going to profit the town." Mr. Jamison: "There are several examples that are an annoyance/disturbance. You're not fighting for our rights." Mr. Daley: "You want me to fight for everyone's rights?" Mrs. Gilsleider: "I think that the duties of the selectmen, as far as writing the ordinance, are to write an ordinance for the protection of the land owners and tax payers." Mr. Skibitsky: Motioned under section 11, 7.2 sound limits we revert back to the original state standard, including paragraph b. and g. It was seconded by Mr. Jamison. The vote was 3-2, with Mr. Mitchell and Mr. Daley being opposed.

Mr. Daley believes "it's a disservice to the private property owners that will be living to the closest proximity of the towers. Showing your bias towards an industry over private citizens who live in this town. You're refusing to protect them and their property rights." He supports mitigation waivers and protecting individual property owners' rights.

Mr. Skibitsky replied to that by saying he "completely disagrees." He believes he too is looking out for everyone. The state's standards are put out to protect people not hurt people.

## 7. New Business:

### a. Appeals Board Ordinance

T.M. Puiia: No one from the Appeals Board could be here tonight to speak on behalf of the proposed ordinance governing the Appeals Board. The people on the board: Charlotte Collins, Donald Litwin, Jeffery Howe, Patricia Benson, with Vickie Carrier and Steve Donahue

submitting their resignation. Mr. Jamison asked why there aren't any of the members here tonight. T.M. Puiia said he was hoping Jeff Howe was going to be here to present the proposed ordinance. Mr. Daley suggested tabling it in order to further discuss it when someone from the Appeals Board is here. Mr. Mitchell believes there is no conflict of interest and thinks it should be added to the Town Warrant. The consensus was to table the item.

b. Western Valley Access Channel request for distribution of cable franchise funds

T.M. Puiia explained the letter requesting from the Western Valley Access Channel which provided their budget. Also provided was a copy of the current account status for the revenue account. The town received \$13,521.61 in cable franchise fees. It's up, last year was \$11,870.38. Also provided was the article that was voted on at Town Meeting on May 26th, 2011. The vote authorized 2/3 of the revenues receiving cable franchise fees that they would be dedicated to the western valley channel each year. 2/3 of the current year is \$9,014.41. Which is up, last year was \$7,913.59. The town gets to retain the remainder of \$4,507.20. That amount goes to the general fund. Last year we retained an amount of \$3,957.00. Mrs. Clarke's opinion was that channel 7 is a service to the entire River Valley. Mr. McKay thinks they do a wonderful job; however, his opinion is if it's something that voters have a right to vote on, they should have a right to vote on it at Town Meeting. Mrs. Clarke informed him that they did in 2011. T.M. Puiia: Reading- The estimated income was, cable fees: Andover \$100, Dixfield \$8,000, Hanover \$500, Mexico \$5,000, Peru \$0, Roxbury \$350, Rumford \$25,000. Expect total fees to be \$38,950. DVD sales bring it to \$39,250.

c. Approval of Warrant for Annual Town Meeting on June 1, 2017 and Annual Election Meeting on June 13th, 2017.

T.M. Puiia: Typical structure: Article one: elect a moderator, Article two: chose all other municipal community members: finance committee, Ione Harlow scholarship, Ludden Memorial Library Trustees, Water Advisory Committee members, Parks and Recs. Also, the Town determines when the taxes are due and payable and the rate of interest for delinquent taxes as well as a rate of interest for overpayment of assessed taxes. Also, Article 6 revenue sources that the town receives to offset taxes. Article 7, we talked about at the last meeting that in the event that a departmental budget failed at a referendum election, how does the town deal with that? Article 7 is written as such: See if the town will adopt the following vote: 3 choices – One would be to go back to last year's budget. Second, you could have another referendum vote. It takes 60 days to call for an election, so this delays the town for getting out their tax bills. It delays the town's revenue from coming in. Third is the ability to go back to a special town meeting and by show of hands or by secret ballot vote that night and have a budget determined that night. It takes at least 7 day to post the warrant for a town meeting. This will be voted at a town meeting so the citizens get to vote and give the board authority to do that. A few budgets the board the other night discussed that they should be dealt with during town meeting. Last year we did Debt Service. The board members felt that public safety, liability insurances and general assistance should also be voted on in town meetings. Those will be done at the annual town meeting. The others will be on a secret ballot on June 13th. Article 12, General Government, Police Department, Public Works, Fire Department, Library, Boards and Committees, Animal, Health and Code Enforcement, Recreation, Grounds, Social Services, Regional Expenses,

Miscellaneous, Reserve Funds. Article 45 questions, shall a Police Station Capital Reserve Fund be established and shall the town raise an appropriate sum of \$25,000 in the specific category of Police Station Reserve for the fiscal year of 2018? Second question, shall a Tax Acquire Property Capital Improvement Reserve Fund be established and shall the town raise an appropriate sum of \$2,000 in the specific category of Tax Acquired Property Reserves for the fiscal year of 2018?

We have a building in town that needs to be demolished. It has asbestos and needs to be removed by qualified technicians. The approx. cost is \$10,000. Mr. Jamison questioned "Didn't we cap that \$20,000?" T.M. Puiia: Looked into it and you can't because legally the town has a right to raise the money. Mr. Daley believes it should go to the citizens and thinks the fund should still be established because we will run into other situations.

T.M. Puiia: The next question was asking to use surplus funds up to \$125,000 to offset the property taxes. Article 28 asks citizens should the town authorize the Board of Selectmen to enter into a third ten year extension amendment for ambulance services. MedCare's contract is expiring in 2018. Need to vote sooner because the contract would expire prior to the referendum election next year. Mr. Skibitsky doesn't see it as a referendum item and believes it would be more appropriate for town meeting with questions and discussion. It's not really a budget item, it's more of a service agreement.

T.M. Puiia: Article 29 could be the Wind Energy Facility Ordinance. Mr. Skibitsky questioned when the warrant could be signed? T.M. Puiia replied that if we vote to approve subject to the changes, then the Board can come in and sign in the office later this week. Mr. Skibitsky felt he wouldn't be ready to sign until he heard back from the Planning Board on the definition of a safety plan. Mr. Daley questioned "Why don't we come up with a plan?" Mr. Skibitsky said "Your plan was to say to the Planning Board that didn't change the intent of the ordinance. That didn't happen so we had to go back to our original intent." Mr. Daley said "Maybe the Planning Board will change it again and the intent will be changed again. We're just bouncing it back and forth like a ping pong ball."

Mr. Skibitsky questioned "What are we going to do with the MedCare question? We talked about it but didn't decide." Mr. Daley believes it is not really a negotiable amount. Mr. Skibitsky made a motion to move it from the warrant for referendum vote and deal with it at the Town Meeting. It was seconded by Mr. Daley. The vote was 4-1, with Mr. Mitchell opposing as he doesn't see the point.

Article 31. Road Construction. T.M. Puiia: Money that remained from the construction project. Shall the town authorize the Board of Selectmen to deposit the remaining funds from the 2014 Maine Municipal Bond Bank for the High and Pine Street road construction project into the road construction reserve account for other road construction projects. It is estimated that there remains a balance of \$237,740.12. There are two thoughts: Some think we should put the money back into road reserves and use it. The others think the remains left from the job should reduce the debt.

Article 13. Police Department. T.M. Puiia: The Board felt it wasn't a sufficient amount to provide training as well as specialized equipment. We currently are having a difficult time

attracting candidates to hire to fill the full time positions. Initial request from the police department: \$366,984. Mr. Jamison felt it was disappointing that not all the Selectmen were there for the discussion. This topic took up a lot of time. He wanted to get Mr. Skibitsky's and Mr. Mitchells' thoughts on it. He, personally, did not want a police department. He thought "On the other hand, if we do want a police department, my thought is that \$390,000 is not enough to have a good police department. It's not competitive, bad quality for location, and the training is inadequate." Mr. Mitchell said "I don't think it's an accurate representation of what we currently have. The highway department is providing the heat and lights, and maintenance for the building and on the vehicles. I think the citizens deserve to know how much the police department costs." Mr. Daley felt it was all or nothing; and if you are not trained properly, it could open the town to a huge liability. He informed the Board that 120 police officers from the academy have already been hired through other agencies with state of the art equipment, which is important. Mr. Jamison felt that we should let the county provide law enforcement or we should build a new police department.

d. Charter Communications letter regarding Cable Store Office Move

Charter Communications, formerly Time Warner, will be moving their business office to 108 Main Street in Mexico between May 8<sup>th</sup> and 14<sup>th</sup>, with an opening on May 15<sup>th</sup>.

e. Wind Farms and Their Effect on Property Value Article

Mr. Jamison asked if this is for public correspondence. Mrs. Clarke said "It has information about topics that had not been available before. There's no point in getting correspondence if you don't tell the people what it's about. This article speaks on the effects on property value. The studies have been done by the national realtors. They find there is no detrimental impact. This is some positive information. All the other information we've received has been negative." Mr. Daley said "I have a whole stack of studies from different realtors from Canada, UK, and Illinois, show a decrease in property value because of wind projects. I said last meeting that every pro wind article that comes in, I can bring in ones to oppose." Mrs. Clarke added "I think it's important the public hears the pros and they haven't heard them."

8. Other Business: N/A

9. Public Correspondence: Record Hill Wind Project Information from Dana Whittemore, Jr.

Mrs. Clarke read Mr. Whittemore's letter that Record Hill's quarterly report recorded revenues of \$740 million with an average of \$ 1.8 million quarterly debt service. She asked what year that was for and Mr. Whittemore informed her that it wasn't for a year, but for a quarter. Mr. Daley said it was the 2nd quarter of 2016. Mrs. Clarke continued reading "We also have information from Grayson Child with information that shows changing the sound levels, and taking the sound readings outside occupied dwellings. Child respectfully asked that the Board of Selectmen to carefully consider these changes. They not only do they change the intent of the original ordinance and kill the chance of a new business coming to Dixfield. A map is included.

10. Public Comment: N/A

11. Board Questions/Comments:

Mr. Mitchell “The state are the same people that you're wanting to turn this wind over to. The state that regulates your land are the same people you want for the wind. An impact study states the values of property are negatively impacting 12-40 %. Significant loss of property value.” Mr. Daley felt it was unreasonable, unjust and doesn't provide enough protection for the citizens. He read a prepared statement prior. Mrs. Clarke “None of us are concerned on how much money the wind company is going to make. They're trying to make it better for people in Dixfield concerning the cost of living here.”

12. FYI: The Board of Selectmen will hold a Sewer Ordinance Workshop on Monday, April 17, 2017 at 5:30 p.m. downstairs in the Ludden Memorial Library.

: Annual Spring Cleanup will begin on Monday, April 24th and run through May 5th

13. Next Meeting: Monday, April 24, 2017 at 5:30 p.m. downstairs in the Ludden Memorial Library

14. Executive Session: pursuant to 1 MRS 405(6) (E) to discuss a legal matter

Mr. Skibitsky motioned to go into Executive Session: pursuant to 1 MRS 405(6) (E) to discuss a legal matter at 8:17 pm and it was seconded by Mr. Jamison. The vote was 5 to 0. The chair declared the Board out at 8:22 pm. No action was taken.

15. Executive Session: pursuant to 1 MRS 405(6) (D) to discuss Labor negotiations

Mr. Mitchell motioned to go into Executive Session: pursuant to 1 MRS 405(6) (D) to discuss Labor negotiations at 8:23 pm and it was seconded by Mr. Skibitsky. The vote was 5 to 0. The chair declared the Board out at 8:28 pm. No action was taken

16. Executive Session: pursuant to 1 MRS 405(6) (C) to discuss disposition of publicly held property.

Mr. Mitchell motioned to go into Executive Session: pursuant to 1 MRS 405(6) (C) to discuss disposition of publicly held property at 8:29 pm and it was seconded by Mr. Skibitsky. The vote was 5 to 0. The chair declared the Board out at 8:41 pm. No action was taken

16. Adjournment: A motion was made by Mr. Mitchell to adjourn at 8:42 pm. It was seconded by Mr. Jamison. The vote was 5 to 0.

Respectfully submitted,

Silvia K. Fowler