

**BOARD OF SELECTMEN  
TOWN OF DOVER-FOXCROFT  
MONDAY, JUNE 20, 2016 ~ 6:30 PM  
DOVER-FOXCROFT MUNICIPAL BUILDING  
MEETING ROOM  
MINUTES**

**I. OPEN MEETING**

- A. Opening Ceremonies
- B. Roll Call

Present: Chairman Edgerly, Jane Conroy, Gail D'Agostino Stephen Grammont, Scott Taylor, and W. Ernie Thomas. Absent: Vice Chairman Freeman Cyr. Also present: Town Manager, Jack Clukey.

**II. CONSENT AGENDA**

Treasurer Warrants

1. Payroll Warrant #68, #69, #73
2. Administrative Warrant #70, #74
3. Wastewater Warrant #71
4. Trust Funds/Perp Care Warrant #72

***Resolution #006-062016***

***MOTION: D'Agostino, seconded: Thomas, and voted unanimously (6-0) to approve the Consent Agenda. Motion passed.***

**III. APPROVAL OF MINUTES**

Board of Selectmen Meeting and Public Hearing - May 23, 2016

***Resolution #007-062016***

***MOTION: Conroy, seconded: Thomas, and voted unanimously (6-0) to approve the minutes of the Board of Selectmen meeting and Public Hearing of May 23, 2016. Motion passed.***

**IV. QUITCLAIM DEEDS**

**V. BOARD OF ASSESSORS/MUNICIPAL OFFICERS**

**VI. OPEN SESSION**

- A. Open Session – Public

David Jameson of Pleasant Street was present to discuss the notice he received from Patrick Myers regarding the closing of Pleasant Street for the Whoopie Pie Festival. He said that he was offered free entry to the festival and whoopie pies for the inconvenience of his street closing. He explained that he is a Veteran with health issues, and the expressed that having to park elsewhere is burdensome. He said his neighbors also have issues with the street closing as some of them have plans for visitors that would be inconvenienced by having to park elsewhere and also a neighbor with heart issues that could have a need for an emergency

vehicle to be able to get to his home. Mr. Jameson wanted to know how the street closing could take place without a permit or a public hearing process. Mr. Jameson suggested that Center Theatre petition the town to fix his driveway and sidewalk in front of his home.

Town Manager, Jack Clukey, said that the town and Police Chief were made aware of the process of the street closing for the Whoopie Pie Festival well in advance. He said that Harvey Street is an option for those affected by the closing of Pleasant Street. He also suggested that going forward residents could be given earlier notice of street closings.

Patrick Myers, Whoopie Pie Festival Coordinator, agreed that giving notice earlier in advance would be better for residents. He also said that using Harvey Street is a good plan. He said that Pleasant Street would only be closed until 4:00 PM and that a lane would be kept open throughout the festival for access by property owners.

Selectman D'Agostino asked Mr. Jameson if he still had concerns. Mr. Jameson said that he would like support for his driveway repairs. He said that he spoke to the town in the past regarding repairs and that a neighbor's driveway was repaired but not his own.

Jack Clukey said that he was not aware of the driveway issue until today but looked at the problem with Public Works Director Geoff Chambers and determined that it was an issue pertaining to the sidewalk and would schedule it to be repaired.

Mr. Jameson said that this would satisfy him along with having a lane to drive his car to and from his property.

Diana Shepherd, a resident of Shore Road South, said that a part of Shore Road South was grandfathered to be maintained by the town but the road has not been maintained. She said that some culverts have collapsed and a rock is in the middle of the road. Mrs. Shepherd said Mr. Shepherd would get the culverts and do the necessary repairs in return for reimbursement of the culverts.

Town Manager, Jack Clukey, said that Shore Road South is not a town road, however the town had acquired a public easement to do winter maintenance at the town's discretion. He said that the town had not decided to do summer road maintenance. Chairman Edgerly said that the request would be discussed by the public works committee.

#### B. Public Hearings – Proposed ATV Routes

Chairman Edgerly opened the hearing at 6:40 PM. Town Manager Jack Clukey presented the proposal from the ATV Club and said that the Club has requested access to certain routes over public ways for ATVs to access as shown on the map (attached to these minutes) and that the ATV Club would like to utilize these routes this season and expect that next year the southern portion of the Foxcroft Center Road would be replaced by a trail being built this year. The Town Manager said that the promotion & development and recreation committees met regarding this proposal and recommended to bring the concept to the full Board and to the public. He said that the committees discussed that these routes will facilitate ATVs having access to trail use and trail systems to the north and south and encourage more ATV use and more business in town related to ATVs.

Katherine Shuster of Shaw Road talked about existing noise and speed issues on the road and said she opposes the proposed ATV route.

Richard Allen said that he purchased lots on Oliver Hill Road for a future real estate investment and he does not want ATV trails going through his property.

Clair Thomas Pino expressed concern for quality of life and for safety. She said that there are issues that need to be addressed such as safety on Route 7 and Shaw Road as speeding vehicles are not slowing down and also dangerous road conditions during mud season. Clair Thomas Pino said that the proposed ATV routes if put in place would be adding to an already dangerous problem.

Linda Gerry said that another property owner put a tree across the road and asked why property owners wouldn't have a say in the matter if it is not an approved trail.

Marilyn Savage expressed concern for the tree down across the road. She also said that the culvert at the end of the road is missing.

Erin Callaway talked about dangerous speeding on Route 7. She said that it is reasonable to ask permission for sections that connect one trail to another but different for mile long stretches as it poses a safety concern.

Selectman Taylor said that there are two parts to the proposal regarding Foxcroft Center Road, the first part being the approval of the trails by getting landowner permission and approval from the town and the second part is raising \$15,000 to be able to do the work. He said that the ATV Club already has landowner permission and there are grant applications submitted for raising funds.

Park Pino asked who is liable for accidents. He also asked if the proposal for the ATV trails passes, will it be promoted because some residents are already offended by noise and speed. He also expressed concern for property values.

Selectman Taylor said that Dover-Foxcroft is a connector town and that if the proposal passes it will be an economic booster for every town along the route.

Brian Bronson of the Department of Agriculture, Conservation, and Forestry, who is the ATV Coordinator said that liabilities are treated the same as any other accident and would be handled by police and dealt with the same as other motor vehicle accidents. He said that landowners are protected by the ME Landowner Liability Law. He also said that the town can address setting dates and times for accessing the ATV routes.

Susan McAvoy of Sangerville said that Mr. Bronson was helpful to the Sangerville ATV Club and that the Town of Sangerville has set rules for ATV routes. She also said that the speed limits for ATV routes in Sangerville are the same as they are for posted roads.

Clair Thomas Pino said she was concerned for the costs of maintaining the roads that the ATVs will use and that the costs will fall back on the taxpayers.

The Town Manager said that he doesn't see that there will be added expenses since there is less damage when an ATV travels on a road compared with ATVs travelling on the shoulder.

Jeremy Greene said that there has been no maintenance on the Klimavicz Road and that there are months during the year that vehicles cannot travel on the road. He said that if the town makes the Klimavicz Road an ATV Route, the town should do necessary maintenance.

Sherry Cowing said she is in support of the Shaw Road as an ATV access route, but a speed limit sign needs to be placed there otherwise vehicles travel too fast.

Pam Walton said that Route 7 and Shaw Road present a safety hazard due to the speeding issue. She said that she moved there for peace and quiet and as an ATV route, there will be more speeding and dust. She said that the police department cannot be everywhere and is concerned about enforcement.

Bill Macomber said that having the Klimavicz Road as an ATV access route is not a bad idea, but as it is for eight weeks of the year, a four-wheel drive vehicle is needed to pass over the road.

Jeremy Greene said that people want to build on Klimavicz Road and wondered how many new property owners there needs to be before the town agrees to maintain the road.

Todd Lyford, Vice President of the ATV Club in Dover-Foxcroft talked about the club's responsibility to fix the trails and to patrol trash along the trail. He said that the club wants to take care of landowner concerns.

Brenda Macomber said that she purchased land on the Klimavicz Road with the intent to build. She said that she enjoys the peacefulness and that it is fine to make it an ATV access route; however she does have concern for the maintenance of the road.

Bart Merrill asked for information to help people understand summer and winter maintenance and public and private roads and what it means for the residents.

The Town Manager explained that some public roads are closed to winter maintenance and that the town does not maintain private roads. He said that the town can do discretionary maintenance on roads that are not public roads.

Jamie Gaudion of Foxcroft Center Road said she wants what is best for the town, but having an ATV access route close to her property would have impacted her decision to buy property on Foxcroft Center Road. She asked for assurance that this proposal is temporary. She said that some families have been on Foxcroft Center Road for generations and did not purchase their homes with the idea of having an ATV access route on the road.

Kerry Israels, Bowerbank ATV Club, said he is in support of the Dover-Foxcroft ATV Club's proposal. He expressed that the majority of ATV riders are good people that respect property.

There Board of Selectmen discussed when the proposal would take effect, ways to notify the public, speed limits and signage, and grant proposals.

Katherine Shuster asked if there would be a plan for alternative routes other than Shaw Road.

Todd Lyford said that the club wants to work with the landowners and that to seek alternate routes is very time consuming.

Pam Walton asked about enforcement.

Chief Dyer said that game wardens and the police department would handle enforcement.

Selectman Thomas said that there are rules and regulations that directly apply to ATVs, and because the proposal is temporary, it should lessen the impact to the landowners. He expressed that there should be more specific information available.

The public hearing closed at 8:45 PM.

C. Open Session – Board of Selectmen

Selectman D’Agostino said that she attended a meeting regarding the progress being made at the senior commons.

Selectman Conroy asked about the parking lot at the Congregational Church. Town Manager, Jack Clukey said that the town needs to discuss what type of repairs will best address the work that need to be done at the Congregational Church parking lot. He said that it appears that the material used to fill the old foundation of Foxcroft Academy is settling and causing the problem with the pavement.

D. Adjustments to the Agenda

**VII. COMMITTEE REPORTS**

Promotion & Development, 052516 – Town Manager, Jack Clukey reported that the committee discussed the proposal for ATV routes and followed up with a conversation regarding the presentation given by the downtown committee at the last meeting.

Recreation, 060816 – Town Manager, Jack Clukey reported that the recreation committee met to discuss summer youth sports. He also reported that there was a discussion regarding the marina lease with Tim Merrill.

**VIII. UNFINISHED BUSINESS**

**IX. NEW BUSINESS**

A. Liquor License Renewal Application - Moon Hing Restaurant  
*Resolution #008-062016*

*MOTION: Conroy, seconded: Grammont, and voted unanimously (6-0) to approve the liquor license renewal application for Moon Hing Restaurant, West Main Street, Dover-Foxcroft. Motion passed.*

B. ATV Routes

Selectman Taylor disclosed that he is affiliated with the ATV Club. Selectman Taylor asked for the Board to address the ATV Route proposals as two separate items.

Selectman Thomas with the Board in agreement said that the property owners expressed many concerns that should be addressed. Chairman Edgerly said that the town should have discretion in setting time limitations and dates. Chief Dyer said that there are some

mandatory State laws regarding dates. The Board discussed setting speed limits and requesting MDOT to do an assessment. It was also discussed that the ATV Club should keep good communication with the landowners regarding their concerns.

***Resolution #009-062016***

***MOTION: Taylor, seconded: Conroy, and voted (5-1) to approve ATV access for the Foxcroft Center Road Route as shown on map for a one year trial period from 8:00 AM to sunset and to set the speed limit for all motor vehicles on the road at 35 MPH, pending State MDOT approval and; to set the date for access to end on October 31, 2016. Nay: D'Agostino. Motion passed.***

***Resolution #010-062016***

***MOTION: Taylor, seconded: Grammont, and voted unanimously (6-0) to table to the proposal from the Garland ATV Club for ATV access along the Shaw Road/Oliver Hill Road Route and to require a two week notice to residents along routes for future proposals to allow ATV access. Motion passed.***

C. Orders of Municipal Officers

1. Payments applied to oldest taxes due/Payments Applied to Outstanding Taxes

***Resolution #011-062016***

***MOTION: D'Agostino, seconded: Conroy, and voted unanimously (6-0) that In Accordance with MRSA Title 36, Subsection 905, the Board of Selectmen authorizes the Town Treasurer to withhold money due to a taxpayer from the Town if that taxpayer owes past due taxes. This money to be applied toward the oldest taxes due plus lien cost and interest. The Treasurer will give a copy of the receipt to the taxpayer. And;***

***Upon request of the Tax Collector and Treasurer of said Town, hereby authorize and direct said Tax Collector and Treasurer, pursuant to Title 36, Maine Revised Statutes Annotated, Section 906, to apply any tax payment received from an individual as payment for any property tax against outstanding or delinquent taxes due on said property in chronological order beginning with the oldest unpaid tax bill, provided, however, that no such payment may be applied to any tax for which an abatement application or appeal is pending unless approved in writing by the taxpayer. – Motion passed.***

2. Representation in the Prosecution and Settlement of Land Use Law Violations

***Resolution #012-062016***

***MOTION: Conroy, seconded: D'Agostino, and voted unanimously (6-0) to authorize Connie Sands, CEO, to represent Dover-Foxcroft in the prosecution and settlement of land use law violations pursuant to 38 M.R.S.A. Section 441, 30 A M.R.S.A. Section 4452, and 30 A M.R.S.A. Section 3221. Motion passed.***

3. Interest Rate on Past Due Taxes and Sewer Charges

***Resolution #013-062016***

***MOTION: D'Agostino, seconded: Conroy, and voted unanimously (6-0) to set the interest rate on past due taxes and sewer charges at 7% annually. Motion passed.***

4. Interest Rate on Abated Taxes

***Resolution #014-062016***

***MOTION: Conroy, seconded: Thomas, and voted unanimously (6-0) to set the interest rate on abated taxes at 3% annually. Motion passed.***

5. Prepayment of Taxes

**Resolution #015-062016**

**MOTION: Thomas, seconded: D'Agostino, and voted unanimously (6-0) to authorize the tax collector or treasurer to accept prepayments of taxes not yet committed pursuant to 36 M.R.S.A. 506. Motion passed.**

6. Sewer Assessment Due Dates

**Resolution #016-062016**

**MOTION: Thomas, seconded: Grammont, and voted unanimously (6-0) to establish the sewer assessment due dates for January 30, 2017 for quarters ending June 30, 2016 and September 30, 2016 and establish June 30, 2017 for quarters ending December 31, 2016 and March 31, 2017. Motion passed.**

7. Sewer Rate Schedule

**Resolution #017-062016**

**MOTION: Thomas, seconded: D'Agostino, and voted unanimously (6-0) to set the sewer rate schedule for FY 16-17 as follows: Base rate - \$89.65 for 0 cf – 1200 cf; \$9.37 per 100 cf in excess of 1200 cf. Motion passed.**

D. MRC Joinder Agreement

**Resolution #018-062016**

**MOTION: Taylor, seconded: D'Agostino, and voted unanimously (6-0) to sign the Resolution to approve the Joinder Agreement between the Town of Dover-Foxcroft and the Municipal Review Committee and authorize the Town Manager to sign the agreement. Motion passed.**

E. Paving Bids

Town Manager, Jack Clukey said that he requested that Will Haskell at Gorrill Palmer put together a bid spec to send out for the work listed in the 2016 paving plan. He said that Gorrill Palmer could also review and make a recommendation for awarding to the low bidder as soon as the next meeting.

**Resolution #019-062016**

**MOTION: D'Agostino, seconded: Thomas, and voted unanimously (6-0) to work with Gorrill Palmer for a review and recommendation of the paving bids and to authorize Town Manager, Jack Clukey to award the paving bid to the low bidder based on the review and recommendation by Gorrill Palmer. Motion passed.**

F. LRAP Certification 2016-2017

**Resolution #020-062016**

**MOTION: D'Agostino, seconded: Conroy, and voted unanimously (6-0) to authorize Town Manager, Jack Clukey, to sign the Local Roads Assistance Certification for 2016-2017. Motion passed.**

G. Charter Commission Appointments

The Town Manager discussed establishing the Charter Commission with six members being elected at the Referendum Election on June 14th. He said that the Board of Selectmen needs to fill three appointed seats, one of which could be a Selectman. Selectman Thomas said that he is willing to serve as a member of the Charter Commission. The Town Manager said that

Brian Mullis and Kim Cavanagh have also expressed a willingness to serve as appointed members.

**Resolution #021-062016**

**MOTION: D'Agostino, seconded: Conroy, and voted unanimously (6-0) to appoint Brian Mullis, Kim Cavanagh, and Selectman, Ernie Thomas to the Charter Commission with a term of July 1, 2016 – June 30, 2017. Motion passed.**

**H. Downtown Revitalization**

Town Manager, Jack Clukey said that based on the presentation from the downtown committee in April, the goal is to put steps in place this summer. The changes as illustrated on a map submitted by the downtown committee would be done with temporary structures/barriers and striping. He also said that for the second phase and for the long-term, the town would look at more permanent changes such as curbing.

**I. Town Manager's Report**

The Town Manager reported: The public works department has started working on gravel roads and is repaving sections of Notch Road, Merrills Mills Road, Frost Road, and Steadmans Landing Road. The town will also begin ditching and culvert work in preparation for the paving work scheduled for this year.

The town has been burning demo wood this spring due to recent increases in the cost of disposing of wood waste. The Town will look at moving away from this when costs and disposal options improve.

The Whoopie Pie Festival is Saturday, June 25<sup>th</sup> with extended hours of 10:00 AM – 8:00 PM and will include the area from Dover True Value to Court Street and the west end of Pleasant Street to Court Street. A map is included in Correspondence.

**X. CORRESPONDENCE**

- RSU No. 68 Board of Directors Meeting Minutes, 5/31/16 & 6/7/16
- Election Results
- Maine Revenue Services, Re: Preliminary 2017 State Valuation
- Whoopie Pie Festival Map

**XI. CLOSING REMARKS (Open Session if necessary and time permitting.)**

Selectman Taylor asked if paving on Summer Street was going to begin at Free Street. The Town Manager said that paving would begin 300 yds. north of Free Street. Selectman Grammont said that paving would not begin at Free Street because that section needs a rebuild.

**XII. EXECUTIVE SESSION**

**XIII. ADJOURN**

*Resolution #022-062016*

*MOTION: Grammont, seconded: D'Agostino, and voted unanimously (6-0) to adjourn at 9:25 PM. Motion passed.*

Respectfully submitted,  
Town of Dover-Foxcroft Board of Selectmen

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Elwood E. Edgerly, Chairman

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Jane K. Conroy

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Cynthia Freeman Cyr, Vice Chairman

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Gail D'Agostino

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Stephen G. Grammont

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Scott A. Taylor

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W. Ernie Thomas