

**BOARD OF SELECTMEN  
TOWN OF DOVER-FOXCROFT  
MONDAY, FEBRUARY 23, 2015~ 6:30 PM  
DOVER-FOXCROFT MUNICIPAL BUILDING  
MEETING ROOM  
CORRECTED MINUTES**

**I. OPEN MEETING**

**A. Opening Ceremonies**

Chairman Edgerly opened the meeting at 6:30 PM and led the Pledge of Allegiance.

**B. Roll Call**

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

Also present: Town Manager, Jack Clukey.

**II. CONSENT AGENDA**

**A. Treasurer Warrants**

1. Administrative Warrant #40, #45
2. Wastewater Warrant #41
3. Wastewater Project Warrant #42
4. Trust Fund Warrant #43
5. Payroll Warrant #44, #46

**B. Cemetery Conveyance**

Tucker, Richard & Ellen, Pine Grove, New Section Lot J, Space 6

***Resolution #136-022315***

***MOTION: Freeman Cyr, seconded: Conroy, and voted unanimously (6-0) to approve the Consent Agenda. Motion passed.***

**III. APPROVAL OF MINUTES**

Board of Selectmen – January 26, 2015

***Resolution #137-022315***

***MOTION: Conroy, seconded: Freeman Cyr, and voted unanimously (6-0) to approve the minutes of the January 26, 2015 Board of Selectmen Meeting. Motion passed.***

**IV. QUITCLAIM DEEDS**

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

2015 Piscataquis County Assessor's Return

Town Manager, Jack Clukey, referred to the 2015 Assessor's Return. He noted that the County Tax Assessment is \$424,114, compared with last year's assessment of \$406,040, denotes a difference of \$18,074.

***Resolution #138-022315***

***MOTION: D'Agostino, seconded: Thomas, and voted unanimously (6-0) to sign the 2015 Piscataquis County Assessor's Return in the amount of \$424,114. Motion passed.***

**VI. OPEN SESSION**

A. Public Hearing

Liquor License/Special Amusement Application - Dan Daidone/Pastimes Pub  
Chairman Edgerly opened the hearing at 6:40 PM. Daniel Daidone, Noah Eastland, and Lauraine Piquette, applicants were present for the public hearing for a new liquor license and special amusement permit for Pastimes Pub. Mr. Daidone said that there would be a grand reopening on March 17<sup>th</sup> with live entertainment and extended an invitation to those present. The hearing was closed at 6:45 PM.

B. Open Session – Public

C. Open Session – Board of Selectmen

Selectman Conroy said that the garden club is looking for volunteers.

D. Adjustments to the Agenda

**VII. COMMITTEE REPORTS**

Solid Waste/Rec/Promo & Dev, 012815 – Town Manager, Jack Clukey, reported that proposed budgets for 2015-2016 were discussed. Selectman Thomas added that solid waste delivery costs were also discussed.

**VIII. UNFINISHED BUSINESS**

**IX. NEW BUSINESS**

A. Liquor License/Special Amusement Application - Dan Daidone/Pastimes Pub

**Resolution #139-022315**

***MOTION: D’Agostino, seconded: Conroy, and voted unanimously (6-0) to approve the Liquor License/Special Amusement Application submitted by Dan Daidone/Pastimes Pub. Motion passed.***

B. Shoreland Zoning Ordinance

Town Manager, Jack Clukey, referred to proposed amendments to the Shoreland Zoning Ordinance. He said some of the proposed amendments are to make the Ordinance consistent with the new map the town adopted last June. Connie Sands, Code Enforcement Officer, was also present and explained that proposed amendments include language corrections for consistency in definitions. The Town Manager noted that the proposed amendments will go to public hearing at the March 5<sup>th</sup> planning board meeting after which *the* Board of Selectmen will be asked to consider including the amendments on the warrant for the June town meeting referendum.

C. Traffic Incident Ordinance

Town Manager, Jack Clukey, said that the proposed traffic incident ordinance allows for cost recovery for certain traffic incidents and is very similar to the ordinance proposed in

the fall, but with some minor revisions in an attempt to make it more clear for the voters and also there are revisions that make cost recovery more discretionary on the part of the Board of Selectmen.

***Resolution #140-022315***

***MOTION: Thomas, seconded: Freeman Cyr, and voted unanimously (6-0) to include the proposed Traffic Incident Ordinance on the June 9, 2015 Referendum Election Ballot. Motion passed.***

**D. Community Bill of Rights Ordinance 2015**

Town Manager, Jack Clukey, referred to an ordinance entitled, "Community Bill of Rights Ordinance 2015, establishing a Community Bill of Rights for the people of Dover-Foxcroft, which secures those rights by prohibiting corporations and governments from engaging in the acquisition of land for, or the siting of, private and/or public-private transportation and distribution corridors." He said that the development of this ordinance has been discussed at some of our earlier meetings and the group working on this ordinance asked that it be put on this agenda for consideration to be placed on the ballot for the June Annual Town Meeting Referendum. The Town Manager said that there is a procedural question as to whether the content of the proposed ordinance categorizes it as a land use ordinance in which case there are certain public hearing requirements. The Board of Selectmen consented to let the audience speak on the proposed ordinance. Dr. Frasz spoke regarding the proposed ordinance and disagreed that the ordinance falls into the land use category. He said that it reads as a civil rights law in an attempt to allow the citizens control and feels that if it is categorized as a land use ordinance it will be difficult to move forward.

It was discussed that the group's attorney and municipal attorney should speak regarding the procedures required to put the ordinance on the referendum ballot.

Carol Boothroyd said that she agrees that the lawyers should speak as the group anticipated there may have to be another way to put the proposed ordinance on the ballot.

Town Manager, Jack Clukey, said that the question of how to put it on the ballot is procedural and explained that a non-land use ordinance has a requisite of one public hearing ten days before the referendum election. It was explained that for a land use ordinance, a developmental hearing is required by the planning board with publications in two local newspapers 12 days before and seven days before with a posting in the municipal office 13 days prior. The Town Manager said that it could be done in a way that parallels the process to follow the best procedure to put it on the referendum ballot without specifically categorizing it as a land use ordinance.

Chairman Edgerly said that considering this is the first time the board is seeing the proposed ordinance; it would be good for the Board to have time to discuss and understand the ordinance and have a sufficient number of public hearings.

Selectman D'Agostino and Vice Chairman Freeman Cyr both said they hoped for information sessions and to educate the public.

Selectman D'Agostino noted that the Council in South Portland voted to enact a land use ordinance disallowing the reversal flow of tar sands through the city's harbor last summer. The petroleum companies are challenging the ordinance which will likely result in the petroleum companies prevailing in the suit. That is an example as to why CELDF and the Dover citizens' group are proposing a community bill of rights ordinance prohibiting a multi-utility corridor from being built within the town of Dover-Foxcroft as opposed to a land use ordinance.

Selectman D'Agostino asked what the members felt was a good arrangement for the attorneys to speak.

Chairman Egerly noted that there is a moratorium in place prohibiting such development. Town Manager, Jack Clukey, added that the moratorium could be extended as work has been progressing on the update of the comprehensive plan.

It was agreed to move ahead with asking the attorneys to discuss the ordinance.

#### E. Tax Acquired Properties

The Board reviewed a list that shows tax acquired properties categorized in terms of properties ready to be put out to bid, properties to consider for a dangerous building action and those that are tax acquired but with an opportunity for re-purchase by the former owner. Town Manager, Jack Clukey, explained the bidding process. Connie Sands, Code Enforcement Officer was present to discuss the dangerous buildings on the list. The Board discussed what the procedure would be for dangerous buildings and agreed to begin the process.

#### F. Budget Advisory Committee Appointments

##### **Resolution #142-022315**

***MOTION: Freeman Cyr, seconded: Conroy, and voted unanimously (6-0) to appoint the following to the Budget Advisory Committee: Erin Cabot with a term to expire June 30, 2016, and Kimberly Cavanagh, Sean Letarte, and Bradley Martin with terms to expire June 30, 2017. Motion passed.***

#### G. FY 2014-2015 Proposed Budget

The Board received a copy of the 2015-2016 proposed budget. The Town Manager said that the first pages provide a summary. He said that as noted in the summary, the difference in the amount to raise from last year is \$35,212.08 or 1.56% and expects the change in the mil rate based on the proposed municipal budget would be just less than 1% (.98%).

The Town Manager discussed the yearly decrease in revenue sharing and its effect on the municipal budget.

The Board discussed the road budget. The Town Manager said that the amount received from the State for local road assistance has been decreasing and the town has not voted to put funds into the road budget in order to do the necessary road maintenance and upgrades

that are needed. Chairman Ederly asked at what point the town will have to propose a warrant article for a bond to necessary road improvements.

The budget for capital equipment was also discussed. Chairman Ederly said that as long as the town is purchasing used equipment, parts are in constant need of replacement or repair.

The Town Manager said that he would invite Senator Paul Davis and Representative Norm Higgins to a Board of Selectmen Meeting in March to discuss legislative issues.

#### H. Town Manager's Report

Town Manager, Jack Clukey, gave the following report:

Time Warner Cable submitted a proposal for a franchise agreement. The proposal largely represents the status quo. The next step is for the town to respond with its own renewal proposal to Time Warner Cable. Members of the Board discussed needs such as high speed internet and extension of service.

There is a working group on the food cupboard issue. A meeting was held on Thursday, January 29<sup>th</sup> and another scheduled for Tuesday, February 10<sup>th</sup>. A copy of the minutes from the meeting on the 29<sup>th</sup> is enclosed in Correspondence.

The MDOT will have a regional meeting in Dover-Foxcroft on Thursday, February 26<sup>th</sup> from 2-4 pm and another meeting from 6-8 pm. The meeting is to gather input on regional long-term transportation improvement needs.

The town held a tabletop exercise on Friday, February 6<sup>th</sup> to discuss procedure with regards to monitoring and responding to a hazard situation involving our flood control dams. The town has flood control dams at Snow's Pond, off Weston Road, and below Foxcroft Academy.

Chris Winstead was named as the new Executive Director for the Piscataquis County Economic Development Council this past week. Chris worked as a member of Congressman Mike Michaud's staff since 2011, and will begin his work with PCEDC on February 17<sup>th</sup>.

On Wednesday, February 18<sup>th</sup> and Thursday, February 19<sup>th</sup>, there were legislative hearings on various parts of the State budget proposal. Taxation and Appropriations Committee members anticipate several weeks or months of discussions on the final budget proposal.

Given the proposal to increase the homestead exemption for those over age 65 and the potential for this to become effective as of April 1, 2015, we have sent out letters asking anyone over the age of 65 as of April 1, 2015, who currently receives a homestead exemption, to notify the town office so our records can reflect the potential change. A copy of the letter is enclosed.

## **X. CORRESPONDENCE**

- Minutes of the Food Cupboard Meeting 01/29/15
- Press Release: PCEDC Executive Director
- RSU 68 Board of Directors Meeting 2/3/15
- Homestead Exemption Letter

**XI. CLOSING REMARKS** (If necessary and time permitting)

**XII. EXECUTIVE SESSION**

Abatement Application Inability to Pay

**Resolution #143-022315**

**MOTION: D’Agostino, seconded: Conroy, and voted unanimously (6-0) to go into Executive Session per 36 MRS §841(2)(e) to discuss an abatement application due to inability to pay. Motion passed.**

**Resolution #144-022315**

**MOTION: D’Agostino, seconded: Conroy, and voted unanimously (6-0) to come out of Executive Session. Motion passed.**

**XIII. ADJOURN**

**Resolution #142-022315**

**MOTION: Conroy, seconded: Freeman Cyr, and voted unanimously (6-0) to adjourn. 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

\_\_\_\_\_  
Stephen G. Grammont

\_\_\_\_\_  
Scott A. Taylor

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W. Ernie Thomas