

**BOARD OF SELECTMEN  
TOWN OF DOVER-FOXCROFT  
MONDAY, MARCH 9, 2015~ 6:30 PM  
DOVER-FOXCROFT MUNICIPAL BUILDING  
MEETING ROOM  
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, Stephen Grammont, Scott Taylor and W. Ernie Thomas.

Also present: Town Manager, Jack Clukey.

**II. CONSENT AGENDA**

Treasurer Warrants

1. Administrative Warrant #47
2. Wastewater Warrant #48
3. MCF Perp CareTrust Fund Warrant #49
4. Payroll Warrant #50

**Resolution #143-030915**

**MOTION: Freeman Cyr, seconded: Thomas, and voted unanimously (7-0) to approve the Consent Agenda. Motion passed.**

**III. APPROVAL OF MINUTES**

Board of Selectmen – February 23, 2015

**Resolution #144-030915**

**MOTION: Thomas, seconded: Conroy, to approve the minutes of the February 23, 2015 Board of Selectmen Meeting.**

Correction noted by Selectman D'Agostino: New Business, D. Community Bill of Rights Ordinance 2015-discussion. Page 4, Paragraph 1:

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.

*Voted unanimously (7-0). Motion passed.*

**IV. QUITCLAIM DEEDS**

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

**VI. OPEN SESSION**

- A. Public Hearing
- B. Open Session – Public
- C. Open Session – Board of Selectmen
- D. Adjustments to the Agenda  
New Business, D. Municipal Officer’s Notice of Public Hearing

**VII. COMMITTEE REPORTS**

Wastewater/Public Works, 030415- Town Manager, Jack Clukey, reported that the committee reviewed the wastewater abatement requests and public works truck bids that are included in New Business on the agenda.

**VIII. UNFINISHED BUSINESS**

- A. Shoreland Zoning Ordinance  
Town Manager, Jack Clukey, noted that the planning board held a public hearing on the proposed changes to the Shoreland Zoning Ordinance on March 5<sup>th</sup> and recommends that the amendments are brought forward to the voters on the June referendum ballot.

***Resolution #145-030915***

***MOTION: D’Agostino, seconded: Conroy, and voted unanimously (7-0) to include the proposed amendments to the Shoreland Zoning Ordinance on the June 9, 2015 Town of Dover-Foxcroft Referendum Ballot. Motion passed.***

- B. Community Bill of Rights

The Town Manager referred to a follow up letter from Town Attorney Jon Pottle regarding the telephone conversation with CEDLF Attorneys Thomas Linzey and Lynne Williams. Attorney Pottle continues to maintain his initial opinion stated in his letter of February 23rd.

Selectman D’Agostino noted that in Attorney Pottle’s letter of March 6, 2015, he indicates in error that the community bill of rights document originated with the Board of Selectmen. The Town Manager said he would clarify this statement with Attorney Pottle and thought that Attorney Pottle characterized the document as originating with the Board because it was not brought forward as a citizen’s initiative in the form of a petition.

Chairman Edgerly said that the town’s attorney noted that significant legal issues are raised within the proposed ordinance, and asked if the group intended to move forward with the proposed ordinance as written or if the group planned on presenting a revised document.

Vice Chairman Freeman Cyr suggested to table the issue as deadlines could not be met for the June Referendum.

**Resolution #146-030915**

**MOTION: Freeman Cyr, seconded: Conroy, and voted unanimously (7-0) to table the Community Bill of Rights Ordinance. Motion passed.**

**IX. NEW BUSINESS**

**A. Public Works Truck Bids**

The Board reviewed a bid tabulation for a new public works truck. The Town Manager noted that the public works committee reviewed the bids and recommends that the town accept the bid from Prouty Ford for \$32,911 for the 2016 Ford and 9' Fisher Plow.

**Resolution #147-030915**

**MOTION: Freeman Cyr, seconded: Conroy, and voted unanimously (7-0) to approve the recommendation of the public works committee and award the bid to Prouty Ford for a 2015 model Ford with a 9' Fisher Plow. Motion passed.**

**B. Airport Manager Appointment**

The Town Manager said that Steve Arno has volunteered to serve as Airport Manager for an interim period until another candidate comes forward.

**Resolution #148-030915**

**MOTION: Freeman Cyr, seconded: Thomas, and voted unanimously (7-0) to appoint Stephen Arno as Airport Manager for the Town of Dover-Foxcroft with a term to expire June 30, 2015. Motion passed.**

**C. Wastewater Abatements**

Town Manager, Jack Clukey, referred to a spreadsheet listing wastewater abatement requests. He said the wastewater committee met and reviewed the abatement requests and has made recommendations as listed on the spreadsheet.

**Resolution #149-030915**

**MOTION: Freeman Cyr, seconded: D'Agostino, and voted unanimously (7-0) to approve the recommendations of the wastewater committee for the applications as listed. Motion passed.**

**D. Municipal Officer's Notice of Public Hearing**

**Resolution #150-030915**

**MOTION: D'Agostino, seconded: Grammont, and voted unanimously (7-0) to sign the Municipal Officer's Notice of Public Hearing for April 1, 2015 at 6:30 PM to hear public comment on the proposed 2015-2016 proposed municipal budget. Motion passed.**

E. Town Manager's Report

Town Manager, Jack Clukey, gave the following report:

The demolition of the trading barn is to begin tomorrow.

Town Manager, Jack Clukey, reported that he participated in a conference call this week with the developer, his consultant on the hydro (Kleinschmidt), and regulatory agencies including US Fish & Wildlife, NOAA, and FERC. The developer is applying for a grant through USDA that will go into the renewable energy aspects of the project including the hydro facility. The goal is to meet timelines for funds to be available and work to be complete on these items in 2015.

The MDOT will hold their regional meeting to discuss priority transportation improvements on Wednesday, March 18<sup>th</sup> at the Penquis Higher Education Center from 2-4 PM and again from 6-8 PM. The Board discussed and agreed on priority improvements for the town and agreed having a representative from the Board attend the meeting.

The budget advisory committee meetings have been set for Thursday evenings for the remainder of the month. Please mark your calendars for Thursday, March 26<sup>th</sup> for the joint meeting between the budget advisory committee and the Board of Selectmen. An updated meeting schedule is enclosed in Correspondence.

The request for bids for tax acquired property are being advertised this week and are due April 6<sup>th</sup> at 12:00 Noon.

Due to some additional notification requirements pertaining to dangerous buildings, we are anticipating a hearing date of April 13<sup>th</sup>.

Senator Paul Davis and Representative Norman Higgins will both be present at the March 23<sup>rd</sup> meeting to talk and answer questions regarding the current legislative session.

The school board will hold a budget meeting on Tuesday, March 24<sup>th</sup> at 6:30 PM.

**X. CORRESPONDENCE**

- MDOT Public Input Meeting Schedule
- Budget Advisory Committee Meeting Schedule by Department

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

George McKay asked for a copy of Attorney Pottle's letter of March 6, 2015 regarding the community bill of rights ordinance process. Mr. McKay asked for clarification of Chairman Edgerly's comment on the proposed ordinance having legal issues or being unconstitutional. Chairman Edgerly said that his concern is that the proposed ordinance seems to conflict with State or Federal laws. Mr. McKay said that the purpose of the proposed ordinance is to prohibit certain types of development by corporations and a moratorium, voted by the people, is currently in place. He said that that the bill of rights ordinance will be proposed to replace the moratorium ordinance prohibiting such development.

Lesly Fernow said that the town attorney does not understand that proposed as a land use ordinance, corporations have more rights than the people. Dr. Fernow said that if the ordinance is proposed as a civil rights ordinance, the nature of the ordinance allows the people the ability to change laws prohibiting certain corporations and governments from acquiring land for certain types of development.

Vice Chairman Freeman Cyr said that there is a concern for a dangerous structure on Dyer Road. Selectman Taylor said that the trailer is in the process of being removed.

**XII. EXECUTIVE SESSION**

**XIII. ADJOURN**

*Resolution #150-030915*

*MOTION: D'Agostino, seconded: Grammont, and voted unanimously (7-0) to adjourn at 7:20 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