

**BOARD OF SELECTMEN
TOWN OF DOVER-FOXCROFT
MONDAY, SEPTEMBER 14, 2015 ~ 6:30 PM
DOVER-FOXCROFT MUNICIPAL BUILDING
MEETING ROOM
MINUTES**

I. OPEN MEETING

A. Opening Ceremonies

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

B. Roll Call

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

Also present: Town Manager, Jack Clukey.

II. CONSENT AGENDA

1. Payroll Warrant #10, #12
2. WW Projects Warrant #11
3. Maine Community Foundation Warrant #13
4. Wastewater Warrant #14, #17(PY)
5. Administrative Warrant #15, #16(PY)

Resolution #051-091415

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

III. APPROVAL OF MINUTES

A. Board of Selectmen Regular Meeting –August 17, 2015

Resolution #052-091415

MOTION: Conroy, seconded: Freeman Cyr, and voted unanimously (6-0) to approve the minutes of the Regular Board of Selectmen meeting of August 17, 2015. Motion passed.

B. Board of Selectmen Special Meeting – September 8, 2015

Resolution #053-091415

MOTION: D'Agostino, seconded: Conroy, and voted unanimously (6-0) to approve the minutes of the Special Board of Selectmen meeting of September 8, 2015. Motion passed.

IV. QUITCLAIM DEEDS

V. BOARD OF ASSESSORS/MUNICIPAL OFFICERS

VI. OPEN SESSION

A. Public Hearings

B. Open Session – Public

Sidney Mitchell requested a special town meeting referendum election on December 12th for the Community Bill of Rights Ordinance – 2015. She said it would give three months for the community to familiarize themselves with the context of the ordinance. She said that although the Board didn't approve placing the ordinance on the November Ballot at the last meeting, the Board should consider that more than 300 people signed the petition to put the ordinance to a vote which is over 250% of the required amount of signatures. She said that people across the State are writing similar ordinances, she is trying to set a precedent with this ordinance, and that the Board has a duty to listen to what the people want.

Sidney Mitchell asked that the Board place this request on the agenda under New Business and that the town make meeting space available so that the group can hold meetings to educate the public on the ordinance.

Chairman Edgerly asked Sidney Mitchell if she is presenting the Board with the same ordinance as written that was voted on at the last meeting.

Sidney Mitchell said that this is the same ordinance.

Selectman Taylor asked if the signers of the petition were able to read the ordinance at the time of signing.

Sidney Mitchell said that the proposed ordinance was available to those signing the petition but she can't say for sure who read the proposed ordinance at the time of signing.

Chairman Edgerly said that according to legal counsel, the proposed ordinance as written is unenforceable and that the Board has done its duty in considering it for a town meeting vote.

Sidney Mitchell said that the Board was not in the position to determine the legality of the ordinance and that the lawyers who gave their opinions were not experts on this type of ordinance. She said she was surprised that Attorney Williams agreed that the proposed ordinance had legal issues such as sections being unconstitutional or unenforceable.

Selectman Grammont said that the Board has a legal obligation to adhere to the advice that was given by the attorneys hired to advise the Board on the proposed ordinance and doesn't feel that there is room for an alternate interpretation.

Sidney Mitchell said a Board of Selectmen meeting was not the proper venue to determine whether the proposed ordinance was constitutional. She said the next step in the process would be to file a court action against the town to require that the ordinance be put on the ballot for November.

Regarding Sidney Mitchell's request to use space at the municipal building, Selectman Conroy asked if the group had done so before or if there had been any problems in being able to use space for meetings. Sidney Mitchell said that the group has met at the municipal building before and there haven't been issues, but she thought she would ask on behalf of the group.

Carol Boothroyd said that the Board has no authority to determine the legality of the ordinance and that the legality should only be determined in court.

Chairman Edgerly said that the Board wasn't trying to determine the legality of the ordinance but to follow the guidance provided by the attorneys which is what they were asked to do.

Paul Matulis asked for a progress update on repairs to Route 7 near High Street. Town Manager Clukey said he would check on the status.

-Open Session: Chris Winstead (taken out of order)

Chris Winstead, Executive Director of PCEDC, was introduced. Mr. Winstead gave a brief description of his background and the type of work he has done in the past. He said his goal is for growth of business in Piscataquis County. He said he is available as a resource for economic development projects, to assist with CDBG program applications, and to provide support. He said Georgia Underwood recently joined the PCEDC staff and that he looks forward to working with the town.

C. Open Session – Board of Selectmen

Vice Chairman Freeman Cyr expressed appreciation for the Recorder/Clerk in keeping the meeting minutes.

D. Adjustments to the Agenda

Added by Vice Chairman Freeman Cyr:

New Business: A. Community Bill of Rights Ordinance

VII. COMMITTEE REPORTS

VIII. UNFINISHED BUSINESS

IX. NEW BUSINESS

A. Community Bill of Rights

Resolution #054-091415

MOTION: D'Agostino, seconded: Freeman Cyr, to hold a special town meeting on Saturday, December 12, 2015 to vote on the proposed Community Bill of Rights Ordinance – 2015.

Selectman Taylor asked how the process of petitioning a notary is different than the request being made to hold a special town meeting after the Board has voted against it. It was discussed that petitioning a notary would be an alternative method for a citizen's initiative and that the town would incur the costs of holding the special election if it chose to call one. Town Manager, Jack Clukey, said that another alternative would be for someone on behalf of the group to file an action in court asking the court to compel the Board to place the issue on a ballot.

Selectman D'Agostino talked about the vote at the last meeting to form an ad hoc committee with the citizens bill of rights group to work on a land use ordinance to prohibit corridors such as the east-west highway.

Vice Chairman Freeman Cyr asked Sidney Mitchell if holding a special town meeting in December was the will of the CBOR committee.

Sidney Mitchell said that it was her understanding that once the petition is submitted to the Board, it is anyone's right to do what she is doing. Sidney Mitchell also noted that the vote at the last meeting to work with the CBOR committee and Lynn Williams on writing a land use ordinance was not necessarily the will of the group.

Vote: (2-4) Motion Failed.

B. Town of Dover-Foxcroft Ordinance to Clarify and Establish the Appointment of Deputy Municipal Officials

Town Manager, Jack Clukey, referred to discussion with the administrative committee regarding an ordinance that clarifies the appointment of deputy officials. He gave the example of an instance of a person needing a building permit when the code enforcement officer is unavailable. He said another concern is the continuity of services if a position is vacant for a period of time. Board members discussed the proposed ordinance.

C. Special Town Meeting Warrant

Town Manager, Jack Clukey, reviewed the proposed warrant articles for the special town meeting referendum for the November Election as follows:

Article 2 pertains to the Town's participation in the Community Based Renewable Energy Pilot Program for energy production at the mill using solar and hydroelectric power. The State has re-opened the program through the PUC and will accept applications this fall. The application requires a vote or a resolution of support from the town's legislative body.

Article 3 is the Town of Dover-Foxcroft Ordinance to Clarify and Establish the Appointment of Deputy Municipal Officials.

Article 4 is authorization to refinance the remaining wastewater debt financed by the USDA now eligible to be refinanced by the Maine Municipal Bond Bank SRF Program. The amount to refinance is \$1,361,084.54 and will reduce the current interest rate of 2.5% to an expected rate of 1% or less.

Selectman Grammont brought attention to adjusting language in Article 4 that would clearly explain the benefits of a lower interest rate.

Resolution #055-091415

MOTION: D'Agostino, seconded: Conroy, and voted unanimously (6-0) to sign the Town of Dover-Foxcroft Special Town Meeting Warrant for November 3, 2015. Motion passed.

**D. Order of Municipal Officers – Public Hearing Special Town Meeting Referendum Ballot
*Resolution #056-091415***

MOTION: D'Agostino, seconded: Taylor, and voted unanimously (6-0) to sign the Order of Municipal Officers Notice of Public Hearing for October 12, 2015 Re: Special Town Meeting Referendum Election Ballot November 3, 2015. Motion passed.

E. Municipal Officer's Certification of Official Text of Proposed Ordinance

Resolution #057-091415

MOTION: D'Agostino, seconded: Taylor, and voted unanimously (6-0) to sign the Municipal Officer's Certification of Official Text for the proposed Ordinance entitled, "Town of Dover-Foxcroft Ordinance to Clarify and Establish the Appointment of Deputy Municipal Officials". Motion passed.

F. Planning Board Appointments

Town Manager, Jack Clukey, noted that there are two vacant seats on the planning board. He said that three residents have expressed a willingness to serve on the planning board: Lisa Laser, Peter Robinson, and Scott Wellman. The Board discussed which candidates would be most appropriate to appoint to the planning board.

Resolution #058-091415

MOTION: D'Agostino, seconded: Conroy, and voted (5-1) to appoint Lisa Laser to the planning board with a term to expire June 30, 2018. Motion passed.

Resolution #059-091415

MOTION: Grammont seconded: D'Agostino, and voted (5-1) to appoint Scott Wellman to the planning board with a term to expire June 30, 2018. Motion passed.

G. Town Manager's Report

Town Manager Clukey reported the following:

A public hearing will be held on the County Bond proposal for a new sheriff's office. This meeting will be on Thursday, September 24th in the municipal building meeting room at 6:00 PM.

The comprehensive planning committee will meet to begin its Phase II work on Wednesday, September 23rd at 6:30 PM.

The moratorium ordinance pertaining to transportation and utility corridors runs through December 4th. He said that because the committee is continuing to work on the update of the comprehensive plan, there is a necessity to extend the moratorium for at least an additional 180 days. He said a public hearing could be planned for November 23rd for extending the moratorium.

David Iverson of Exeter is our new part time assistant to Connie Sands in Code Enforcement.

"Residential Waste Free Day" at the solid waste center will be held on Saturday, October 10th. Limit per person/per permit as follows: Passenger tires less than 20" (4 tire limit no rims), Stuffed Furniture (2 piece limit), TV's / Computer Monitors (CRT's) – (limit 2), Excludes paint (Regular charges remain in effect for paint).

X. CORRESPONDENCE

- MRC Newsletter, July 2015
- RSU No. 68 Board of Directors Meeting Minutes, 090115

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

Selectman D’Agostino and Selectman Conroy initiated discussed meeting with the Citizens Bill of Rights group to pursue an ordinance with the purpose of prohibiting corridors such as the proposed east-west highway. It was noted that the group has not met since prior to the last Board of Selectmen meeting and they typically meet every other Sunday.

Selectman Conroy talked about yard sale enforcement issues with a resident that is having continuous yard sales.

XII. EXECUTIVE SESSION

XIII. ADJOURN

Resolution #060-091415

MOTION: D’Agostino, seconded: Taylor, and voted unanimously (6-0) to adjourn at 8:00 PM. Motion passed.

Respectfully submitted,
Town of Dover-Foxcroft Board of Selectmen

Elwood E. Edgerly, Chairman

Jane K. Conroy

Cynthia Freeman Cyr, Vice Chairman

Gail D’Agostino

Stephen G. Grammont

Scott A. Taylor

W. Ernie Thomas