

**BOARD OF SELECTMEN  
TOWN OF DOVER-FOXCROFT  
MONDAY, NOVEMBER 23, 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, Scott Taylor, and W. Ernie Thomas. Late: Stephen Grammont. Also present: Town Manager, Jack Clukey.

**II. CONSENT AGENDA**

**A. Treasurer's Warrants**

1. Payroll Warrant #25, #29
2. Administrative Warrant #26, #30
3. Wastewater Warrant #27
4. Trust Funds/Perp. Care Warrant #28
5. Gen Fund/WW Warrant #M-08-15

**B. Cemetery Conveyance**

Mayhew, Pranee and Weston, Rural Grove – New Section, Lot 66B, 3 spaces

***Resolution #088-112315***

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

**III. APPROVAL OF MINUTES**

Board of Selectmen Regular Meeting –October 26, 2015

***Resolution #089-112315***

***MOTION: Thomas, seconded: Conroy, and voted unanimously (6-0) to approve the minutes of the Regular Board of Selectmen meeting of October 26, 2015. Motion passed.***

**IV. QUITCLAIM DEEDS**

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

## **VI. OPEN SESSION**

### **A. Public Hearings**

#### **Extension of Moratorium Ordinance Regarding Private Distribution Corridors to Include Paved Highways, Pipelines, and High Tension Transmission Lines**

Chairman Edgerly opened the hearing at 6:35 PM. Town Manager, Jack Clukey said that this would be the third 180 day extension of the Moratorium Ordinance to expire on December 4, 2015. He said that the comprehensive planning committee continues its work on addressing the possible location of a proposed corridor in Dover-Foxcroft. The hearing closed at 6:40 PM.

### **B. Open Session – Public**

Representative Norman Higgins made reference to the town passing the vote for community based renewable energy. He said that he has been in contact with the utilities commission and shared information on the grant application, and expects to know if the project has been approved by December 31<sup>st</sup>.

Representative Higgins gave a report on Charleston Correctional Facility. He said that there have been public meetings on the transitions happening at the facility due to the low youth population and the need to repurpose the facility rather than close it. Mr. Higgins and the Board discussed the new programs at the facility that include a 19 bed assisted living program for the elderly and infirmed as well adult programs for sex offenders and drug treatment that can assist as many as 165 people.

It was discussed that the services provided in the community by the facility will continue with the possibility of expanded services due to the increased adult population that possess a higher level of skills.

When asked how existing staff will be retrained, Mr. Higgins referred the Board to the Department of Corrections for specific details of how staff members who were working with the youth population will now be working in assisted living, sex offender, and drug treatment programs.

Vice Chairman Freeman Cyr said that the Board and the public were not adequately notified of the meetings about the changes. She said that this had also been the case with a recent meeting with the Commissioner of DHHS. Representative Higgins said that there had been a resolve passed by the Legislative that the Commissioner of DHHS should convene a public meeting in Piscataquis County to hear concerns from residents. He noted that the Legislature passed the resolve, the Governor vetoed the resolve, and the Legislature overrode the veto. The meeting with the DHHS Commissioner took place in October.

Representative Higgins also spoke of high speed internet and broadband grant programs that are available. He said that he has had a meeting with three members of the Connect Maine staff and was told that Connect Maine will be sending out RFPs for funding to municipalities to try and move communities into a deep planning stage. Rep. Higgins encouraged the Board to begin conversations about high speed internet and broadband as he is starting to see some projects develop. He offered to have a representative give an overview to the Board to explore opportunities in broadband and high speed internet for the town.

Rep. Higgins said he went to the Legislature to eliminate the tax on the 3-ring binder program and that the Governor signed the bill for a 30% discount that will hopefully

stimulate the program. He said it makes sense for the town to become more knowledgeable as far as the 3-ring binder program.

Dr. Lesly Fernow of the Citizens Bill of Rights (CBOR) Group thanked the Board on behalf of the group for the work they have been doing in trying to figure out the right way to handle the proposed CBOR. Dr. Fernow said that the group has also been working hard to meet the expectations of the petitioners who signed the petition to be able to vote on the proposed ordinance and the Board denied the opportunity for a vote. Dr. Fernow referred to the Board's resolution to work with the group to write an ordinance that would be acceptable to both the CBOR group and the Board of Selectmen. She asked for an opportunity to have a meeting with the Board to talk about the ordinance and determine language that would be acceptable to the petitioners.

C. Open Session – Board of Selectmen

D. Adjustments to the Agenda

Added: Executive Session – Economic Development; New Business: K. Meeting with Community Bill of Rights Committee

## **VII. COMMITTEE REPORTS**

Promotion & Development 11/02 – Town Manager, Jack Clukey reported that the committee discussed municipal broadband opportunities and the ongoing effort to renew the CATV Franchise.

Recreation 11/04 – Town Manager, Jack Clukey reported that the committee talked about a recent discussion with Rod Willey, Executive Director of the YMCA and Tim Smith, Foxcroft Youth Sports and Athletic Director of Foxcroft Academy regarding recreation for all ages.

## **VIII. UNFINISHED BUSINESS**

## **IX. NEW BUSINESS**

A. Resolution – Extension of Moratorium Ordinance Regarding Private Distribution Corridors to Include Paved Highways, Pipelines, and High Tension Transmission Lines

### ***Resolution #090-112315***

***MOTION: D'Agostino, seconded: Conroy, to approve and sign the Resolution for the Extension of the Moratorium Ordinance Regarding Private Distribution Corridors to Include Paved Highways, Pipelines, and High Tension Transmission Lines by an additional 180-day time period beginning on December 5, 2015 and ending on June 2, 2016.***

Chairman Edgerly asked how many times the moratorium can be renewed. Town Manager, Jack Clukey said that as long as the requirements for an extension are met, the moratorium can be renewed.

Selectman D'Agostino asked if the moratorium extension needs to be town initiated or if a group can come forward to ask for an extension. The Town Manager said that initially, the Board was made aware of a concern that the town's land use ordinance was not sufficient to address a proposed corridor being located in town, followed by a citizen's initiative petition for a moratorium on private distribution corridors (voted by a town referendum), but the Board ultimately makes the decision for the *extension* of a moratorium. The Town Manager said that citizens can speak at a public hearing as to why the moratorium should be extended. He gave an example of such a scenario being a disagreement regarding whether the work to address the issue is finished as a reasonable request for an extension.

***Voted unanimously (7-0), motion passed.***

B. Liquor License Renewal Application – The Nor'easter Restaurant/Seth Ostrosky  
***Resolution #091-112315***

***MOTION: Freeman Cyr, seconded: Taylor, and voted unanimously (7-0) to approve the liquor license renewal application for The Nor'easter Restaurant, 44 North Street, submitted by Seth Ostrosky. Motion passed.***

C. Automobile Graveyard Permit Renewal Application –

1. Racila

***Resolution #092-112315***

***MOTION: Conroy, seconded: D'Agostino, and voted unanimously (7-0) to approve the renewal application for Shawn Racila, Automobile Graveyard Permit #02-15-16 to expire on October 31, 2016. Motion passed.***

2. Scooters, Inc.

***Resolution #093-112315***

***MOTION: Taylor, seconded: D'Agostino, and voted unanimously (7-0) to approve the renewal application for Scooters, Inc., Automobile Graveyard Permit #01-15-16 to expire on October 31, 2016. Motion passed.***

D. Chadbourne Merrill Post No. 29 Bingo/Beano Game of Chance – 2016

***Resolution #094-112315***

***MOTION: Freeman Cyr, seconded: Thomas, and voted unanimously (7-0) to sign the 2016 blanket letter of approval for Chadbourne Merrill Post No. 29 License to Operate Bingo/Beano Game of Chance. Motion passed.***

E. Pole Permit Application CMP/Fairpoint Communications

***Resolution #095-112315***

***MOTION: Taylor, seconded: Conroy, and voted unanimously (7-0) to approve the pole permit application submitted by CMP and Fairpoint Communications for two poles located on the corner of Route 7 and Burrough Rd. Motion passed.***

F. Former Grant Lot Lease Renewal

Town Manager, Jack Clukey, noted that the lease renewal with Scott Lander is for a parcel at the former Grant Lot located on Landfill Road. The Board discussed whether there were any

issues regarding stipulations associated with the lease such as trucks idling on the property. Town Manager Clukey said he wasn't aware of any issues.

***Resolution #096-112315***

***MOTION: Conroy, seconded: Taylor, and voted unanimously (7-0) to authorize the lease agreement with Scott Lander for the property described on the parcel formerly known as the Grant Lot with a term to expire December 31, 2016. Motion passed.***

**G. License – Hilltop Manor**

The Board received a request from Hilltop Manor for a revocable license to allow structures, a gazebo and a sign, to remain in the town right-of-way on Essex Street. The Town Manager said that survey work done by Hilltop Manor revealed that the structures were in the right-of-way. He also said that the Town's Attorney has reviewed the license and since there is no issue with the town's ability to maintain Essex Street with the structures in their current location, the Board is being asked to consider authorizing the license agreement.

***Resolution #097-112315***

***MOTION: Conroy, seconded: D'Agostino, and voted unanimously (7-0) to authorize Town Manager, Jack Clukey, to sign the license agreement with Hilltop Manor allowing the structures to remain in the Essex Street right-of-way. Motion passed.***

**H. Tax Acquired Property Bids**

The Board received a bid tabulation of the tax acquired properties for review. Town Manager, Jack Clukey said that of the five properties advertised for sale by bid, the town received bids on four of the properties. He also noted that he requests the bidders to note the proposed use of the properties for consideration if equal bids are received. It was also noted that past due taxes and utilities owed are written off as uncollectable.

***Resolution #098-112315***

***MOTION: D'Agostino, seconded: Taylor, to award the bid for Dwelley Ave., 037-020 to Nathan Landry for \$1,500.00.***

Town Manager Clukey said that since Mr. Landry listed the proposed use for visiting family members to park a camper in summer months, he will make note to Mr. Landry of the length of time it is permissible for visitors to park a camper on a property. Vice Chairman Freeman Cyr asked that since there is not a big difference in the bid amount, if the Board would consider it an advantage in terms of collection of utilities and property tax, to sell to the next highest bidder. The Town Manager said that the proposed use noted in the bid is not viewed as a commitment because the property owner can change how the property is used. Chairman Edgerly said that it should be looked into as to whether it is a conforming or non-conforming lot.

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

***Resolution #099-112315***

***MOTION: Freeman Cyr, seconded: Conroy, to award the bid for 61 Lancaster Ave., 037-027 to Kevin Davis in the amount of \$4,000.00.***

Town Manager Clukey said that it can be stipulated that the existing trailer on the lot, which he did not believe is in livable condition, can be removed as Mr. Davis has said that his plan is to use the lot as residential property and is willing to remove the trailer.

**Resolution #100-112315**

**MOTION: D'Agostino, seconded: Conroy, and voted unanimously (7-0), to amend the previous motion to include "with the stipulation of removal of the existing trailer by June 1, 2016." Motion passed.**

**Vote on original motion as amended, (7-0), Motion passed.**

**Resolution #101-112315**

**MOTION: Conroy, seconded: Thomas, and voted unanimously (7-0) to award the bid for property off Essex Street, 034-018, to Scott Walton in the amount of \$1,000.00, Motion passed.**

**Resolution #102-112315**

**MOTION: D'Agostino, seconded: Freeman Cyr, and voted unanimously (7-0) to award the bid for 533 Essex Street, 034-017, to Scott Walton in the amount of \$1,000.00, Motion passed.**

I. Carry Forward Designated Balances to 2015-2016

**Resolution #103-112315**

**MOTION: Freeman Cyr, seconded: Conroy, and voted unanimously (7-0) to sign the audited 2014-2015 designated balances to carry forward into 2015-2016. Motion passed.**

J. Municipal Review Committee Election Ballot

The Board received the election ballot for the MRC Board of Directors with biographical descriptions of the candidates. The Town Manager said that he received a phone call from Barbara Veilleux and had a very informative, enthusiastic conversation, and also was contacted by Karen Fussell via email seeking the Town's support.

**Resolution #104-112315**

**MOTION: Freeman Cyr, seconded: Conroy, and voted unanimously (7-0) to cast its vote for Barbara Veilleux – Penobscot County, to serve on the Municipal Review Committee Board of Directors for the term of January 1, 2016 to December 31, 2018. Motion passed.**

K. Meeting with Community Bill of Rights Committee

The Board and CBOR group members discussed what would be the most productive format to have a meeting with the CBOR group and Board of Selectmen. Members of the Board discussed the agenda and whether there should be an Open Session. There was a consensus that the meeting would be a work session between the CBOR group and the Board of Selectmen, and that the CBOR group would make a presentation to the Board. It was agreed that there would be no Open Session on the agenda but one could be added if it was desired.

**Resolution #105-112315**

**MOTION: D'Agostino, seconded: Conroy, and voted unanimously (7-0) to call a Special Board of Selectmen Meeting on Monday, December 7, 2015 at 6:00 PM in the meeting**

*room for a presentation and work session with the Community Bill of Rights committee.  
Motion passed.*

L. Town Manager's Report

Town Manager, Jack Clukey, reported the following:

Public Works began adding on to the salt shed this week for extra storage for calcium and some equipment.

The comprehensive planning committee met on Wednesday, November 18<sup>th</sup> and discussed economy and transportation. The next meeting is on December 16<sup>th</sup> and will cover natural resources and the results of the exit poll survey conducted at the election regarding Visioning/Focusing on the Future.

He attended a public hearing in Hampden held by the Maine DEP regarding the MRC proposal for the Fiberight waste facility project.

Hometown holidays will be held on Saturday, December 5<sup>th</sup>. There will be various activities during the day and a parade at 5pm from Foxcroft Academy to the fire station.

The Town Manager noted that the final County Budget Meeting will be next Monday.

**X. CORRESPONDENCE**

-MRC, MRC Member Communities Bullet Points That Should be Directed to MRC Board Committee on the Fiberight Project Slated for Hampden, Maine, 11/11/15

-Referendum Election Results, November 3, 2015 State of Maine/Piscataquis County/Special Town Meeting, 11/03/15

-RSU No. 68 Board of Directors Meeting Minutes, 11/03/15

-MDOT, Re: D-F, Third Bridge, #3730, WIN 1873300, 11/10/15

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

The Town Manager said that the Congregational Church has sent a thank you note and \$250 as a donation to offset the costs of the paint striping done by the town in the church parking lot.

Selectman Grammont said the Pine Crest Board talked about seeking grant funds to make improvements to the parking lot at the Congregational Church. The Town Manager said he and Chris Winstead, Executive Director at PCEDC have talked about grant funding options.

George McKay said that with the existing moratorium, a permit to build a distribution corridor would not be allowed, but asked if a permit would be refused with the existing land use ordinance without the moratorium in place.

The Town Manager said that the land use ordinance does not specify requirements or speak to the construction of such a corridor, but the land use ordinance would fall back on the comprehensive plan. He also explained that such a permit would go before the planning board.

**XII. EXECUTIVE SESSION**

Economic Development

**Resolution #106-112315**

**MOTION: D’Agostino, seconded: Conroy, and voted unanimously (7-0) to go into Executive Session per 1 MRSA §405(6)(d) to discuss economic development. Motion passed.**

**Resolution #107-112315**

**MOTION: D’Agostino, seconded: Conroy, and voted unanimously (7-0) to come out of Executive Session. Motion passed.**

**Resolution #108-112315**

**MOTION: D’Agostino, seconded: Conroy, and voted unanimously (7-0) to authorize Town Manager, Jack Clukey, to enter into a lease agreement with Puritan Medical Products Company LLC for the use of the Town’s building (former Creative Apparel building) at Pine Crest Business Park. Motion passed.**

**XIII. ADJOURN**

**Resolution #109-112315**

**MOTION: D’Agostino, seconded: Conroy, and voted unanimously (7-0) 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

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Stephen G. Grammont

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Scott A. Taylor

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W. Ernie Thomas