

**COUNCIL MINUTES OF
MARCH 10, 2016**

COUNCIL PRESENT: Mike Blake, Fred Sherburne, Mark Robichaud, Ron Apel, Alan Wintle, Sharon Grant, Marcia Delaware

STAFF PRESENT: Shelley Watson, Kim Hughes, Marilyn Curtis, Mike Gudroe, Susan Page, Matt Connor, Kevin Wintle, Eric Campbell

The Invocation was led by **John Parola** followed by the Pledge of Allegiance.

RESOLUTION B2016-1 PRESENTATION OF THE BOSTON POST CANE

Mike Blake, Council Chair, read Resolution B2016-1 in honor of Russ Titus as the oldest male resident of Dexter. Mr. Titus was presented with a cane and a framed Resolution signed by the Council.

I. PUBLIC HEARING

1. Application for Victualer's License for Ken and Janice Spaulding doing business as Drooling Goat BBQ, 49 Maple Lane, St. Albans

Ken Spaulding introduced himself to the Council and residents and stated that he had already been selling his food at the Farmer's Market last season and it had been very well received. He would like to come back to Dexter this year but not associated with the Farmer's Market and would possibly like to add Friday to the schedule. Mr. Spaulding stated that he is already licensed with the State and insured and dedicated to selling good quality food to people in the area. **Sharon Grant** asked where Mr. Spaulding would be located and he replied that he might be located beside the old Fossa store or at the American Legion across from Bud's. **Ms. Grant** commented that she had had his food and it was very good. **Mr. Spaulding** stated that everything they do is Texas-style BBQ and that he has plans to add more items to his menu.

2. Resolution B2016-2 Authorization of Agreement with the Municipal Review Committee

Shelley Watson introduced **Cathy Conlow**, Bangor City Manager and Board Member for MRC and **Chip Reeves**, Director of Public Works for Bar Harbor and Board President for MRC. **Alan Wintle** asked what convinced Bangor to sign on with Fiberight and **Ms. Conlow** replied that she had been on the MRC Board for the last three years and had been looking at the deal from the inside. She asked her Public Works Director and the Attorney to look at it from a different perspective. With three separate reviews, the conclusion was that it did not make sense for Bangor to do anything different. There were questions with the contract language in the PERC agreement and in the meetings they were told that the agreement could be clarified but not negotiated. The deemed termination clause stated a guarantee of the average of the last two years of tonnage and if you fail to make that PERC would bill for the termination and in Bangor that could be as much as \$7,000,000. The agreement would make it difficult to consider future programs such as a pay as you throw or an organics program. The MRC deal actually does provide for those programs. The \$70 per ton, when you took some of the balance of the reserves that are held in trust by the MRC, would still leave a balance in reserve at the end of 15 years. Taking the same balance in reserve and applying it to the PERC deal would take Bangor out in 7 years. The deal boiled down a lot to money but also to the faith that Bangor's Council had in the staff of MRC. **Alan Wintle** asked if Bangor's Council had any discussion on Fiberight not being built yet and **Ms. Conlow** replied that they did and concluded that there was risk either way but less with Fiberight. **Marcia Delaware** commended all of the Board of MRC for the work they

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have done and for their commitment and assistance to all the Towns. **Ron Apel** asked Trampas King with the amount of trash that the Town has to supply is there an increase or a decrease in tonnage with recycling. **Mr. King** replied that 2008 was the highest year with 2009 dropping quite a bit with the economy. Currently it is back up to around the 2008 numbers. There is a business in Exeter that is increasing the volume but they are paying separately. As we come out of the recession, you start to see more waste. **Mr. Apel** stated that he understood Fiberight would be producing natural gas and that there is a gas line that runs between Searsport and Caribou and wondered if it is a viable line. **Chip Reeves** answered that there has been an inspection and the line meets the specs with the exception of one section that will be replaced. **Mr. Apel** asked if the natural gas would be sold at a competitive price and the reply was “yes”. **Fred Sherburne** asked how the agri-energy in Exeter figures into the agreement and how it might work. **Mr. King** replied that no steps had been taken as of yet to separate organics to send to Exeter and that it is difficult to find a way to get people to separate their food from their trash. He felt that it would be easier to get organic waste from places like Hannaford’s, the school, restaurants, etc. **Mr. Reeves** added that agri-energy was part of the PERC proposal and Bar Harbor looked at that portion of the agreement and it would require sort/separate of the organics and that pushed Bar Harbor towards the MRC agreement. **Ms. Delaware** stated that at the last MMSWA meeting the agri-energy people talked about a trial container for people who like to recycle their food waste. They will have to see what the response will be and we have until 2018 to establish a base tonnage so if we take some out we will still have a base figure. **Mr. Reeves** stated that Bar Harbor looked at the technology side and spent a lot of time focusing on how it all works. Besides the economical advantages, Bar Harbor felt it was the right thing to do because of focusing on the compostable portion of the trash. Also, Bar Harbor has been a member of MRC since it started and they appreciate the fact that a group of 187 Towns have been very successful in that type of union.

II. MINUTES

1. Approve/Amend Council Minutes of February 11, 2016

Motion: Fred Sherburne made a motion to approve the Minutes of February 11, 2016

Second: Ron Apel

Vote: 5 to 2 (Delaware, Blake abstain), motion passes

III. NOMINATIONS, APPOINTMENTS, & ELECTIONS

1. Approve/Sign Election Warrant for the School Referendum on April 12, 2016

Motion: Marcia Delaware made a motion to sign the Election Warrant for the School Referendum to be held on April 12, 2016

Second: Fred Sherburne

Vote: Unanimous in favor, motion passes

IV. UNFINISHED BUSINESS

1. Manager’s Report

Shelley Watson opened by congratulating Russ Titus for being Dexter’s oldest male resident and thanked his family for attending. She thanked **Cathy Conlow** and **Chip Reeves** for coming from Bangor and Bar Harbor to help explain the MRC agreement and also thanked Trampas King for attending. **Ms. Watson** stated that the planning for the Maine Red Hot Dog Festival is

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really coming along and it is looking like it is going to be a huge day for the Town. There will be an inflatable obstacle course, a bun run, a food eating contest, baking contest, music, and, of course, red hot dogs. She thanked all the volunteers who are working countless hours to make the festival happen. The budget process has begun with **Shelley** and **Marilyn** sitting down with Department Heads to discuss their needs, wants, and wishes. **Mike Gudroe** has been working on securing pricing and alternative solutions for the Town Hall heating system. He has been having an issue with getting the heat above 60 degrees downstairs and that is not acceptable with the seniors meeting for Meals for ME and all the other programs that go on there. **Mr. Gudore** hopes to have all the information available for next month's meeting so the Council can make a decision on spending the \$10,000 grant that the Town received. **Anita Colomy** received notice from the Dexter Shoe hearing for the State Board of Property Review and they set a date of May 16 and May 19. However, Dexter Shoe has requested an extension so the Town is not sure what the date will be for the meeting but hopefully the Town can meet with them and come up with a resolution before the meeting. In closing, **Ms. Watson** stated that once again spring is coming in Maine and the dreaded mud season is upon us and the phone in the Office has been ringing all day concerning different dirt roads in Town. She apologized for the inconvenience and said she hoped it would be a short mud season.

2. Departmental Reports

Marcia Delaware asked **Chief Wintle** about the JPMA training that comes out every four months and he replied that it is on-line training that is mandated. **Ms. Delaware** also commented on the Rec Department having a paint day and **Ms. Watson** explained that an artist comes and everyone sets up an easel and paints a picture. It was a good fundraiser for the Committee as they raised around \$500.

3. Order A2016-8 Victualer's License for Ken and Janice Spaulding doing business as Drooling Goat BBQ

BE IT ORDERED, that the Dexter Town Council hereby approves the Victualer's License for a lunch wagon for Ken and Janice Spaulding doing business as Drooling Goat BBQ .

Filed March 10, 2016
SHARON GRANT

Second: Ron Apel

Vote: Unanimous in favor, motion passes

4. Resolution B2016-2 Authorization of Agreement with the Municipal Review Committee
Authorizing Execution of Municipal Joinder Agreement with the Municipal Review Committee

RESOLVED, by the Town of Dexter that:

- (i) The Town of Dexter shall continue as a member of the Municipal Review Committee, Inc. ("MRC") organized as a Maine nonprofit corporation and acting as a regional association pursuant to Title 13-B and Title 38 of the Maine Revised Statutes, as

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amended (and specifically Section 1304-B (5-A) or Title 38 for the purposes of managing and facilitating solid waste disposal;

(ii) The Town of Dexter hereby adopts, ratifies and confirms the Restated Articles of Incorporation and the Restated Bylaws of the MRC in substantially the form on file with the Town Clerk and attached to this Resolution;

(iii) The Town Manager is hereby authorized to execute and deliver a Municipal Joinder Agreement with the MRC in substantially the form on file with the Town Clerk and attached to this Resolution (the "Municipal Joinder Agreement") pursuant to which the Town of Dexter will be a Joining Member of the MRC (as defined therein) and deliver its municipal solid waste for disposal to a waste management facility being developed by Fiberight, LLC and/or its affiliates (collectively, "Fiberight") in Hampden, Maine, or other waste disposal facility; and

(iv) The Town of Dexter hereby authorizes the MRC to take certain actions on behalf of the Town of Dexter as set forth in the Municipal Joinder Agreement.

**NOW, THEREFORE BE IT HEREBY VOTED AND
ORDERED BY THE TOWN OF DEXTER**

The Town Manager or his/her designee or designees is authorized as a representative of the Town of Dexter to execute and deliver the Municipal Joinder Agreement on behalf of the Town of Dexter and to execute and deliver on behalf of the Town of Dexter in conjunction therewith such other documents and to take such further actions as they may deem necessary or appropriate in order to effect the transactions contemplated by the Municipal Joinder Agreement.

Dated this 10th day of March 2016, in Dexter, Maine.

s/Michael Blake, Chairman

s/Fred Sherburne, Vice Chairman

s/Mark Robichaud, Councilor

s/Ron Apel, Councilor

s/Alan Wintle, Councilor

s/Sharon Grant, Councilor

s/Marcia Delaware, Councilor

Filed March 10, 2016
MARCIA DELAWARE

Second: Ron Apel

Vote: Unanimous in favor, motion passes

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V. NEW BUSINESS

1. Order A2016-9 Tax Payment Extension

BE IT ORDERED, that the Dexter Town Council, pursuant to Chapter 2, Administration; Article VII Sec. 2-192 of the Dexter Code of Ordinances, hereby extends until March 25, 2016, the time period for owners of record and lien holders to make full payment of the 2013 taxes and costs assessed against properties that have tax liens that matured on February 26, 2016. Municipal Quit Claim deeds will be issued at the April 14, 2016 meeting on properties that have satisfied full payment of the 2013 taxes.

Filed March 10, 2016

ALAN WINTLE

Second: Fred Sherburne

Marilyn Curtis stated that there are three payments sitting in the safe and two that were discussed last month that have been taken care of. She received a call yesterday from an attorney who is involved in one of the properties and there is a sale pending with a closing in two weeks so she asked for permission to accept that payment when it comes in. That leaves 13 accounts outstanding with no contact from the property owners. **Ron Apel** commented that several of the accounts were for only a couple of hundred dollars and asked if the accounts get a second notice. **Ms. Curtis** replied that there is a second notice before the liens are placed, they got a reminder notice in December, and they also get a third notice which goes out 30 days before the foreclosure date. **Sharon Grant** stated that she knows the Town extends the deadline every year but wondered if the additional 30 days made a difference. **Ms. Curtis** replied that several people had already called in saying that they knew they would get 30 more days and one payment was taken in the day after the deadline because they knew they would get more time. **Mike Blake** stated that there really should be a line in the sand but if there was no flexibility then the Town could be swimming in foreclosures so he thought the Town should do everything possible to work with those property owners that are viable.

Vote: Unanimous in favor, motion passes

2. Order A2016-10 Paving Bid Award

BE IT ORDERED, that the Dexter Town Council hereby accepts the bid submitted by B and B Paving for the paving contract for Silvers Mills Road, Zions Hill Road, and Airport Road in the amount of \$478,197.00 and for an expenditure of up to \$12,000 to hire a consultant for the paving project.

Filed March 10, 2016

FRED SHERBURNE

Second: Ron Apel

Alan Wintle commented that he had talked with someone in the paving business and that B and B comes highly recommended and thanked them for bidding on the project. **Ron Apel** stated that he was in favor of the idea of having a consultant and wanted to know if the Town had anyone in mind. **Shelley Watson** replied that she had spoken with someone from Kleinfelder and he quoted an estimate of \$88 per hour for a 12 hour day for about 10 days which comes to around \$10,666. He also recommended a class-one inspector to be the ticket taker at \$35 an hour but **Ms. Watson** did not feel that was necessary. **Jill Jones** asked if it was normal to hire a consultant to be there all the time. **Ms. Watson** replied that she had concerns about it also but

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when the Town is spending a half a million dollars it is money well spent to make sure that the Town is getting the quality of work that they have bid out.

Vote: Unanimous in favor, motion passes

3. Order A2016-11 Transfer of Money for New Shelves for the Safe

BE IT ORDERED, that the Dexter Town Council hereby approves the transfer of up to \$4,700.00 from Town Clerk Reserve Account #E130-05-511-07 for a new shelving system for the walk-in safe to be purchased from Dupont Storage Systems to Town Clerk Buildings Account #E102-07-507-05 .

Filed March 10, 2016

RON APEL

Second: Fred Sherburne

Kim Hughes explained that the Clerk Reserve Account currently has a balance of \$8,100 and that she reached out to three different companies for quotes on the shelves for the safe. One of the representatives did not respond until earlier in the day but submitted a quote around 4:45PM. That representative did not draw up a design but gave a quote of \$3,876.38 with a description.

Ms. Hughes stated that she talked with **Mike Gudroe** to make sure he was comfortable with the project and recommended going with Dupont Storage Systems with the quote for the shelves that could be received and installed by the Facilities Department. **Ms. Hughes** recommended going with Option 3 and adding four drawers for an additional \$170 bringing the quote up to \$4,405.00. She also asked for some additional money so that **Mike Gudroe** would have the funds to purchase paint and any other items he might need to complete the job. **Marcia Delaware** asked if there would be any problem drilling into the floor of the safe to install the floor system and **Mike Gudroe** replied that it is metal that can be drilled and tapped.

Vote: Unanimous in favor, motion passes

4. Order A2016-12 Record Restoration Account

BE IT ORDERED, that the Dexter Town Council hereby authorizes the Finance Officer to create Account # R116-01-403-02 for the deposit of money earned from the sale of CDs of restored Town Records with the proceeds rolling over each fiscal year to be used for the continuing restoration of records.

Filed March 10, 2016

MARK ROBICHAUD

Second: Marcia Delaware

Kim Hughes updated the Council on the CD project that was suggested by **Alan Wintle**. The Graphic Design Program at the Tech Center is designing covers for the three Town Record Books that have been restored and scanned. **Ms. Hughes** passed around suggestions for the three covers designed by Arielle Carlow and advised the Council that Department did not lose their equipment and will be able to print all of the covers for the project. However, the Tech Center did lose the equipment needed to duplicate the CDs so **Susan** and **Kim** have tested burning the CDs and will be able to duplicate them although it will be just one at a time which will make for a long process. **Ms. Hughes** recommended printing 100 of each volume with each CD costing the Town approximately \$1. She also suggested charging \$10 for a single CD and \$25 for the three-volume set. **Kim** and **Susan** plan to sell the CDs during the 4th of July

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celebration, during KIWANIS's Cruise-In, during the Maine Red Hot Dog Festival, and possibly during more Town events. If all 300 CDs sell, there would be almost enough profit to restore Town Record Book 4 which is dated 1871 to 1896. The Council agreed with the suggestions and voted to move the project forward.

Vote: Unanimous in favor, motion passes

5. Order A2016-13 Transfer of Funds from Dexter Civic Pride Fund

BE IT ORDERED, that the Dexter Town Council hereby authorizes the Finance Officer to transfer \$1,800.00 from the Dexter Civic Pride Fund #R11695-40095 to the Main Street Banner Account #E11696-51065.

Filed March 10, 2016

SHARON GRANT

Second: Marcia Delaware

Shelley Watson explained that the \$1800 was from the fund that the Town is receiving every year and she feels that it would be appropriate to put the money towards the Main Street Banner Account so the Town can make Main Street beautiful with the banners and hopefully new sidewalks and street lamps. She also is envisioning hanging baskets of flowers instead of the barrels that the Town has now so they will be more visible.

Vote: Unanimous in favor, motion passes

VI. PUBLIC FORUM

Mike Blake, Council Chair, moved a portion of the Public Forum to begin after the Public Hearing because there were so many of the Dunn Road residents in attendance. **Bill Lyons**, 250 Dunn Road, thanked the Council for hearing them and stated that he wanted to discuss repairs for that road. He stated that over the past couple of years he had talked with Public Works and the Town Manager about the issues to no avail. He stated that in the summer when the road has dried out someone comes down and drags but the road is nothing but fines and has no grade to it at all. He stated that he felt the Town Manager was putting the residents of the Dunn Road in harm's way by not allowing access for emergency services such as police, ambulances, and fire equipment. **Mr. Lyons** asked what the plans were for the road and then asked about the large increase that he saw in the Public Works budget for fiscal year 2016. **Ms. Watson** replied that it was a paving bond where the Town borrowed money for paving and culvert replacement. **Mr. Lyons** asked about gravel road repair and **Mr. Blake** stated that he understood since he lives on a gravel road and that this was one of the worst years that he had seen. **Mr. Lyons** stated that he knew that MDOT offers help to Towns and **Mr. Blake** said Dexter is actually working with MDOT but **Mr. Lyons** said he had not seen a road ranger on the Dunn road yet. **Alex Sidelinger**, 194 Dunn Road, just bought a house and this is his first year living in Dexter. He stated that he had the same frustrations that everyone else has such as weather and how to control what is happening but in talking with his neighbors, it seems the issue has gotten worse over the years. **Mr. Sidelinger** stated that he came to the Council and Police back in December about parking his car at the end of the road and he was told he could not do so and that his car would be towed. He took out a loan and bought a four-wheel drive and still cannot get in and out of the road. He continued by stating that he is the youngest resident on the road and fears for his neighbors because emergency equipment cannot get in. **Jamie Bard**, 3 Dunn Road, stated that

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her neighbors are parking in her driveway and walking. **Mr. Sidelinger** asked if there was anywhere a park and ride could be located to assist with the issues and he also added that he could not park in the municipal parking lot in Town because overnight parking is not permitted. **Bill Lyons** presented a letter to the Town Manager (ATTACHED) requesting that Dunn Road be repaired within five days due to the residents being in an emergency situation. The letter stated that the County Commissioner will be notified if nothing is done within the 5 days and **Mr. Lyons** showed that the letter had been signed by a majority of the residents on Dunn Road. **Ms. Bard** also mentioned that there was an issue where her trailer is located with a sewer smell and she now has 30 days to move her trailer so the land owner can dig up the lot. She stated that the issue is not with her location but with the Town of Dexter. **Mike Blake** suggested that she talk with the Utility District since it would not be a Town issue. **Dennis Hall**, 210 Dunn Road, stated he has lived there 45 years and the road is not in great shape and probably should have been worked on a few years ago. He is concerned with putting elderly people in jeopardy and losing a day at work creates an extra burden since a lot of people are living “close to the chest”. Currently his wife is staying with relatives so that she can get to work. He continued by saying that it is unfortunate that the residents are finding themselves in these situations and knows that we have been blindsided by the weather this year. **Mr. Hall** concluded by complimenting MMSWA with the great job they do and also that he appreciated the prayer that opened the meeting and asked for some relief on Dunn Road. **Eric Campbell**, Public Works Director, stated that in the past the mud has been graded to the side but there is still a lot of frost in the ground so doing that does not always improve the situation but the road is scheduled for some fabric and gravel this year. **Mr. Sidelinger** asked that cars not be towed if they were parked at the end of the road and it was decided that the residents could park beside the road temporarily unless there was a snowstorm and as long as emergency vehicles could get through.

Matt Connor asked the Council to remember the Ordinance that was passed to create a special account for the Fire Department. That Ordinance, to date, has brought the Fire Department over \$25,000 by billing non-taxpayers for accidents in Town. The money has helped with a matching grant from the Plummer Foundation and the Department has recently purchased a new Honda generator with some of the money and a dream for the Department would be to have 2 sets of turn-out gear. Recently a distributor came to the Department and sized up five people for the gear, so on next month’s Agenda, **Mr. Connor** will be requesting a transfer of money to buy that additional gear.

Marcia Delaware gave a thank you for getting the sign on the Police Station working again.

Shelley Watson stated that it was done by **Susan, Mike, and Ron**.

Fred Sherburne wanted to make people aware that the last dairy farm that has been shipping milk in Dexter burned last weekend and that it is the end of an era and in the 1930s there were six dairy processors in the Town.

Jill Jones asked what was going on with the beach area plans and **Shelley Watson** replied that there is a benefactor interested in helping the Town in upgrading the area. They came and looked at the area and there is a wish list for things like a new bathhouse, a recreation office, a day camp, swimming lessons, arts and crafts, volley ball, picnic tables, and BBQ pits. They seemed very receptive to the ideas and possibly would consider a trust fund for future programs and maybe even bussing for the kids and lunch programs through the school, but it is all speculation at this point.

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VIII. EXECUTIVE SESSION

1. Confidential Records Tabled Item #1 per 1 MRSA Sec 405 (6) (F)

NO ACTION NECESSARY

2. Confidential Records Tabled Item #2 per 1 MRSA Sec 405 (6) (F)

NO ACTION NECESSARY

Motion: Marcia Delaware made a motion to go into Executive Session for the Manager Evaluation per 1 MRSA Sec 405 (6) (A) at 8:30PM

Second: Ron Apel

Vote: Unanimous in favor, motion passes

Fred Sherburne stated that there was an issue that has a pending outcome with a police investigation that will have results soon. It has been suggested that the Manager's evaluation be postponed until the results of that investigation are known as it might have an influence on the evaluation. **Marcia Delaware** stated she did not see any correlation with that issue and if there was any proof or allegations it would be better discussed in Executive Session. **Alan Wintle** moved that the Council go to Executive Session to speak to the issues. **Sharon Grant** thought that the situation that was being talked about has been taken out of the Town's hands and the evaluation is different from that issue. **Mark Robichaud** agreed with **Sharon** and thought the Council should do the evaluation and **Ron Apel** also agreed that it was a separate issue that would be looked at next year.

3. Manager Evaluation per 1 MRSA Sec 405 (6) (A)

Motion: Fred Sherburne made a motion to come out of Executive Session at 9:05PM

Second: Sharon Grant

Vote: Unanimous in favor, motion passes

Motion to Adjourn at 9:06PM: Ron Apel

Second: Marcia Delaware

Vote: Unanimous in favor, motion passes

Respectfully Submitted,

Kim M. Hughes
Town Clerk