

Dexter Town of Council

Minutes from August 09, 2007 meeting

COUNCIL PRESENT: Roger Brawn, Fred Banks, Dean Thompson, Fred Sherburne, Rick Goodwin, Sherman Leighton and Juanita Taylor

STAFF PRESENT: Judy Doore, Shelley Watson, Mike Delaware, Marilyn Curtis, Andy Conway, Art Roy, Maurice Neal, Dave Pearson, Jana Wood and Hill Artman

The invocation was led by Maurice Neal, followed by the Pledge of Allegiance.

I. PUBLIC HEARING

1. Ordinance C2007-7 Amendment to Land Use Ordinance

Mr. Brawn commented that the abutting land owners were not notified of this change thus the action must be tabled.

Motion to table by Dean Thompson, second Fred Banks, unanimous in favor, so done.

Ms. Judith Gould asked about the junkyard fences. Ms. Doore answered that the Council sent the ordinance back to the Planning Board for review. Ms. Gould asked why. Ms. Doore stated there were unintended consequences for some businesses. Al Tempesta, PB Chairman stated that the fencing affected used car lots as it was written and would discourage business. Ms. Gould stated it was not fair. Mr. Crooker stated they had 30 days to appeal and now they hear the ordinance has been suspended. Mr. Tempesta stated the ordinance affected many more businesses than first thought, and requested the concerned citizens attend the planning board meeting when the ordinance is discussed. Mr. Crooker asked why they had to suffer. Ms. Gould was upset that no notice of this action was posted or letters sent to abutters as she was still surrounded by junk. Fred Banks assured Ms. Gould that her concerns were being addressed, but the restrictions were wider in scope than anticipated and many retail businesses were affected. Mr. Crooker commented that there is now a for sale sign on one of the cars on the Mechanic Street lot and he wondered if that would now be considered a retail business. Mr. Tempesta requested the citizens attend the September meeting of the planning board. Ms. Gould commented that would give the owners all winter as the ground would be too frozen to install fencing. Mr. Crooker requested that the ordinance exclude retailers. Mr. Tempesta commented that the wording must be incorporated into the ordinance to be enforced. Ms. Gould asked why people didn't read the papers and not ignore the 30 days given to stop an ordinance. Mr. Brawn stated that the Council has the power to pass or rescind an ordinance. Mr. Crooker asked if the person on Mechanic Street had asked for a variance. Ms. Gould requested the residents of Mechanic Street be notified of the Planning Board meeting that this would be discussed. Mr. Tempesta suggested those interested call the Code Enforcement Officer and leave a contact number. Mr. Crooker added that what happened was not right.

II. MINUTES

1. Approve/Amend Minutes of July 12, 2007

Motion to approve the minutes by Dean Thompson, second Fred Banks, all in favor, motion passes.

III. NOMINATIONS, APPOINTMENTS, & ELECTIONS

1. Order A2007-50 Appointment of Planning Board Member

BE IT ORDERED, that the Dexter Town Council hereby appoints Gayland **Bennett** to the Town of Dexter Planning Board for a term to expire December 31, 2009 due to the resignation of David Bailey.

Filed August 9, 2007

RICK GOODWIN

Second Sherman Leighton. Abstention by Roger Brawn due to real estate, 3-3 motion fails.

1. Order A2007-50 Appointment of Planning Board Member

BE IT ORDERED, that the Dexter Town Council hereby appoints **John Lawson** to the Town of Dexter Planning Board for a term to expire December 31, 2009 due to the resignation of David Bailey.

Motion by Dean Thompson, second Fred Banks. The vote was 4-2 (Leighton & Goodwin opposed) motion passes.

2. Order A2007-51 Appointment of SAD #46 Director

BE IT ORDERED, that the Dexter Town Council hereby appoints **Lois field** to the SAD #46 Board of Directors to fill the vacancy created by the resignation of Richard McInnis until the November 6, 2007 election.

Filed August 9, 2007

JUANITA TAYLOR

Second Rick Goodwin, unanimous in favor, motion passes.

VI. UNFINISHED BUSINESS

1. Manager's Report

Ms. Doore reported that all the new modules for the computer systems were up and running with our share of glitches and bugs. Ms. Doore thanked the staff for their patience and perseverance behind the scenes. Ms. Doore informed the council and public that the revaluation would begin soon with a whole army of people to hit the ground running. Ms. Doore stated the assessors would visit the police department to identify themselves so the public can call to make sure the request to enter is legitimate. Rick Goodwin asked if word had been put out to the public. Ms. Doore stated not yet but she would advertise as soon as they have registered with the police department. Dean Thompson asked if residents were required to give access to their property. Dave Pearson answered that they were not obligated to let them in but an estimate would be done and it was in the citizen's best interest to allow entry. Ms. Doore reported that the Wassoogag dam project would start 8/20 with a finish date of 11/15. Ms. Doore added that liquidation of damages in the amount of \$650 per day would be assessed after 11/15. Sherman Leighton asked how the town would receive the \$10,000 from Wyman & Simpson. Ms. Doore stated they will credit the money back to the town. Rick Goodwin asked when. Ms. Dow stated the credit would come after the first construction meeting of September 20th. Ms. Doore

announced she received a letter and check for the grant applied for through the Maine Community Foundation in the amount of \$5,000 to be applied towards the town's match for the feasibility study regarding the SAD #46 property and the 74 Grove Street ambulance building. Rick Goodwin asked about the meeting held 8/2 without a council quorum. Ms. Doore commented that a quorum was not required as the meeting was for public comments with no vote required. Ms. Doore reported that the Meals for Me program would begin using the town hall community center as a satellite on August 21st. Rick Goodwin asked what they would use for tables and chairs. Ms. Doore announced that the Kiwanis received notification that a Wal Mart employee had given \$250 and requested the donation be used for the purchase of tables and chairs which will be purchased as soon as the check arrives. Andy Conway stated that he had 10 tables and 45 chairs which should be enough for now as they have 15-25 people at Meals for Me. Al Tempesta suggested the town look into purchasing at the State of Maine Surplus shop. Ms. Doore mentioned that the town hall roof will be repaired the first of September by Greg Webber. Ms. Doore added that if there was no objection from the council she would like to change the Pine Tree Zone as some of the land now earmarked is not useable. Ms. Doore added that she and Dave agreed that since some of the area was a wet land the town should redesignate Main Street which would not change the number of acres just relocate them. Ms. Doore added that a public hearing would need to be held which she would like to do at the September meeting. Mr. Leighton requested a map be included with the hearing to show the designated pine tree zones. Rick Goodwin asked about the state dues. Ms. Doore answered that the town does not owe any dues due to the political climate, and we're still full-fledged members. Ms. Craig commented that the business area in town did not qualify for the pine tree zone as retail was not allowed unless the criteria have changed. Ms. Doore stated that this was a request from John Holden of EMDC due to the number of empty store fronts. Ms. Doore continued by announcing her intent to attend the Department of Economic and Community Development's 25th anniversary celebration on the 17th of September due to a personal invitation she received as Dexter has received \$1,000,000 in CDBG funds over the years. The Town Manager thanked Charles and Sherry Busque of Railroad Avenue for the gift of the huge red, white and blue ribbon they displayed while their grandson was deployed overseas. Ms. Doore also thanked Bob Crawford for the new bumpers he placed on the boat ramp. Ms. Doore commented that the next step of the well and septic grant was to hold a public hearing at the September 13th meeting to approve the application to be used. In closing Ms. Doore introduced Anne Kendall who is working on a grant for a micro-hydro system. Ms. Kendall explained that the micro-hydro unit would fit nicely with the Historical Society's Abbott office building. Ms. Kendall stated that a PUC news release for renewable resources grants of up to \$50,000 would fund an educational project working with the Interface engineer. A siphon would be placed over the dam with a small 1-2 kilowatt turbine to feed power with a generator to an inverter into electrical lines with demonstrations at the historical society. Ms. Kendall talked with Mr. Vafiades at the Vocational Center and he plans to work on a hands-on curriculum. Ms. Kendall commented there was a thick stack of reports that go with the project which must be submitted by August 30th. Fred Sherburne stated that he had been thinking about this for some time and volunteered his services if Ms. Kendall so needed. Ms. Kendall added that she would get the dam permit then work with the engineer. She also added that this would require a 20% matching grant. Rick Goodwin commented that he was disturbed to read about the sale of 111 Free Street for \$20,000 without the council's approval. Ms. Doore reported that she polled the council when she found out the price the attorney expected the property to sell for. Mr. Goodwin stated he was never polled and his email service had been down since July 17th. Fred Banks stated he was polled and he was at the auction. Mr. Banks continued by adding that the property was not valued for what they had thought as the inside has been gutted. Mr. Goodwin stated the council had been told the value was \$60,000. Ms. Doore stated she did not mean to imply the value was \$60,000 as that was the amount of money the court allocated us. The ambulance reserve account will cover the shortage. Sherman Leighton asked what this would do to the budget. Ms. Doore stated if we receive the \$20,000 we would need to draw the \$40,000 from the ambulance reserve. Fred Banks was not in favor of passing a budget on anticipated revenue to meet the anticipated revenue. Mr. Goodwin felt it was squishy math and we're

already \$40,000 behind. He also asked what the town owed in legal fees. Ms. Doore stated she had not received the bill. Mr. Banks asked if the bidder has contacted the town. Ms. Doore answered no. Mr. Goodwin wondered why the bid did not require a vote of acceptance from the council. Ms. Doore answered that it was a court ordered sale. Dean Thompson interjected that the town still has the judgment and \$20,000 applied with the ability to attach any assets in the future. Rick Goodwin asked about the flags for every pole. Ms. Doore stated the process has begun with a request submitted to CMP and Verizon who have been inundated with requests. Tony Larson announced that the VFW has voted to donate up to \$6,000 towards the installation of a handicapped bathroom in the town hall community center for the senior citizen's room. Mr. Larson also announced the intention of the VFW to donate the remaining funds necessary to install the community sign on the police department building which was short about \$1590. Mr. Larson added that Jim Rattigan is one of the key people advocating for the sign and he was in attendance as well. Those in attendance applauded the generous contributions of the VFW towards these community projects. End of reports.

2. Ordinance C2007-7 Amendment to Land Use Ordinance

Tabled to September meeting

V. NEW BUSINESS

1. Proposed Ordinance – Amendment to Subdivision Ordinance

Dave Pearson commented that the planning board worked on this ordinance all winter. Mr. Pearson stated there were some housekeeping changes and the three main reasons were: 1. Bring up to date the review criteria of liquidated and harvested lots; 2. Clarify the procedure as the wording is confusing to applicants and board members; 3. Add up front legal funds; clarify the internal procedures; add penalties to the language with the advice of the attorney to add daily fines. The reference to coastal waters has been removed and other housekeeping issues.

Motion to place on next month's agenda by Fred Banks, second Dean Thompson, all in favor, so done.

2. Proposed Ordinance – Amendment to Fire Department By-Laws

Mike McCormick, veteran fireman of 27 1/2 years stated the by-laws had never been reviewed by the membership during his time of service. Mr. McCormick stated the major changes included provisions to replace the chief, delete reserve fire fighters and change the number of regular firefighters.

Motion to place on next month's agenda by Fred Banks, second Fred Sherburne, unanimous in favor, motion passes.

3. Approve/Sign Cemetery Deed for Raymond Leonard

Motion to approve by Dean Thompson, second Rick Goodwin, unanimous in favor, so done.

4. Approve/Sign Treasurer's Warrants

Motion to approve by Dean Thompson, second Rick Goodwin, unanimous in favor, so done.

VI. PUBLIC FORUM

Judy Craig commented that Wild West Weekend was very successful and thanked Mike Delaware, Judy Doore and Art Roy.

Diana Fillmore asked Sylvie Perry of AFSCME if she told the Town of Dexter to fire her. Ms. Perry answered that she did not. Ms. Fillmore asked if the town council was told. Sherman Leighton asked how the union contract was written. Ms. Perry commented that the union by no means supports termination of these people. We should look for alternatives as federal law FMLA supersedes contracts. We don't want these people terminated, and we're more than willing to work with the council. Bob Braithwaite asked if the employees were notified prior to termination. Ms. Fillmore commented that she received 1 ½ days notice. Ms. Fillmore stated she was a life-long resident and she wanted it known that she was not fired for embezzling money from the town as she has heard from a couple of people. Ms. Craig stated she was embarrassed by the actions of the town in firing 3-4 people for being sick. Hill Artman stated that the contract under FMLA was worded to allow an employee to return to the same position or a comparable position and they were trying to figure out why that was not the case and what's going on. Barbara Leighton stated that you, as the council, allowed Judy Doore to fire these people. Ms. Craig asked why the council was not responding to the requests. Mr. Leighton commented he couldn't answer that as he was not sure. Ms. Craig replied that she couldn't understand how the councilors could sit up there and not answer these questions. Mr. Brawn commented that the council does not conduct collective bargaining in public session. Ms. Fillmore stated she was a tax payer and she has a right to know. Rick Goodwin added a few weeks ago he received a letter outlining catastrophic illness and he stated we have employees willing to donate time to those who need it. Mr. Goodwin continued that he was all for firing people for lack of performance, but we have some people who are very, very sick and we kick them when they are down. Mr. Goodwin added we should address this in public or private, but if a fellow employee thinks enough of another employee to donate time we should allow that to happen. Mr. Goodwin stated this is America and what we are doing when we are told an employee has cancer and that employee is told by us that their job will not be there when they are better. Mr. Goodwin wondered where it would end. Bob Crawford commented that he worked for Bangor Hydro for 37 years and he would be in court as what the council has done is illegal. Mr. Leighton answered that he may hang himself out to dry but he felt the council members allow the town manager to do whatever she pleases and that's what's happened. Ms. Perry always thought that this town was a good place, but now she's having second thoughts as this town is not looking out for the best interest of its employees. Mr. Perry added that the action of terminating sick employees reflects back on the council. Mr. Norsworthy stated he was here for a different reason, but added he would like to hear more as there were a lot of things happening that he was not happy about. Ms. Doore commented that she was sorry she was sitting here without saying anything, but she could not talk about personnel in public session. Mr. Braithwaite stated the person here has a right to a public hearing. Ms. Fillmore stated she requested Mr. Brawn set a meeting up with the councilors and was told they were not interested. Rick Goodwin asked why everything needed to go through legal counsel, wondering what the council was hiding from as we are all friends and neighbors here. Mr. Goodwin continued that he was out on FMLA right now and he has only received well wishes from his company and those concerned with his well being. Ms. Fillmore asked if he received any paperwork regarding FMLA because she never received anything. Mr. Artman stated a 30 day written notice before leave should be given except in an emergency situation. Mr. Goodwin stated every situation was different and if other employees were willing to donate their time what was the problem. Ms. Craig commented that Dave tried to bank his hours and the town manager said no immediately. Ms. Craig added that Dave's rate of pay was much higher than Kathy's at the Library. Dana Wilbur asked who works for who here. Rick Goodwin felt that a catastrophic illness should not involve the union and action should be discussed by the council, union or no union as your health is your health and these actions show closed minds. Ms. Perry felt this would never be an issue as she thought the town employees were cared about and the

town would be fair minded, but now 3 employees have been affected and she wondered how many more. Bob Crawford stated that if he had been fired his union would have taken the employer to court. Mr. Norsworthy commented that when his wife became ill the first response from his company was how could they help.

Mr. Norsworthy requested the council's assistance in fixing a water problem on his property which has escalated due to drainage on an abutter's property asking the council to connect a culvert to the big ditch. Mike Delaware expressed concern with the risk of washing out the abutter's road. Mr. Delaware was reluctant to change the flow of water as he was uncertain where it would go. Mr. Newsworthy commented that the flow of water did change when Mr. Bennett built his driveway. Mr. Delaware suggested Mr. Norsworthy dig the ditch. Mr. Norsworthy reported that he was handicapped and living on a fixed income. Mr. Norsworthy's second request was for the town to adopt an ordinance regarding fences in the shoreland zone. He reported that he had resolved his issue with Mr. Bennett regarding his fence and Mr. Bennett has agreed to lower the height of the fence. Mr. Norsworthy felt the whole situation could have been avoided if the town had local guidelines.

VII. EXECUTIVE SESSION

1. Personnel

Fred Banks motion to adjourn to executive session for a personnel matter per 1 MRSA Sec 405 (6) (A), second Fred Sherburne, so done at approximately 8:55 P.M.

*Motion to come out of executive session by Fred Banks, second Fred Sherburne at approximately 9:55 P.M.

Dean Thompson motion to contact the town attorney to discuss the advisability of offering to meet with the union representative to discuss possible contractual remedies with regards to FMLA, paid sick leave and catastrophic illnesses, second Fred Banks, unanimous in favor, motion passes.*

Motion to adjourn Rick Goodwin, second Sherman Leighton, all in favor, so done at approximately 10:00 P.M.

Respectfully submitted,

Shelley L. Watson

Council Secretary

* As presented by Town Manager, Judy Doore

Shelley