

**COUNCIL MINUTES OF  
April 11, 2024**

**COUNCIL PRESENT:** Elijah Ames, Marcia Delaware, Andrew Bermudez, Adam Briggs, Danny Hutchins, Levi Ladd, and Heidi Kinney

**EXCUSED ABSENCE:** NONE

**I. PUBLIC HEARING**

*1. Ordinance C2024-3 Moratorium on Commercial Solar Arrays*

**Marcia Delaware** stated that it is apparent that we need a moratorium in place so we can properly consider how we want to write our own Ordinance. It would go into effect thirty days after it has passed and there are two areas that have been in discussion with code enforcement and those would be grandfathered in. **Dan Davis** from Cambridge addressed the Council stating that he owns property that is being leased by Novel. They are the parent company that has leased five lots in Dexter. **Mr. Davis** stated that there can't be more than five solar gardens in Dexter because of the substation. He read a letter that Novel had sent. He questioned why the Town has now decided to make a moratorium when the State already has their own rules in place. There were many comments from the public including the moratorium not being long enough, fear of streams being polluted, the Town needing to look out for themselves because the State isn't going to, and how will it benefit the Town. **Andrew Bermudez** stated that he can see both sides and he doesn't want the Council to jump to decisions based on their own feelings. All the facts need to be considered and do what is in the best interest of the Town. He feels the moratorium is a good idea for now to give us ample time to do research and consider both sides. **Mr. Davis** asked the Council to do their own research on solar panels. Many of them are not made of liquids and will not leach into the ground.

**II. MINUTES**

*1. Approve/Amend Council Minutes of March 14, 2024*

Motion to approve: **Andrew Bermudez**

Second: **Levi Ladd**

Vote: Unanimous in favor, motion passes

**III. NOMINATIONS, APPOINTMENTS, & ELECTIONS**

NONE

**IV. UNFINISHED BUSINESS**

*1. Manager's Report*

**Trampas King** thanked the road crew because with the last two storms they were kept quite busy. They had 21 hours the first and then 17 hours for the second storm with 6 hours the next day for cleanup. **Mr. King** said that the eclipse happened and that was a great thing to see. **Mr. King** stated that he is working with Hannaford again to set up the yearly cleanup day. They are trying to decide whether to do it on a Saturday or a Sunday. The Red Hotdog Festival committee meetings are in full swing, and they are in need of volunteers. There is a new grant being applied for that will help business owners who want to fix up the outside of their storefronts. Congratulations were given to the Heart of Maine Resource Center as Penobscot County gave them \$275,000 to help with the renovations to their building. They were also given \$40,000 from the Alford Foundation. They have started getting bids on inside demolition.

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**Trampas King** read a resolution honoring Clyde Crowell as the Boston Cane holder for the oldest male citizen in Town. **Mr. King** and a couple of the Council members will go to his house at a later date and present the cane to him.

**Levi Ladd** stated that the Fire Department did a great job with directing traffic the day of the eclipse.

*2. Departmental Reports*

NO COMMENTS

*3. Ordinance C2024-3 Moratorium on Commercial Solar Arrays*

THE TOWN OF DEXTER HEREBY ORDAINS A MORATORIUM ORDINANCE REGARDING COMMERCIAL SOLAR ARRAYS

**WHEREAS**, the Maine Legislature enacted several laws intended to encourage development of renewable energy projects in the State of Maine;

**WHEREAS**, as a result of these laws, developers are proposing unprecedented numbers of commercial solar arrays throughout the State;

**WHEREAS**, the Code of the Town of Dexter, Maine (the "Town Code") does not include any regulations related to commercial solar arrays, and this use would likely fall under the category of "essential services," which receive no substantive review and are subject to few approval standards; and

**WHEREAS**, the unregulated location and operation of commercial solar arrays within the Town of Dexter raises legitimate and substantial concerns about environmental, health and safety impacts of such uses, as well as visual impacts and other considerations related to the appropriate siting of these arrays;

**WHEREAS**, the Town's current ordinances are insufficient to prevent serious public harm that could be caused by the unregulated development of commercial solar arrays;

**WHEREAS**, a moratorium is necessary to allow the Town to analyze and plan properly for increased development of commercial solar arrays; and

**WHEREAS**, the Council, Planning Board and Code Enforcement Officer shall study the current Town Code to determine appropriate amendments to address commercial solar arrays; and

**WHEREAS**, it is anticipated that such a study, review, and development of recommended Ordinance, changes will take at least one hundred and eighty (180) days from the date the Town enacts this Moratorium Ordinance;

**NOW, THEREFORE**, be it ordained by the Town Council of the Town of Dexter, that the following Moratorium Ordinance on Commercial Solar Arrays be, and hereby is, enacted and, in furtherance thereof, the Town Council does hereby declare a moratorium on the location, operation or licensing of commercial solar arrays within the Town.

For the purposes of this Moratorium, "commercial solar array" is defined as a solar energy collection structure of any size that primarily serves an offsite user such as the electric power grid.

This Moratorium Ordinance shall take effect once enacted by the Town Council, in accordance with the provisions of the Town Code, but shall be applicable as of May 11, 2024, as expressly provided below.

The moratorium shall remain in effect for one hundred and eighty (180) days from the effective of this Ordinance, unless extended, repealed, or modified by the Town Council, for the express purpose of drafting an amendment or amendments to the current Town Code to protect the public from health and safety risks including, but not limited to, compatibility of commercial solar arrays with existing and permitted uses in residential, commercial and industrial zoning districts.

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**BE IT FURTHER ORDAINED**, that this Moratorium Ordinance shall apply to commercial solar arrays that are proposed to be located within the Town on or after the May 11, 2024, applicability date of this Ordinance; and

**BE IT FURTHER ORDAINED**, that notwithstanding the provisions of 1 M.R.S.A. § 302 or any other law to the contrary, this Moratorium Ordinance, when enacted, shall govern any proposed commercial solar array for which an application for a building permit, Certificate of Occupancy, site plan or any other required approval has not been submitted to and granted final approval by the Code Enforcement Officer, Planning Board or other Town official or board prior to May 11, 2024, the applicability date of this Moratorium Ordinance; and

**BE IT FURTHER ORDAINED**, that no person or organization shall develop or operate a commercial solar array within the Town on or after the May 11, 2024, applicability date of this Moratorium Ordinance without complying with whatever ordinance amendment or amendments the town meeting may enact as a result of this Moratorium Ordinance; and

**BE IT FURTHER ORDAINED**, that during the time this Moratorium Ordinance is in effect, no officer, official, employee, office, administrative board or agency of the Town shall accept, process, approve, deny, or in any other way act upon any application for a license, building permit or any other type of land use approval or permit and/or any other permits or licenses related to a commercial solar array; and

**BE IT FURTHER ORDAINED**, that those provisions of the current Town Code that are inconsistent or conflicting with the provisions of this Ordinance, are hereby repealed to the extent that they are applicable for the duration of the moratorium hereby ordained, and as it may be extended as permitted by law, but not otherwise; and

**BE IT FURTHER ORDAINED**, that if commercial solar arrays are established in contravention of this Moratorium, each day of any continuing violation shall constitute a separate violation of this Moratorium Ordinance, and the Town shall be entitled to all rights available to it in law and equity, including, but not limited to, fines and penalties, injunctive relief, and its reasonable attorney's fees and costs in prosecuting any such violations; and

**BE IT FURTHER ORDAINED**, that should any section or provision of this Moratorium Ordinance be declared by any court of competent jurisdiction to be invalid; such a declaration shall not invalidate any other section or provision.

Filed April 11, 2024  
**ADAM BRIGGS**

Second: Elijah Ames

Vote: Unanimous in favor, motion passes

**V. NEW BUSINESS**

*1. Order A2024- 23 Donation to Work Camp*

**BE IT ORDERED**, that the Dexter Town Council hereby supports the Group Workcamps Home Repair Project in partnership with other community organizations with a donation in the amount of \$7,500.00.

Filed April 11, 2024  
**ELIJAH AMES**

It was discussed among the council members, and they agreed on \$7,500 as costs have increased this year.

Second: Levi Ladd

Vote: 6 – 1 (Bermudez abstained), motion passes

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*2. Order A2024-24 Transfer Money for Rock Crushing*

**BE IT ORDERED**, that the Dexter Town Council hereby authorizes the Finance Officer to transfer \$80,150.00 from Town Road Construction Reserve Account #E130-05-511-29 to Rock Crushing Services Account #E105-03-504-53.

Filed April 11, 2024  
**HEIDI KINNEY**

Second: Elijah Ames

Vote: Unanimous in favor, motion passes

*3. Order A2024-25 Abate Property Taxes for Eaton Road*

**BE IT ORDERED**, that the Dexter Town Council hereby abates the uncollectible tax acquired real estate tax amount of \$259.74 on Account #1920, Map 202, Lot 41-H, 5 Eaton Road.

Filed April 11, 2024  
**ANDREW BERMUDEZ**

Second Danny Hutchins

Vote: Unanimous in favor, motion passes

*4. Order A2024-26 Approve Grant Application for Dexter Railriders*

Andrew Bermudez made a motion to add Order A2024-26 to the agenda

Second: Levi Ladd

**BE IT ORDERED**, that the Dexter Town Council hereby authorizes the Dexter Rail Riders ATV Club to make an application for financial assistance under the provisions of the Bureau of Parks and Lands for the maintenance of ATV trails.

Filed April 11, 2024  
**DANNY HUTCHINS**

Second: Elijah Ames

**Trampas King** explained that we have a really good ATV club and they do a lot of work on the trails. The grant is an 80-20 in-kind grant. They have recently done a lot of work on the railbed and the Nelson trail. They also added a new trail as they want accessibility to as much of the Town as possible.

Vote: Unanimous in favor, motion passes

*4. Approve/Sign Quit Claim Deeds for the following:*

*Joel Costonis*

*Eugene Sciongay*

*Heather Stanley*

*Stewart Davis*

*Edward Sullivan*

*Joshua Vandiver*

**Andrew Bermudez** made a motion to approve/sign

Second: **Elijah Ames**

Vote: Unanimous in favor, motion passes

**VI. PUBLIC FORUM**

**Alisha Ames** addressed the Council regarding the School Board and was concerned because when the Chair gave her report she indicated that **Jessica Brasier** was no longer on the Board and was due to the

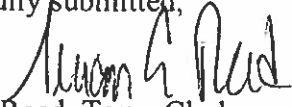
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policy of the Town. She was concerned because they aren't following their own policy. Marcia Delaware thanked her for bringing it to the Council's attention and stated that they would look into it. **Marcia Delaware** asked the Council about their opinion on putting a nonbinding referendum question on the November ballot regarding solar panels. The Councilors had several questions about how it would be worded.

**Elijah Ames** made a motion to adjourn at 7:28

Second: **Andrew Bermudez**

Respectfully submitted,



Susan E. Reed, Town Clerk

