

**COUNCIL MINUTES OF
April 10, 2025**

COUNCIL PRESENT: Marcia Delaware, Elijah Ames, Danny Hutchins, Charles Ellms, Adam Briggs

EXCUSED ABSENCE: Andrew Bermudez, Heidi Kinney

I. PUBLIC HEARING

1. Ordinance C2025-2 Transfer Funds from General Fund
NO COMMENTS

2. Ordinance C2025-3 Ordinance on Commercial Farms

Adam Briggs commented that he understands the intent, but he feels that it needs more definitions. He also commented on the sizes listed and asked if it was a larger residential area would it have a different process. **Elijah Ames** also had questions on the different sizes and how they are addressed. There was discussion on the monies that the companies have to deposit and how that would be handled. **Charles Ellms** commented that the Council are amateurs at this, so we need to be specific.

There were several people that spoke against solar and several people that spoke in favor.

3. Ordinance C2025-4 Transfer of Parking Lot to Overbrook LLC.

NO COMMENTS

II. MINUTES

1. Approve/Amend Council Minutes of March 13, 2025

Motion to approve: **Elijah Ames**

Second: **Chuck Ellms**

Vote: Unanimous in favor, motion passes

III. NOMINATIONS, APPOINTMENTS, & ELECTIONS

NONE

IV. UNFINISHED BUSINESS

1. Manager's Report

Trampas King stated that the Highway Department will be patching and doing some trimming next week. They have already been busy removing sand and grading. The Cemetery Department is back to work and is doing clean up around Town. The Town Hall is open for walking during the week. **Mr. King** reported that there are a lot of committees such as, DDA, Kiwanis, and Heart of Maine Resource Center, that are active and could always use volunteers. **Mr. King** went on to recognize **Liz Breault** and **Marilyn Curtis** who have 35 years of employment and **Steve Kimball** who has 10 years of employment. He also recognized and thanked **Dickie Gudroe** for all his hard work for the Cemetery Department.

2. Departmental Reports

NO COMMENTS

3. Ordinance C2025-2 Transfer Funds from General Fund

BE IT ORDAINED, that the Dexter Town Council hereby authorize the Finance Officer to transfer \$300,000.00 to account #E105-03-507-60 Street, Roads, and Bridges Paving from undesignated fund account G10-37300-00.

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Filed April 10, 2025
DANNY HUTCHINS

Second: **Elijah Ames**

Trampas King stated that there is paving that is long overdue. He would like to have the paving done in the spring instead of the fall to make sure that it gets done. It gets rushed when it is later in the year. Winter and Beech streets didn't get finished last year because of this. **Marcia Delaware** noted that the original ordinance had called for \$500,000 but was amended to \$300,000. **Mr. King** stated it would be put out to bid and then the amount needed from the reserve account would be amended.

Vote: Unanimous in favor, motion passes

4. Ordinance C2025-3 Ordinance on Commercial Solar Farms

Section 1. Purpose

The purpose of this ordinance is to accomplish the following objectives with the least possible regulation.

- 1) To encourage the development of on-site energy production and consumption.
- 2) To protect the public health and safety.
- 3) To promote the general welfare of the community.
- 4) To conserve the environment, wildlife habitat, fisheries, and unique natural areas, and
- 5) To fit these systems harmoniously into the fabric of the community by providing standards for alternative energy systems and other types of arrays.

Section 2. Authority

- 1) The Dexter Planning board is vested with the authority to review and approve, approve with conditions, or reject any application for Solar Energy Conversion Arrays (Arrays) as defined in this Ordinance. An array shall have been approved by the Planning Board before a building permit may be issued under the Building Permit and Occupancy Ordinance.
- 2) In the event the Planning Board requires expert opinions, advice, or testimony during the course of reviewing the application to determine the impact to surrounding properties or public safety implications, or to resolve any other issues regarding the proposal, it shall first use due diligence to obtain and utilize free services from governmental or non-profit sources.
- 3) Should the Planning Board be unable to obtain and utilize free services, the Council may authorize the hiring of independent third-party consultants to review array proposals to determine the impact to surrounding properties or public safety implications or resolve any other issues regarding the proposal. The Planning Board shall require the applicant to pay for such services after giving notice to the applicant of the name of the expert, the area of qualification of the expert, and the purpose for which the expert is required and the approximate cost of the expert.
- 4) The applicant shall be provided with an opportunity to meet with the Code Enforcement Officer to arrange a schedule for payment of the costs.
- 5) The applicant shall have the right to request a public hearing before the Appeals Board to determine if experts are necessary, and if the approximate costs of the expert are reasonable. The applicant shall request the hearing within 10 days of receipt of the notice establishing the necessity and costs of any independent third-party consultant, or such time as is agreed to by the Planning Board and the applicant. It will be the applicant's burden to prove that the requested expert is unnecessary, or that the cost is not reasonable, In addition to any other applicable provisions of this Ordinance, before granting a Solar Array Complex Plan approval, the Planning Board must find that the proposed plan will comply with the following standards as applicable.
- 6) Permits are limited to one (1) year. Work needs to start within that year.

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- 7) Permits can be extended for one additional year at no cost with permission from the Dexter Code Enforcement Officer.
- 8) Permits are not transferable.

Section 3 Definitions

Array: A Solar Energy Conversion Array. For the purposes of this Ordinance, any single antenna or panel greater than 5,000 square feet of surface area is included in this definition.

Examples of arrays are, but are not limited to, solar heating panels, solar photovoltaic panels, concentrated solar thermal installations, and antenna arrays.

Berm: A barrier constructed of landscaped earth, four (4) feet or more in height measured from the outside base of the berm. Berms may be pierced with reasonable access ways no more than twelve (12) feet in width as approved by the Planning Board.

Solar Energy Conversion Array (SECA): The components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The term applies, but is not limited to solar photovoltaic (PV) systems, solar thermal systems, concentrated solar thermal installations, and solar hot water systems.

Section 4. Exempt Arrays

The following arrays are exempt from this Ordinance:

- 1) Roof-mounted on any legally permitted residential or residential accessory structure.
- 2) Ground - or pole-mounted for private use, with a panel area of less than 5,000 square feet.
- 3) Building integrated solar (i.e., shingle, hanging solar, canopy, etc...).
- 4) Repair or replacement of array components that do not enlarge the area of the existing array.
- 5) Commercial buildings utilizing solar energy for on-site operational purposes only.

Section 4(a) Dimensional and Design Standards (exempt arrays)

- 1) *Height:* A ground - or pole - mounted SECA shall have a maximum height of 20 feet as measured from the ground level to the system's highest point at full tilt,
- 2) *Roof Load:* The weight of any array proposed to be roof mounted on any non-exempt structure must be calculated and the applicant must submit a determination by a registered engineer with stamped certification or finding that the load rating of the underlying structure can accommodate the additional weight of the SECA.
- 3) *Lot Coverage:* The maximum surface area of a ground - or pole - mounted panel system, regardless of the mounted angle, shall be calculated as part of the overall lot coverage or area of the structure, for the purposes of any applicable Town of Dexter ordinance.
- 4) *Design Standards:*
 - a) Any height limitations of this Ordinance shall not be applicable to roof-mounted solar collectors provided that such structures are erected only to such height as is reasonably necessary to accomplish the purpose for which they are intended to serve.
 - b) Array installations shall not obstruct solar access to neighboring properties.
 - c) The array structure shall be a non-reflective color that blends the system and its components into the surrounding landscape to the greatest extent possible and incorporates non-reflective surfaces to minimize any visual disruptions.

Section 5. Solar Array Complex Plan Review

All non-exempt arrays must be approved by the Dexter Planning Board through this Ordinance.

The following requirements must be included in a Solar Energy Conversion Array application:

- 1) All application materials required under the Building Permit Ordinance and any applicable fee established by the Town Council.

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- 2) A site plan showing property lines, the location of any wetlands or flood zones, the location of proposed panels, equipment, fencing and access roads, and the location and setback of any roads or streets.
- 3) A decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) whose minimum requirements meet the standards in Section 5 of this Ordinance. Such plan must be filed in the Penobscot County Registry of Deeds prior to the first operation of the array.
- 4) A Waste Stream Management Plan (WSMP) for the construction waste and debris at the site of the said Array, including but not limited to cardboard, wood, scrap metal, scrap wire, and 3 clearing and grading wastes, from the construction site and the disposal site(s) of such waste. Information on the amount of material that is being recycled shall be included in the WSMP. The Code Enforcement Officer shall conduct a final inspection to ensure compliance with the approved plan.

Section 6. General Standards for all Medium or Large Arrays

- 1) Unless otherwise specified through a written contract, lease or other agreement, a copy of which is on file with the Dexter Code Enforcement Officer, the property owner of record will be presumed to be the party responsible for owning and maintaining the array.
- 2) Approval under this Ordinance is conditional upon compliance with all other Dexter Ordinances, the Maine Plumbing and Electrical Codes, Natural Resources Protection Act, Storm water Management Law or other applicable regulations and any requirements of the local utility if any array is to be connected to any existing electric grid.
- 3) An array shall not be constructed until the Solar Array Complex plan has been approved by the Planning Board and a Building Permit has been issued by the Code Enforcement Officer and any applicable appeal period has passed without an appeal being filed.
- 4) All arrays shall be operated and located such that no disruptive electromagnetic interference with signal transmission or reception is caused beyond the site. If it has been demonstrated that the system is causing disruptive interference beyond the site, the system operator shall promptly eliminate the disruptive interference or cease operation of the system.
- 5) All on-site electrical wires or piping associated with the system shall be installed underground except for "tie-ins" from above-ground mounted installations and to public-utility company transmission & distribution poles, towers and/or lines. This standard may be waived by the Planning Board if the project terrain is determined to be unsuitable for underground installation.
- 6) The array site shall not display any permanent or temporary signs, writing, symbols, logos, or any graphic representation of any kind except appropriate manufacturer's or installer's identification and warning signs.
 - i) Signage – A sign shall be required to identify the owner and provide a 24-hour emergency contact phone number. A clearly visible warning sign shall be placed at the base of all pad mounted transformers and substations and on the fence surrounding the Solar Energy System informing individuals of potential voltage hazards.
- 7) Energy System site plan the project owner shall include an operation and maintenance plan, which shall include measures for maintaining safe access to the installation as well as the roles and responsibilities of the system owner, operator, landowner and any other party involved in the projects general procedures for operational maintenance and meet the satisfaction of the Planning Board that the public interest is protected.
- 8) Emergency Services – The owner or operator of a large-scale ground-mounted Solar Energy System shall provide a copy of the project summary, electrical schematic, and site plan to the

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Fire Chief. Upon request the owner or operator shall cooperate with the local emergency services in developing an emergency response plan. A "3200 Series KNOX BOX" shall be provided and installed by the operator to be used to allow emergency service personnel continuous access. All means of shutting down the system shall be clearly marked on the plan. The owner or operator shall identify a person responsible for public inquiries throughout the life of the installation.

- 9) Maintenance Conditions – The owner or operator of a large-scale ground mounted Solar Energy System shall maintain the facility in good condition. Maintenance shall include, but not be limited to, faulty wiring, structural repairs, and the integrity of security measures. All such systems will be fenced with a chain link fence that is at least 6 feet in height. Site access shall be maintained at a level acceptable to the Fire Chief. The owner or operator shall be responsible for the cost of maintaining the access roads.
- 10) Array placement must be designed to minimize or negate any solar glare onto nearby properties, or roadways.
- 11) If lighting is provided at the site, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel or the night sky. Motion sensor control is preferred.
- 12) Any potential point of contact for people or animals with generated electric current must be secured.
- 13) A perimeter fence will be erected around a solar array, with a minimum height of 6 ft.
- 14) Arrays covering permanent parking lots and other hard-scape areas approved by the Planning Board are encouraged to limit the amount of stormwater flowage. Where the array will cover existing hardscape (impermeable surface) areas, the Planning Board may in its discretion waive the vegetated buffer requirement so long as the required setback is met.
- 15) If electric storage batteries are included as part of any array system, they must be installed according to all requirements set forth in the National Electric Code and State Fire Code when in operation. When no longer in operation, the batteries shall be disposed of in accordance with the laws and regulations of the Town of Dexter and any other applicable laws and regulations relating to solid, special, or hazardous waste disposal.

Section 7. Guarantee For Removal

At the time of approval of a proposed array, and prior to initiating construction of any array within the Town of Dexter, the applicant must guarantee the costs for the removal of the facility.

- 1) The amount of the guarantee shall be equal to 125% of the estimated removal cost, provided by the applicant and certified by a professional civil engineer licensed in Maine or a professional array construction company.
- 2) The owner of the facility shall provide the Planning Board with a revised removal cost estimate and structural evaluation prepared by a professional civil engineer licensed in Maine or a professional array construction company every five (5) years from the date of the Planning Board's approval of the Solar Array Complex plan. If the cost estimate isn't revised the owner forfeits the accrued interest.
- 3) The guarantee shall be in an Interest-Bearing Escrow Account.
 - a) A cash contribution equal to 125% of the estimated removal cost for the establishment of an escrow account shall be made by either a certified check made out to the Town of Dexter, a direct deposit into a savings account, or the purchase of a certificate of deposit.
 - b) For any account opened by the applicant, the Town shall be named as owner or co-owner, and the consent of the Town shall be required for withdrawal of funds.
 - c) Any interest earned on the escrow account shall be returned to the applicant unless the applicant hasn't provided revised removal estimates as described above, or the Town has

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found it necessary to draw on the account, in which case the interest earned will be proportionately divided between the amount returned to the applicant and the amount withdrawn to complete the required work.

Section 8. Decommissioning and Abandonment

The owner or operator of the facility, or the owner of the parcel if there is no separate owner or operator of the facility or if the owner/operator fails to do so, shall do the following as a minimum to decommission the project:

- a. Remove all non-utility owned equipment, conduits, structures, fencing, and foundations to a depth of at least four feet below grade.
 - b. Revegetate any cleared areas with appropriate plantings that are native to the region according to an approved Solar Array Complex plan, unless requested in writing by the owner of the real estate to not revegetate due to plans for agricultural planting or other development subject to the Planning Board's approval.
 - c. Fill in all holes, depressions or divots resulting from the construction of the array.
- 1) All the said removal and decommissioning shall occur within 12 months of the facility ceasing to operate.
 - 2) Abandonment will occur because of any of the following conditions unless the lessee or owner of the facility or of the parcel notifies the Code Enforcement Officer of the intent to maintain and reinstate the operation of the facility within 30 days of the following events:
 - a. The land lease (if applicable) ends; or
 - b. The system has not functioned for 12 months; or
 - c. The system is damaged and will not be repaired or replaced.
 - 3) A notice submitted to the Code Enforcement Officer with the intent to maintain and reinstate the operation of the facility shall be updated every six months with a statement of the progress made towards that goal.
 - 4) If the facility has not returned to operational condition within one year from the date of the first notice of the intent to maintain and reinstate the operation of the facility, the Code Enforcement Officer shall find the facility has been abandoned unless there is documentable evidence that the process has had significant progress and in the Code Enforcement Officer's opinion is likely to be completed in a timely manner.
 - 5) Upon determination of abandonment based on the foregoing, the Code Enforcement Officer shall notify the party (or parties) responsible by certified mail or by hand delivery with signed receipt that they must remove the facility and fully restore the site in accordance with section 6 subsection (1) of this ordinance within three hundred and sixty (360) days of notice by the Code Enforcement Officer. A copy of the notice shall be forwarded by the Code Enforcement Officer to the Dexter Town Council.
 - a) In the event the lessee of the facility fails to decommission the facility as outlined above, the landowner shall decommission the facility within 90 days of notice by the Code Enforcement Officer.
 - b) In the event the landowner fails to remove the facility as stated above, the Town of Dexter shall have the facility removed and shall reimburse the Town's costs by accessing any performance guarantee provided.
 - c) Any unpaid costs associated with the removal after one year of removal shall be enforced as a special tax to be assessed against the real estate of the array site,

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Filed April 10, 2025
ELIJAH AMES

Elijah Ames made a motion to table the Ordinance in order to make changes.

Second: **Adam Briggs**

Vote: Unanimous in favor, motion passes

5. Ordinance C2025-4 Transfer of Parking Lot to Overbrook LLC

BE IT ORDAINED, that the Dexter Town Council hereby conveys Town owned property being known as Map 10 Lot 28, consisting of one acre, also known as Tillson's parking lot, to Overbrook LLC.

Filed April 10, 2025
ADAM BRIGGS

Second: **Elijah Ames**

Dan Hutchins asked if there would be any room left for others to park. **Trampas King** stated that when the gate was closed there would be room for about fifteen vehicles.

Vote: Unanimous in favor, motion passes

V. NEW BUSINESS

1. Order A2025-14 Sale of Tax Acquired Property

BE IT ORDERED, that the Dexter Town Council hereby authorizes the sale of tax acquired property per Section 2-197 of the Town Code of Ordinances:

OWNER'S NAME	Account #	LOCATION/ ACCOUNT	ACTION
Smith, Brian & Heywood, Amy	1814	76 Goff Road	Notices Claimed
Lindsay, Robert P. Jr.	2220	426 Charleston Rd.	Notices unclaimed

Filed April 10, 2025
CHARLES ELLMS

Second: **Elijah Ames**

Trampas King stated that the Town took possession of the properties in March. The owners had been given 90 days to tell us if they want to sell the property through an agent. If we don't hear from them, we can put it out to bid like we normally do. **Mr. King** stated that he tried to get ahold of someone regarding the Lindsay house because Robert Jr. is deceased but he had no luck. He has spoken to Amy Heywood regarding the Goff Road property. The land has been paid for but she still owes on the trailer.

Vote: Unanimous in favor, motion passes

2. Order A2025-15 Accept Bid for Mowing

BE IT ORDERED, that the Dexter Town Council hereby accepts the bid submitted by JDK Management in the amount of \$21,600.00 for weekly mowing, and bi-weekly weed whacking, at Crosby Park, Ellms Field, and Wassookeag beach.

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DANNY HUTCHINS

Second: **Charles Ellms**

There were six bids received. Monica Hunt, who submitted the lowest bid, was present as well as JDK Management, which has been doing it for several years. **Marcia Delaware** asked **Monica Hunt** what she had for equipment. She stated that she has a zero turn and a leaf blower. **Charles Ellms** asked if anyone else gave an equipment list. **Trampas King** stated that one of them didn't and he knew what the others had. **Adam Briggs** asked **Mr. King** if he was satisfied with JDK and he stated that he was. **Danny Hutchins** commented on the price difference and asked how long it took to mow. For one person it would be three days. Adam Briggs, Elijah Ames, Charles Ellms, and Marcia Delaware voted for JDK. Danny Hutchins voted for CM Washburn.

Vote: Unanimous in favor, motion passes

3. Order A2025-16

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 10, 2025
ELIJAH AMES

Second: **Danny Hutchins**

Trampas King stated that we are the fiduciary agent for them. Last year they received \$87,000 of which 10% was matching but that could be met by doing work on the trails.

Vote: Unanimous in favor, motion passes

4. Approve/Sign Quit Claim Deed for the following:

Gerald & Josephine Dunham

Brian Smith & Amy Heywood

Elijah Ames made a motion to approve/sign

Second: **Adam Briggs**

Vote: Unanimous in favor, motion passes

VI. PUBLIC FORUM

Tiffany Grover thanked the Town for allowing due process for a recall procedure. She stated that she was part of the Stop the Power Trip Committee that is doing a petition to recall a School Board member. **Heather Miller** addressed the Council about her concerns with the recall petition as she didn't agree with some of the information that the Committee was saying.

Elijah Ames made a motion to adjourn at 7:11pm

Second: **Charles Ellms**

Vote: Unanimous in favor, motion passes

Respectfully submitted,

Susan E. Reed, Town Clerk

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**COUNCIL MINUTES OF
March 14, 2024**