

**COUNCIL MINUTES OF  
October 14, 2021**

**COUNCIL PRESENT:** Marcia Delaware, Charles Ellms, Andrew Bermudez, Steve Gudroe, Heidi Kinney, Peter Haskell, David Palmer via zoom

**STAFF PRESENT:** Marilyn Curtis

The Invocation was led by **Andrew Bermudez** followed by the Pledge of Allegiance.

**I. PUBLIC HEARING**

*1. Order A2021-62 New Airport Lease for Vawser Village Salvage, LLC*

*No Comments*

*2. Order A2021-63 Demolition of Dangerous Building at 85 High Street*

The Council was given pictures of the property and **Albert Tempesta**, Code Enforcement Officer, stated that the building is unsafe and is in danger of collapsing. **Ms. Mitchell** was served with the Notice of hearing papers on September 27, 2021 but didn't respond or attend the hearing. **Councilor Heidi Kinney** stated that she was concerned with kids playing in the building as had been reported by neighbors. **Councilor Peter Haskell** stated that the building is beyond repair.

**II. MINUTES**

*1. Approve/Amend Council Minutes of September 9, 2021*

Marcia Delaware noted that there was an error on page 5 with the description of Order A2021-58 Motion to Approve with amendment: **Heidi Kinney**

Second: **Steve Gudroe**

Vote: 6 – 1, (Haskell abstain) motion passes

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

*1. Order A2021-64 Appointment to the Library Trustees Board*

**BE IT ORDERED**, that the Dexter Town Council hereby approves the appointment of Lucille Pisano to the Library Trustees Board for a term to expire on December 31, 2022.

Filed October 14, 2021  
**CHARLES ELLMS**

Second: **Steve Gudroe**

Vote: Unanimous in favor, motion passes

*2. Approve/sign Election Warrant for November 2, 2021*

Heidi Kinney made a motion to approve/sign the election warrant for November 2, 2021

Second: **Charles Ellms**

Vote: Unanimous in favor, motion passes

**IV. UNFINISHED BUSINESS**

*1. Manager's Report*

**Trampas King** opened by saying that he hoped everyone was enjoying the weather and stated that we finally got the paving done with the exception of some driveways and such that need some work. **Mr. King** thanked **Matt Connor** for overseeing the paving. **Mr. King** reported that the docks will be pulled some time next week and that the cemetery will be closing in November.

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There will be a meet the candidates night on Tuesday the 26<sup>th</sup>, 7:00 pm at the Town Hall. **Mr. King** thanked all the teachers and coaches for all their hard work and efforts this year while they still deal with Covid rules.

*2. Departmental Reports*  
NO COMMENTS

*3. Order A2021-62 New Airport Lease for Vawser Village Salvage, LLC*  
**BE IT ORDERED**, that the Dexter Town Council, in accordance with the terms and conditions set forth in an agreement for the lease of Town property located on Map 401, Lot 128-H-27 at the Dexter Regional Airport, hereby approves the lease of said property to Vawser Village Salvage, LLC for a term of ten (10) years.

Filed October 14, 2021  
**HEIDI KINNEY**

Second: **Andrew Bermudez**  
Vote: Unanimous in favor, motion passes

*4. Order A2021-63 Demolition of Dangerous Building at 85 High Street*  
**ORDER A2021-63** **OCTOBER 14, 2021**

**FINDINGS AND ORDER**  
Pursuant to 17 M.R.S.A. §§ 2851-2859  
(Dangerous Buildings)

TO: Katrina Mitchell  
2 Ferry Road  
Orrington, Me 04474  
RE: Property located at 85 High Street, Dexter, Maine

On October 14, 2021 at 7:00 p.m. at the Town Office, located at 23 Main Street in Dexter, the Town Council held a hearing to determine whether the building/structure owned by you, Katrina Mitchell, located at 85 High Street in Dexter and shown on Map 12, Lot 22 of the current Tax Maps of the Town of Dexter on file at the Town Office, is dangerous or a nuisance within the meaning of 17 M.R.S. § 2851. Notice of this hearing was duly served on the owner and on all parties in interest.

The following persons were present at the hearing and testified:  
Albert Tempesta, Code Enforcement Officer – Town of Dexter

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The following evidence was presented to the Town Council and is part of the record:  
Exhibit 1 – Notice of Hearing served September 27, 2021

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Exhibit 2 – Photographs of the property

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Based on testimony and the evidence presented and made part of the record, the Town Council finds the following facts:

(1) Al Tempesta stated the building is unsafe and is in danger of collapsing.

(2) Councilor Heidi Kinney stated that she has concerns of neighbors reporting seeing kids in the building.

(3) Councilor Peter Haskell stated that the building is beyond repairable.

Pursuant to 17 M.R.S.A § 2851, “[t]o adjudge a building to be a nuisance or dangerous, the municipal officers must find that the building is structurally unsafe, unstable or unsanitary; constitutes a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; or is otherwise dangerous to life or property.”

Based on the foregoing findings, the Town Council concludes that the building/structure is dangerous or a nuisance because:

(1) It is structurally unsafe, and unsanitary; is unsuitable for use or occupancy; and is a hazard to health and safety.

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THEREFORE, IT IS ORDERED that to protect the health, safety, and welfare, the building is to be immediately secured to prevent occupancy or use within 24 hours.

AND BE IT FURTHER ORDERED that any and all rubbish, debris, vehicles, equipment, household/human/hazardous waste, and dangerous materials are to be removed from the property and properly disposed and the premises maintained free of debris within 30 days.

AND BE IT FURTHER ORDERED that to protect the health, safety, and welfare, the said dangerous building and nuisance is to be abated by removal and/or demolition, including removal of foundation and fill of the exposed foundation hole and all other depressions within 30 days.

AND BE IT FURTHER ORDERED that the Town Clerk record this Order in the County Registry of Deeds and cause attested copies of this Order to be served upon the owners, occupants, and parties-in-interest as required by law.

AND BE IT FURTHER ORDERED that, if this Order is not complied with, the Chair of the Town Council is hereby authorized and directed to do all things necessary to effectuate the removal and/or demolition of the said dangerous building and nuisance.

AND BE IT FURTHER ORDERED that, if this Order is not timely complied with and no timely appeal is taken, the Chair of the Town Council \ may undertake the ordered corrective action at

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municipal expense and recover all expenses, including reasonable attorney's fees, by means of a special tax or civil action.

This decision may be appealed to Superior Court within 30 days pursuant to Maine Rule of Civil Procedure 80B.

Filed October 14, 2021  
**ANDREW BERMUDEZ**

Second: **Heidi Kinney**

Vote: Unanimous in favor, motion passes

**V. NEW BUSINESS**

*1. Order A2021-65 Accept Bid for Furnace at the Library*

**BE IT ORDERED**, that the Dexter Town Council hereby accepts the bid submitted by Grant's Plumbing & Heating in the amount of \$ 9,300 for a Boiler Furnace for the Library.

Filed October 14, 2021  
**DAVID PALMER**

**Trampas King** stated that the difference in the prices from Robinson's is that the Ascent is a lot better than the Purepro. **Mr. King** stated that he did ask and the Biasi 8 is also a good furnace and **Danny Grant** would be able to install in next week. **Mr. King** stated that he had concerns with an independent contractor putting it in but Robinson's said they would still do service since we buy our oil from them. **Mr. King** also pointed out that the 1,000 for an additional heater for behind the counter is included in the bid price. **Steve Gudroe** asked who was paying for the furnace and **Mr. King** replied that we have \$10,000 in a reserve account to use if we need it.

Second: **Andrew Bermudez**

Vote: Unanimous in favor, motion passes

*2. Order A2021-66 Change Date of November Council Meeting*

**BE IT ORDERED**, that the Dexter Town Council hereby changes the November Council Meeting from Thursday, November 11<sup>th</sup> at 7:00PM to Wednesday, November 10<sup>th</sup> at 7:00PM due to the Veterans Day holiday.

Filed October 14, 2021  
**PETER HASKELL**

Second: **Steve Gudroe**

Vote: Unanimous in favor, motion passes

*3. Order A2021-67 Change to MPERS*

**BE IT ORDERED**, that the Dexter Town Council hereby adopts the provisions of 5 M.R.S. 18252-C (PL 2021, Chapter 286) as allowed by MainePERS Rule Chapter 803.

The Town of Dexter agrees:

1) To adopt the provisions of 5 M.R.S. 18252-C as enacted by PL 2021, Chapter

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286 as allowed by MainePERS Rule Chapter 803 for its non-participating employees with optional membership who previously declined to participate in Maine PERS ("eligible employees") and to comply with the following requirements:

- a. To offer by November 1, 2021 the opportunity to join MainePERS prospectively to all its eligible employees who have been employed for 5 years or more, to advise these employees that this will be their only opportunity to join, and to provide MainePERS with documentation of each eligible employees's election; and
  - b. Beginning in 2022, to annually offer eligible employees who have been employed for less than 5 years, and in 2022 eligible employees who had reached 5 years of employment between November 1, 2021 and November 1, 2022 the opportunity to join MainePERS on a prospective basis during an open enrollment period from September 1<sup>st</sup> through November 1<sup>st</sup> and to provide MainePERS with documentation of each election made by eligible employees under this provision; and
  - c. To withhold employee contributions for employees who join under this provision after all taxes have been withheld, and to remit them to MainePERS as after-tax contributions.
- 2) To authorize the Town of Dexter to sign the Amended Agreement between the Employer and the Maine Public Employees Retirement System.

Filed October 14, 2021  
**STEVE GUDROE**

Second: **Peter Haskell**

**Marcia Delaware** explained that for employees that have already been employed for more than 5 years, this is a one time opportunity for them to be able to join this and any new employees have up to 5 years every November 1<sup>st</sup> to join. **Steve Gudroe** asked if the old employees joined do they automatically get 5 years of retirement. **Marilyn Curtis** stated that they didn't. **Mr. Gudroe** also asked if they can retroact and go back the 5 years because that would affect the taxpayers by matching their contributions. The answer again was no. **Mr. King** stated that all of the employees that sign up under the new provisions will have contributions deducted after taxes. **Mr. King** stated that it is up to the Council to decide if we want to do this. **Marilyn Curtis** stated that she sat in on a zoom presentation today and the speaker talked about all the options. **Ms. Curtis** sent her an email stating that the Council had a regularly scheduled meeting tonight and would be discussing the changes being discussed. She asked if the Council could vote to keep our employee participation based on the one time irrevocable election as we do now. She got a reply stating that she was trying to get an answer to the question but had not yet heard back. She said that it was her read of the legislation that the adoption of the amendments is not required. She went on to say that we should refer to our Town's attorney for guidance although she is the Town's attorney. **Ms. Delaware** asked if we wanted to table it until we got an answer and **Mr. King** stated that the problem is November 1<sup>st</sup> is coming fast. **Mr. Gudroe** asked if we have had an employee reach out and say they want to join. **Ms. Curtis** said that the attorney that

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gave the presentation did make the acknowledgement that it takes the legislative body's action in order to do this. For us it would work because we meet monthly. Smaller Towns that meet in March have no way to comply with the November 1<sup>st</sup> deadline. She seemed to think their might be legislative action that will adjust that date but that is another unknown. **Mr. King** stated that with MainePers if he left now and wanted to take his money out, he wouldn't get what the Town contributed. That is why a lot of people probably don't sign up for it. **Heidi Kinney** asked if you get vested at 100% at any time. **Mr. King** stated that you are vested after ten years but **Ms. Curtis** stated that if you don't retire from here you won't get the Town's contribution no matter how long you have been employed. **Peter Haskell** asked what the cost difference is going to be. **Mr. King** stated that if a bunch of people sign up for it then there will be a cost to the Town. The Town's contribution is set by MainePers and is currently 10.3% and it is higher than what the Town gives to those with Valic which is 5.7%. **Susan Page**, Town Clerk, asked how it is fair that some employees get more than others. **Mr. King** stated that the amount keeps getting changed. **Ms. Page** stated that it will never go down. **Ms. Curtis** stated that annually we are sent the figures for what it will be for the upcoming year. **Ms. Curtis** stated that when she came here the Town didn't have to contribute because Maine State Retirement had a surplus of money from the Town of Dexter employees that had left and hadn't qualified for the Town's portion. MainePers was sitting on that allocation of money. Back in 2008 the employees had to contribute 6.5% of their wages which was more than our other retirement options and the Town didn't have to contribute anything. It stayed that way until 2015 and in 2016 the employee rate went to 7% but the Town still didn't have to contribute. It all changed in 2017 because their auditing firm said that MainPers shouldn't be the fiduciary agent for Town's money. At that point we were sent \$171,000 and we had to start contributing match money to the employees contributions. It started off with the Town contributing 8.9% and the employee contributing 7.5%. The next year it went up to 8% for the employee and 9.5% for the Town and stayed the same in 2019. In 2020 it went to 8% for the employee and 10% for the Town. Last year they did a split thing where some employees are in the 60 plan and some in the 65 plan which depends on how many years of service you can give them. Employees in the 65 plan pay 8.1% and employees in the 60 plan pay 7.35% and the Town contributed 10.1%. This year they did lower the rate the employee has to pay to 7.8% for 65 plan and 7.05% for the 60 plan with the Town contributing 10.3%. **Steve Gudroe** stated that you are talking about apples and oranges with the Valic and the MainePers because with Valic there is a set amount and once you use it you are done where with Pers you never run out of money as long as you are breathing. **Mr. King** stated that the risk with it is that if you leave you don't get the portion that the Town has contributed. **Ms. Curtis** stated that she makes that very clear with all new employees. When you opt in you are in until you leave regardless and secondly unless you plan to retire here you will lose the money the Town has put in. **Andrew Bermudez** asked what happened with the money that the Town got back. **Ms. Curtis** stated that the Council took action and used it in various places and wasn't put aside for retirement use.

Vote: Unanimous in favor, motion passes

*4. OrderA2021-68 Accept Grant from MMA*

**BE IT ORDERED**, that the Dexter Town Council hereby accepts the grant in the amount of \$1330.67 from MMA. The funds are to be used for Road Safety.

Filed October 14, 2021

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CHARLES ELLMS

Second: **Steve Gudroe**

Vote: Unanimous in favor, motion passes

*5. Order A2021-69 Accept Bid for 51 High Street*

**BE IT ORDERED**, that the Dexter Town Council hereby accepts the bid submitted by Spizuoco Commercial LLC in the amount of \$75,000 for town owned property at 51 High Street, Map 10 Lot 98.

Filed October 14, 2021

**HEIDI KINNEY**

**Trampas King** stated that in addition to advertising in the paper he also put the information on Craig's List. He had three people take out bid packets but **Frank Spizuoco** was the only person to submit a bid. **Steve Gudroe** made the comment that when **Mr. Spizuoco** offered **Dr. Reddy** \$75,000 for the building that he wouldn't take the offer. **Mr. Gudroe** asked **Mr. Spizuoco** if he knew that the roof leaked when he made the offer, the answer was no. **Mr. Gudroe** asked what has happened since to make up the \$28,283. **Mr. Gudroe** stated that we have taken on a lot since the right of ways weren't taken care of, the land wasn't divided, and there were a whole number of things that we took and spent money on getting cleaned up. **Mr. Spizuoco** stated that the Town didn't spend any money on the property. **Mr. Gudroe** stated that we have a lot of legal fees that we took on. **Mr. Gudroe** asked how much of the \$28,283 for capital improvements and \$11,537 in non-capital improvements we were going to have to pay back. **Mr. Spizuoco** stated the \$28,283 in Capital improvements but that he would knock it down to \$25,000 and pay the Town \$50,000. **Mr. Gudroe** stated that this is why the Town tries not to get into real estate because we don't do well at it. We don't know what we are doing and we should have advertised. You can't buy the worse house in Town for \$50,000 and we are going to let that hospital go for \$50,000 is just amazing. **Mr. Gudroe** stated that he understands where **Mr. Spizuoco** is coming from, you are a business man and trying to get the best deal you can and it looks like it is going to work out. **Chuck Ellms** stated that when we entered into this whole thing the money wasn't the reason that we got into it. If he gives us \$50,000 that is \$50,000 more than what we had. **Mr. Gudroe** stated that it will be less than that because we will have legal fees to pay. Andrew Bermudez stated that it is still \$48,000+ that we didn't have before. Even if it is \$10 it is more. **Mr. Ellms** stated that we would have had to do the legal stuff whether **Mr. Spizuoco** bought it or not. **Mr. Spizuoco** stated that it is interesting that before **Mr. Gudroe** didn't want the building now that it is for sale he sees dollar signs and thinks it is worth more. **Mr. Gudroe** replied that he is just trying to justify why we got into it. We have so many of our own buildings that we can't maintain and support. **Mr. Ellms** stated that we got into it so that it wasn't an empty building up there falling down. **Mr. Spizuoco** stated that that is kind of the trade off, if you want it to be empty he doesn't have to buy it. He doesn't have any problem walking away but if he owns it he thinks he knows what will happen to it and it's going to be an asset to the community but he isn't going to pay 100 or 200 grand for it because it is too risky. He is at the point where he doesn't even care so it you want to put it back out for bid and think it is worth more than he will step away. **Marcia Delaware** stated that it is only one opinion. **Mr. Ellms** stated that he is also willing to let us have the room to use for a community center or whatever. If you need to justify the money we spent on legal fees, there is the rent right there. Take the legal fees out of that. **Mr. Spizuoco** stated that he said from the beginning that he didn't

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want any added expense for the Town so he has no problem picking up the closing fees or legal fees because he said that it won't cost anything to the Town. **Mr. King** stated that amount is \$2,761.50 but some of the stuff we had to do to get the building from **Dr. Reddy**. **Andrew Bermudez** thanked **Mr. Spizuoco** for doing it as it would have just been another empty building even in this boom of real estate as it is a very niche market. He also stated that we need to get off this idea that the Town Council is here thinking that protecting the tax payers is how much money we have in the bank. Protecting the tax payers is being good stewards with what we do with the money and what we do with the Town. If they give us money and we don't pave the roads and we don't fix the lights and we don't do upkeep but we have ten million dollars in the bank they won't care. If we do proper stuff with the money and we give them services and we allocate things then they will be happy with that. There need to be a shift in the thought process that low tax base and all that other nonsense we see what that looks like. It looks like a dilapidated Town. If we want people to come here we need curb appeal. We can't think that we are going to improve our Town with services and lower taxes. The two can't coexist. We have to have proper usage of money and one of the things we are doing now is helping a businessman who has invested multiple times in this Town. We need to give businesses a foot up and say that we are going to help them get their business off the ground. It isn't costing us a thing, just the time to meet in a Council meeting. Even if he gave us \$10,000, fine, it cost us nothing at all. This is the kind of rhetoric that we need to put to the side where we have the reputation of not being business friendly and not allowing people to come in. That mindset change starts here amongst the Council members. **Mr. Spizuoco** stated that the flat portion of the roof also needs to be replaced which is \$34,000, a wall needs to be replaced which will be \$30,000 for that. He will have a couple hundred thousand into it like nothing. It might look good now but when things need to be repaired it isn't cheap fixes. Just to maintain it and keep it heated for the winter is a lot. **Heidi Kinney** stated that she appreciates what he is doing and she supports him. \$50,000 is more than we have now. **Peter Haskell** stated that we should have thought of this before if we have an issue with the price. **David Palmer** stated that there are no surprises here. We knew that the amount for the improvements would be deducted from the bid total.

Second: **Charles Ellms**

Vote: 6-1 (Gudroe), motion passes

*6. Order A2021-70 Wassookeag Snowmobile Club Grant In-Aid*

**BE IT ORDERED**, that the Dexter Town Council hereby authorizes the Dexter Recreation Department to make application for financial assistance under the provisions of Bureau of Parks and Lands Snowmobile Trail Fund (12 MRSA 220.8 Sec. 1893-3) for the maintenance and grooming of snowmobile trails.

Filed October 14, 2021  
**ANDREW BERMUDEZ**

Second: **Steve Gudroe**

**Trampas King** stated that the grant is for \$54,000 and it is shared with Ripley and Cambridge.

Vote: Unanimous in favor, motion passes



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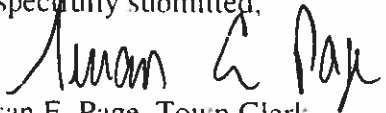
7. *Approve/Sign Cemetery Deed for Jeffrey & Patricia Ulrich*  
**Steve Gudroe** made a motion to approve/sign  
Second: **Peter Haskell**

**VI. PUBLIC FORUM**  
NONE

**VII. EXECUTIVE SESSION**  
NONE

**Heidi Kinney** made a motion to adjourn at 7:53  
Second: **Andrew Bermudez**  
Vote: Unanimous in favor, motion passes

Respectfully submitted,

  
Susan E. Page, Town Clerk

1.  $\vec{a} = (1, 2, 3)$ ,  $\vec{b} = (2, 3, 4)$

2.

$$\vec{a} \cdot \vec{b} = 1 \cdot 2 + 2 \cdot 3 + 3 \cdot 4 = 2 + 6 + 12 = 20$$

$$|\vec{a}| = \sqrt{1^2 + 2^2 + 3^2} = \sqrt{14}$$

$$|\vec{b}| = \sqrt{2^2 + 3^2 + 4^2} = \sqrt{29}$$

$$\cos \theta = \frac{\vec{a} \cdot \vec{b}}{|\vec{a}| |\vec{b}|} = \frac{20}{\sqrt{14} \sqrt{29}}$$

$$\theta = \arccos \left( \frac{20}{\sqrt{406}} \right)$$

$$\theta \approx \arccos(0.98) \approx 8.4^\circ$$

$$\theta \approx 8.4^\circ$$