

**COUNCIL MINUTES OF
JANUARY 11, 2018**

COUNCIL PRESENT: Mike Blake, Peter Haskell, Marcia Delaware, Fred Sherburne, Sharon Grant, Mark Robichaud, Chuck Ellms

STAFF PRESENT: Jim Chandler, Kim Hughes, Marilyn Curtis, Eric Campbell, Susan Page, Shannon Hall, Rick Stocker

The Invocation was led by Kim Hughes and followed by the Pledge of Allegiance.

2017 PERSONNEL RECOGNITIONS

Jim Chandler gave a "year in review" of Town employees by recognizing **Officer Jim Roy** who was voted officer of the year by the Police Department. There were three employees who retired - **Shelley Watson, Steve Gudroe, and Steve Taylor**. **Mr. Chandler** recognized **Rick Whitney** who has worked with the Historical Society and Museum for 30 years and presented **Eric Campbell** - Director of Public Works - with a certificate of recognition for 10 years of service to the Town.

DOGGIE DRAWING

Sharon Grant drew **Brianna Spaulding** as the winner of \$25 in recognition for licensing her dog on time before the end of the calendar year.

I. PUBLIC HEARING

1. Ordinance C2018-1 Change to Habitable Space Requirements

No Comments

II. MINUTES

1. Approve/Amend Council Minutes of December 14, 2017

Motion to Approve: **Peter Haskell**

Second: **Mark Robichaud**

Vote: Unanimous in favor, motion passes

III. NOMINATIONS, APPOINTMENTS, & ELECTIONS

None

IV. UNFINISHED BUSINESS

1. Manager's Report

In addition to his written report, **Jim Chandler** told the Council that he was moving some of the projects he already discussed forward. He mentioned the first significant snow storms in December and their challenges and the positive feedback he has received from the residents.

Marcia Delaware asked how the office clean up day went. **Mr. Chandler** replied that it went very well with 36 or so bags of trash going to the transfer station and closed by saying that it was a good first effort at making space for future projects.

2. Departmental Reports

No Questions/Comments

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3. *Ordinance C2018-1 Change to Habitable Space Requirements*

BE IT ORDAINED, that the Dexter Town Council hereby amends Chapter 6 Housing, Section 6-73, Habitable space requirements as follows:

Habitable space requirements are as follows:

(3) *Light and ventilation.*

a. ~~Habitable space shall be provided with natural light through a minimum of one (1) window opening directly to the outdoors, which is a minimum size of twenty four (24) inches by thirty six (36) inches.~~

- a. ***Must meet NFPA 101 Life Safety Code.***

Filed January 11, 2018

PETER HASKELL

Second: **Fred Sherburne**

Vote: Unanimous in favor, motion passes

V. NEW BUSINESS

1. *Order A2018-1 Temporary ATV Task Force*

BE IT ORDERED, that the Dexter Town Council hereby acknowledges the formation of a temporary ATV Task Force to study the potential issues associated with considering additional roads and public ways for ATV traffic. The ATV Task Force has the potential to be made up of eleven members consisting of three Council members, four business owners, two Dexter residents in favor of ATV traffic, two Dexter residents against ATV traffic and will be appointed by the Council. The ATV Task Force will be supported as needed by Town of Dexter Department Heads.

Filed January 11, 2018

MARK ROBICHAUD

Second: **Fred Sherburne**

Vote: Unanimous in favor, motion passes

2. *Order A2018-2 Transfer of Money for Purchase of Plow Truck*

BE IT ORDERED, that the Dexter Town Council authorizes the Finance Officer to transfer up to \$23,000 from Highway Equipment Reserve Account #E130-05-511-13 to Public Works New Equipment Account # E105-01-507-10 for the purchase of a 2004 MAC Granite Plow Truck from the State of Maine at the cost of \$9,800.00 with the remainder of the money for the purchase of a hopper/sander unit from a vendor to be determined.

Filed January 11, 2018

CHUCK ELLMS

Second: **Fred Sherburne**

Peter Haskell felt there were good reasons to buy the truck.

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Mark Robichaud also felt it would be a good purchase.

Mike Blake was in favor of purchasing the truck but felt there were enough trucks at the highway garage and something should be sold.

Chuck Ellms felt that the Town should buy the truck from the State and keep all the trucks until spring or until the Town knows if the International truck is actually fixed and then sell which ever single axle truck is in the worst shape.

Jim Chandler stated that with the purchase of the truck from the State, the Town would have five trucks plus a spare if you consider that the Town has five drivers capable of driving those five trucks all at one time and then presently there is no truck in reserve if one breaks down.

Fred Sherburne agreed to buying the State truck and asked how many hours the truck has and **Eric Campbell** responded 8,000+/- . The bill for leasing the truck from the State was \$990.88 and there was discussion about asking the State to credit that amount towards the purchase. The per day cost did not include the sander since it was not working. **Mr. Chandler** felt that the State was offering the truck for an excellent price so reducing the purchase price might not happen.

Sharon Grant agreed with buying the truck and selling something in the spring.

Marcia Delaware asked **Eric Campbell** if he was able to find a good used sander for the truck and **Mr. Campbell** replied that he had not had a chance due to the weather. He stated that a new sander would run between \$11,000 and \$13,000 and a used sander would probably run \$7,800 to \$8,800. It was agreed that buying something that needed to be worked on right away was not worth it and looking into a new sander would be the way to go.

Vote: Unanimous in favor, motion passes

3. Emergency Ordinance C2018-2 Moratorium on Legalization of Marijuana

THE TOWN OF DEXTER HEREBY ORDAINS AN EMERGENCY MORATORIUM
ORDINANCE REGARDING RETAIL RECREATIONAL MARIJUANA

WHEREAS, the Town Council of the Town of Dexter makes the following findings:

- 1) The Marijuana Legalization Act (the “Act”) was approved by Maine voters in November 2016 and has been codified in the Maine Revised Statutes in Title 7, chapter 417; and
- 2) The unregulated location and operation of “Retail Marijuana Establishments” and “Retail Marijuana Social Clubs,” as defined in 7 M.R.S.A. chapter 417, as well as other types of retail recreational marijuana activity within the Town of Dexter raises legitimate and substantial questions about the impact of such activity, establishments and social clubs on the Town of Dexter, including questions as to compatibility with existing land uses and developments in the Town of Dexter; potential adverse health and safety effects on the community; the possibility of illicit sale and use of marijuana and marijuana products to and by minors; and the possibility of unlawful use of marijuana and marijuana products; and
- 3) The State of Maine, as a result of the sustained veto of LD 2395, currently has no regulations governing retail recreational marijuana activities, Retail Marijuana

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Establishments and Retail Marijuana Social Clubs, and the Town of Dexter does not have any existing ordinances sufficient to prevent serious public harm that could result from the unregulated development of Retail Marijuana Establishments and Retail Marijuana Social Clubs and from other types of retail recreational marijuana activity; and

- 4) As a result of the foregoing issues, retail recreational marijuana activity, and the location and operation of Retail Marijuana Establishments and Retail Marijuana Social Clubs within the Town of Dexter, have potentially serious implications for the health, safety and welfare of the Town of Dexter and its residents; and
- 5) An overburdening of public facilities and resources, including public safety resources, is a reasonably foreseeable result of Retail Marijuana Establishments and Retail Marijuana Social Clubs locating in the Town of Dexter and/or other types of retail recreational marijuana activity in the Town of Dexter; and
- 6) The state's regulatory structure is unknown at this time as the Maine Legislature and state agencies have not developed final legislation or regulations governing Retail Marijuana Establishments and Retail Marijuana Social Clubs, and legislation amending the Act remains to be enacted; and
- 7) Federal statutes in the United States Code, 21 U.S.C. §812 lists marijuana as a Schedule I controlled substance; and
- 8) The results of the Town of Dexter voters on the Referendum Question 1 in November 2016 were 57% against, indicating there is support for the Moratorium Ordinance; and
- 9) The Town will need at least 60 days to develop and implement the necessary zoning and land use ordinances and regulations to accommodate potential development pressures resulting from potential applicants for the establishment of Retail Marijuana Establishments and Retail Marijuana Social Clubs; and
- 10) In the judgment of the legislative body of the Town of Dexter, the foregoing findings and conclusions constitute an emergency within the meaning of 30-A M.R.S.A. §4356 requiring immediate legislative action.

NOW, THEREFORE, pursuant to 30-A MRSA § 4356, be it ordained the Town of Dexter hereby ordains that a moratorium is hereby imposed, effective immediately upon passage and applicable, to the maximum extent permitted by law, and subject to the severability clause below, to all proceedings, applications, and petitions now pending (within the meaning of 1 MRSA §302) as of January 11, 2018 and on any new construction or use, requiring approval under the terms of the Town's zoning and land use ordinances and regulations until the effective date of the necessary amendments to the zoning and land use ordinances and regulations or until March 12, 2018.

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Section 1. Moratorium. The Town of Dexter does hereby declare a moratorium on all retail recreational marijuana activity, and the location, operation or licensing of any and all “Retail Marijuana Social Clubs” and “Retail Marijuana Establishments,” as defined in 7 M.R.S.A. chapter 417, including but not limited to, retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities within the Town of Dexter.

No person or organization shall engage in any retail recreational marijuana activity or develop or operate a Retail Marijuana Establishment or Retail Marijuana Social Club within the Town of Dexter on or after the effective date of this Ordinance. During the time this moratorium ordinance is in effect, no officer, official, employee, office, administrative board or agency of the Town of Dexter shall accept, process, approve, deny, or in any other way act upon any application for a license, building permit, any other type of land use approval or permit and/or any other permits or licenses related to a Retail Marijuana Establishment, Retail Marijuana Social Club or retail recreational marijuana activities.

Section 2. Pending Proceedings. Notwithstanding 1 M.R.S.A. § 302 or any other law to the contrary, this Ordinance shall govern any proposed retail recreational marijuana activity and Retail Marijuana Establishments or Retail Marijuana Social Clubs for which an application for a building permit, certificate of occupancy, site plan or any other required approval has been submitted to the Town of Dexter, whether or not a pending proceeding, prior to the enactment of this Ordinance.

Section 3. Medical Marijuana Act. This Ordinance will not limit the privileges or rights afforded by the Maine Medical Use of Marijuana Act (22 M.R.S.A. §§ 2421 – 2430-B) to qualifying patients, primary caregivers, or registered dispensaries, including cultivation facilities associated with any of those classifications.

Section 4. Conflicts/Severability Clause. Any provisions of the Town of Dexter’s ordinances that are inconsistent or conflicting with the provisions of this Ordinance are hereby repealed to the extent applicable for the duration of this moratorium. If any section or provision of this Ordinance is declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.

Section 5. Violations. If any retail recreational marijuana activity is conducted, or Retail Marijuana Establishment or Retail Marijuana Social Club is established, in violation of this Ordinance, each day of any continuing violation shall constitute a separate violation of this Ordinance and the Town of Dexter shall be entitled to all rights available to it pursuant to 30-A M.R.S.A. § 4452, including, but not limited to, fines and penalties, injunctive relief, and its reasonable attorney’s fees and costs in prosecuting any such violations.

Section 6. Effective Date. This Ordinance shall become effective immediately upon its adoption and shall remain in full force and effect for a period of 60 days thereafter, unless extended pursuant to law or until a new and revised set of regulations is adopted by the Town of Dexter, whichever shall first occur.

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Filed January 11, 2018
MARCIA DELAWARE

Second: **Fred Sherburne**

Jim Chandler advised the Council that he developed the document as a result of working with MMA's recommended model and also by submitting it to the Town Attorney for review and approval. The Emergency Moratorium, if passed, will take effect immediately and will last for 60 days. If the Council elects to move the Proposed Ordinance forward, that Moratorium would cover the Town for an additional 180 days beyond the 60 days that the Emergency Ordinance covers. It would give the Town the spring and most of the summer to let the State figure out what they want to do and the Town can move on from there. It was **Mr. Chandler's** recommendation that the Ordinances be passed in order not to be caught if the State does not pass something before the February 1st deadline. The Council was polled and agreed that the Emergency Ordinance should be passed in order to give the Town time to visit the issue.

Vote: Unanimous in favor, motion passes

4. Proposed Ordinance - Moratorium on Legalization of Marijuana

THE TOWN OF DEXTER HEREBY ORDAINS A MORATORIUM ORDINANCE
REGARDING RETAIL RECREATIONAL MARIJUANA

WHEREAS, the Town Council of the Town of Dexter makes the following findings:

- 1) The Marijuana Legalization Act (the "Act") was approved by Maine voters in November 2016 and has been codified in the Maine Revised Statutes in Title 7, chapter 417; and
- 2) The unregulated location and operation of "Retail Marijuana Establishments" and "Retail Marijuana Social Clubs," as defined in 7 M.R.S.A. chapter 417, as well as other types of retail recreational marijuana activity within the Town of Dexter raises legitimate and substantial questions about the impact of such activity, establishments and social clubs on the Town of Dexter, including questions as to compatibility with existing land uses and developments in the Town of Dexter; potential adverse health and safety effects on the community; the possibility of illicit sale and use of marijuana and marijuana products to and by minors; and the possibility of unlawful use of marijuana and marijuana products; and
- 3) The State of Maine, as a result of the sustained veto of LD 2395, currently has no regulations governing retail recreational marijuana activities, Retail Marijuana Establishments and Retail Marijuana Social Clubs, and the Town of Dexter does not have any existing ordinances sufficient to prevent serious public harm that could result from the unregulated development of Retail Marijuana Establishments and Retail Marijuana Social Clubs and from other types of retail recreational marijuana activity; and

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- 4) As a result of the foregoing issues, retail recreational marijuana activity, and the location and operation of Retail Marijuana Establishments and Retail Marijuana Social Clubs within the Town of Dexter, have potentially serious implications for the health, safety and welfare of the Town of Dexter and its residents; and
- 5) An overburdening of public facilities and resources, including public safety resources, is a reasonably foreseeable result of Retail Marijuana Establishments and Retail Marijuana Social Clubs locating in the Town of Dexter and/or other types of retail recreational marijuana activity in the Town of Dexter; and
- 6) The state's regulatory structure is unknown at this time as the Maine Legislature and state agencies have not developed final legislation or regulations governing Retail Marijuana Establishments and Retail Marijuana Social Clubs, and legislation amending the Act remains to be enacted; and
- 7) Federal statutes in the United States Code, 21 U.S.C. §812 lists marijuana as a Schedule I controlled substance; and
- 8) The results of the Town of Dexter voters on the Referendum Question 1 in November 2016 were 57% against, indicating there is support for the Moratorium Ordinance; and
- 9) The Town will need at least 180 days to develop and implement the necessary zoning and land use ordinances and regulations to accommodate potential development pressures resulting from potential applicants for the establishment of Retail Marijuana Establishments and Retail Marijuana Social Clubs; and
- 10) In the judgment of the legislative body of the Town of Dexter, the foregoing findings and conclusions constitute an emergency within the meaning of 30-A M.R.S.A. §4356 requiring immediate legislative action.

NOW, THEREFORE, pursuant to 30-A M.R.S.A. § 4356, be it ordained the Town of Dexter hereby ordains that a moratorium is hereby imposed, effective immediately upon passage and applicable, to the maximum extent permitted by law, and subject to the severability clause below, to all proceedings, applications, and petitions now pending (within the meaning of 1 M.R.S.A. §302) as of February 8, 2018 and on any new construction or use, requiring approval under the terms of the Town's zoning and land use ordinances and regulations until the effective date of the necessary amendments to the zoning and land use ordinances and regulations or until September 6, 2018.

Section 1. Moratorium. The Town of Dexter does hereby declare a moratorium on all retail recreational marijuana activity, and the location, operation or licensing of any and all "Retail Marijuana Social Clubs" and "Retail Marijuana Establishments," as defined in 7 M.R.S.A. chapter 417, including but not limited to, retail marijuana stores, retail marijuana cultivation

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facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities within the Town of Dexter.

No person or organization shall engage in any retail recreational marijuana activity or develop or operate a Retail Marijuana Establishment or Retail Marijuana Social Club within the Town of Dexter on or after the effective date of this Ordinance. During the time this moratorium ordinance is in effect, no officer, official, employee, office, administrative board or agency of the Town of Dexter shall accept, process, approve, deny, or in any other way act upon any application for a license, building permit, any other type of land use approval or permit and/or any other permits or licenses related to a Retail Marijuana Establishment, Retail Marijuana Social Club or retail recreational marijuana activities.

Section 2. Pending Proceedings. Notwithstanding 1 M.R.S.A. § 302 or any other law to the contrary, this Ordinance shall govern any proposed retail recreational marijuana activity and Retail Marijuana Establishments or Retail Marijuana Social Clubs for which an application for a building permit, certificate of occupancy, site plan or any other required approval has been submitted to the Town of Dexter, whether or not a pending proceeding, prior to the enactment of this Ordinance.

Section 3. Medical Marijuana Act. This Ordinance will not limit the privileges or rights afforded by the Maine Medical Use of Marijuana Act (22 M.R.S.A. §§ 2421 – 2430-B) to qualifying patients, primary caregivers, or registered dispensaries, including cultivation facilities associated with any of those classifications.

Section 4. Conflicts/Severability Clause. Any provisions of the Town of Dexter's ordinances that are inconsistent or conflicting with the provisions of this Ordinance are hereby repealed to the extent applicable for the duration of this moratorium. If any section or provision of this Ordinance is declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.

Section 5. Violations. If any retail recreational marijuana activity is conducted, or Retail Marijuana Establishment or Retail Marijuana Social Club is established, in violation of this Ordinance, each day of any continuing violation shall constitute a separate violation of this Ordinance and the Town of Dexter shall be entitled to all rights available to it pursuant to 30-A M.R.S.A. § 4452, including, but not limited to, fines and penalties, injunctive relief, and its reasonable attorney's fees and costs in prosecuting any such violations.

Section 6. Effective Date. This Ordinance shall become effective immediately upon its adoption and shall remain in full force and effect for a period of 180 days thereafter, unless extended pursuant to law or until a new and revised set of regulations is adopted by the Town of Dexter, whichever shall first occur.

Motion to move the Proposed Ordinance forward to Public Hearing: **Peter Haskell**

Second: **Fred Sherburne**

Vote: Unanimous in favor, motion passes

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VI. FUTURE BUSINESS

1. Discussion with Dexter Utility District concerning Tax Acquired Property

Trampas King spoke to the Council as one of the Board of Directors from the Dexter Utility District. He presented the Council with a spread sheet showing the bad debt write off for the last six years and a copy of the agreement that the City of Caribou has with the Caribou Utilities District. **Mr. King** stated that in the last six years with properties taken for tax purposes the Utility District has lost revenue of around \$29,309. He put the issue in front of the Council to see if there could be a change for the sake of the Utility District and for the Town of Dexter. The revenue that is lost when the Town acquires the property is a loss to the Utility District but also to the Town since the Town pays 30% of that cost. The Utility District is asking that when the Town acquires a piece of property, the amount owed to the Utility District be added to the minimum bid for purchasing the property. He said that in Caribou the City contacts the Utility District to see what is owed and adds the amount to the cost of the minimum bid for property that has been acquired. Whatever is collected on the sale of the house goes first to the City and then what is left goes to the Utility District. The reason the Utility District does not take homes for liens is because of the cost and they do not have the manpower. He concluded that the reason for asking the Council to consider changing the policy is to assist the Utility District in collecting lost revenue and also saving the Town expenses.

Mike Blake asked if there was a downside to considering the change and **Jim Chandler** responded that he would like to engage in a discussion and do a little more research. He stated that two of the staff have expressed concern with what the work load would be to make it part of the process. Also, increasing the minimum bid may or may not make the properties more competitive to sell so there should be further investigation. **Mr. Chandler** reached out to Caribou earlier in the day to see how their process has been going, but had not heard back from them. He added that he was happy to continue to do the research and if the Council wanted a meeting, that could be done. **Mr. King** added that the Utility District liens go away when the Town sells the tax acquired property which is why the Utility District loses the revenue. He also added that if the Town worked out a repurchase agreement with the owner of the property, the Utility District is able to keep the liens on the property. **Mr. Chandler** stated that he was not familiar with the practice of the liens going away when the Town sold the tax acquired property and that the Town was only issuing a quit claim deed. **Marcia Delaware** expressed concern on whether the Town could add someone else's debt to the bid packet and again it was expressed that there would have to be research and a conversation with the Town Attorney. **Ms. Delaware** added that when the Town gets more than the minimum bid on a property, it is unexpected revenue and that money goes into the budget and reduces what the Town expects from the tax payers later on so having the staff collect for the Utility District does not do the Town any good. **Mr. King** responded that getting the revenue for the Utility District would do the Town good in reduced costs. **Mike Blake** suggested that the discussion continue at the next meeting after more research had been done.

VII. PUBLIC FORUM

No Comments

Motion to go into Executive Session at 7:35PM: **Fred Sherburne**

Second: **Mark Robichaud**

Vote: Unanimous in favor, motion passes

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VIII. EXECUTIVE SESSION

1. Personnel Matters per 1 MRSA, Sec. 405 (6) (A)

Motion to come out of Executive Session at 8:20PM: **Peter Haskell**

Second: **Fred Sherburne**

Vote: Unanimous in favor, motion passes

Motion to Adjourn at 8:22PM: **Peter Haskell**

Second: **Fred Sherburne**

Vote: Unanimous in favor, motion passes

Respectfully Submitted,

Kim M. Hughes
Town Clerk