

**COUNCIL MINUTES OF
FEBRUARY 8, 2018**

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

EXCUSED ABSENCE: Mike Blake

STAFF PRESENT: Jim Chandler, Kim Hughes, Shannon Hall, Susan Page

The Invocation was led by **Jim Chandler** followed by the Pledge of Allegiance.

I. PUBLIC HEARING

1. Ordinance C2018-3 Moratorium on Legalization of Marijuana

NO COMMENTS

II. MINUTES

1. Approve/Amend Council Minutes of January 11, 2018

Motion to Approve: **Fred Sherburne**

Second: **Mark Robichaud**

Vote: Unanimous in favor, motion passes

III. NOMINATIONS, APPOINTMENTS, & ELECTIONS

1. Order A2018-3 Appointment of Temporary ATV Task Force

BE IT ORDERED, that the Dexter Town Council hereby approve the appointment of the following applicants for the Temporary ATV Task Force:

| Applicant | For / Against / Business |
|------------------|---------------------------------|
| Peter Haskell | Councilor |
| Chuck Ellms | Councilor |
| Fred Sherburne | Councilor |
| Matthew Connor | For |
| Frank Spizuoco | Business Owner |
| Denise Webb | For |
| Robert Webb | For |
| Duane Minton | Against |
| Darrel Cronkhite | Business Owner |
| Nancy Pushard | For |

**COUNCIL MINUTES OF
FEBRUARY 8, 2018**

| | |
|------------|---------|
| David Eddy | Against |
|------------|---------|

Filed February 8, 2018
SHARON GRANT

Second: **Marcia Delaware**

Vote: Unanimous in favor, motion passes

2. Order A2018-7 Appointment to the Board of Appeals

BE IT ORDERED, that the Dexter Town Council hereby approve the appointment of Tim Breen to the Board of Appeals for a three year term expiring December 31, 2020.

Filed February 8, 2018
PETER HASKELL

Second: **Fred Sherburne**

Vote: Unanimous in favor, motion passes

IV. UNFINISHED BUSINESS

1. Manager's Report

Jim Chandler referred to his written report and asked if there were any questions. **Fred Sherburne** asked about the cancelled skate night and **Mr. Chandler** replied that it had been rescheduled for Friday, February 16 at 4:00PM and again it depends on the weather.

2. Departmental Reports

Jim Chandler pointed out the photos provided by the Highway Department of the airport snowplow which was broken during regular plowing operations. Three men from the Highway Department worked on repairs for 19 hours to put the plow back in service. **Mr. Chandler** added that the crew is a valuable resource for the Town. Also, **Mike Gudroe** and **Eric Campbell** have been fabricating an attachment for the John Deere tractor that could have cost the Town thousands of dollars. The attachment will go on the back of the tractor that **Mr. Gudroe** uses to plow and clear the sidewalks and it will allow for sanding the sidewalks. The attachment is almost done and will hopefully be available for the next storm.

3. Ordinance C2018-3 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

**COUNCIL MINUTES OF
FEBRUARY 8, 2018**

- 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
- 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

**COUNCIL MINUTES OF
FEBRUARY 8, 2018**

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 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

**COUNCIL MINUTES OF
FEBRUARY 8, 2018**

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.

Filed February 8, 2018
MARCIA DELAWARE

Second: **Fred Sherburne**

Marcia Delaware stated that she had a discussion the day before with the Town Manager and Code Enforcement Officer. She pointed out Section 1 which lists what the Town is trying to oppose - "retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities". **Ms. Delaware** said if you go to the Town's Land Use Ordinance every one of those is covered already with the exception of the Social Club which would be a good discussion for the Planning Board as well as the Council. She wondered if the Moratorium was redundant and added that the Legislative Bulletin that they received stated that until the State issues licenses, no one can have a commercial marijuana establishment. **Sharon Grant** thought the Moratorium was good protection until the State decides what to do with the issue. **Jim Chandler** responded by stating that the Moratorium could always be rescinded or repealed without notice. He felt that the general consensus of Towns and Cities in Maine was to pass a Moratorium until the State decides how to handle it. He said it is true that no retail establishment can open anywhere in the State unless they have been issued a State license. The precautionary measure that comes with the Moratorium is in case an attorney or business interest wants to pick a Town and challenge it by trying to get a business license. **Mr. Chandler** concluded by saying the Town might be open to having a retail marijuana establishment in the future but needs to have the necessary Codes and resources in place. **Fred Sherburne** felt that two locks would delay the issue a little further.

Vote: 5 to 1 (Delaware), motion passes

V. NEW BUSINESS

1. Order A2018-4 Renewal of Liquor License for Brenda Brooks

BE IT ORDERED, that the Dexter Town Council hereby approves the renewal of the Spirituous, Vinous, and Malt Liquor License for Brenda Brooks doing business as All Aboard Restaurant.

**COUNCIL MINUTES OF
FEBRUARY 8, 2018**

Filed February 8, 2018
CHUCK ELLMS

Second: **Fred Sherburne**

Vote: Unanimous in favor, motion passes

2. Order A2018-5 Tax Payment Extension

BE IT ORDERED, that the Dexter Town Council, pursuant to Chapter 2, Administration; Article VII Sec. 2-192 of the Dexter Code of Ordinances, hereby extends until March 14, 2018 the time period for owners of record and lien holders to bring their accounts current. Owners of record and lien holders are required to make full payment of all property taxes and costs assessed against properties that have tax liens that mature on February 12, 2018. Municipal Quit Claim deeds will be issued at the April 12, 2018 meeting on properties that have satisfied full payment of their taxes. Action will be taken to dispose of any remaining properties with outstanding tax balances with matured liens.

Filed February 8, 2018
FRED SHERBURNE

Second: **Mark Robichaud**

Vote: Unanimous in favor, motion passes

3. Order A2018-6 Transfer Money for Fire Truck Repair

BE IT ORDERED, that the Dexter Town Council hereby authorizes the Finance Officer to transfer \$1997.00 from Fire Apparatus Reserve Account #E130-05-511-11 to Fire Department New Equipment Account #E104-03-507-10 for additional repairs on refurbishing the 1992 E1 Fire Truck.

Filed February 8, 2018
MARK ROBICHAUD

Second: **Marcia Delaware**

Jim Chandler explained that in the process of refurbishing the fire truck there were four items not identified or included in the original quote - the gear box, a couple of wiring harnesses, some rear window regulators, and the air horns.

Vote: Unanimous in favor, motion passes

VI. FUTURE BUSINESS

1. Budget Discussion

Jim Chandler advised the Council that the Staff had started meeting internally to discuss the preparation of the 2018/2019 budget. He will be working on the department head budget requests to be ready for budget submission to the Council by May 1 along with a budget meeting schedule at the May Council meeting. In addition, there is a hand out of the MSAD #46 Budget Schedule for anyone interested in attending any of the meetings. The schedule will be posted on the Town website and on the Town Office window.

**COUNCIL MINUTES OF
FEBRUARY 8, 2018**

2. Community Engagement Academy

Mr. Chandler stated that one of the things that is driving the budget schedule is the need for economic development. The Community Engagement Academy is a three-day academy that is held in three different locations. They host a day-long workshop where you can go and learn about the stages of redevelopment and revitalization. The Dexter Revitalization Committee has committed to sending a person along with providing **Mr. Chandler** the opportunity to attend. **Mr. Chandler** intends to apply for scholarship money to assist with the expenses. He suggested it would be a benefit to Dexter if there could be a team to attend the academy so that the classes would be seen through different eyes. There would be opportunities to come back with different ideas and grant options. **Mr. Chandler** would like to develop the next budget with the idea of being more proactive with economic development. He asked if one or more of the Council would be interested in attending one or more of the days at the academy and **Fred Sherburne** said he would be interested in attending at least two of the days.

3. Economic Development/Comprehensive Plan Discussion

Mr. Chandler pointed out the three pages he copied from the 2012 Comprehensive Plan listing the goals and objectives towards economic development. It lists out the State of Maine's goals in areas such as natural resources, recreation, etc. Most of the goals and objectives for the Town are still left to do without much progress being made since that time. **Mr. Chandler** is having more Comp Plans printed in order to provide each of the Council with a copy to work from.

Mr. Chandler advised the Council that the demolition project for 121 Main Street is being advertised again in tomorrow's Gazette to solicit bids. The bid documents have been simplified and language has been added from the attorney that identifies ways for potential contractors to deal with liability concerns.

The information/technology project is close to being completed. It will be in front of the Council in March with all of the funding options and upgrade details.

Mike Blake is requesting a joint meeting with **Serena Bemis-Goodall**, the Town Manager from Corinna, to discuss ways that the two Towns could work together and the two dates they have offered are Wednesday, April 4th or 18th. The consensus was April 18th in the evening and **Mr. Chandler** said he would coordinate with Corinna for that date.

In regards to the sidewalk and street light project, **Mr. Chandler** met with Plymouth Engineering and has a meeting next week with MDOT. The project is moving forward so that the bid documents can be prepared. The hope is to have a contractor on board in order to work ahead of the MDOT project on Spring Street. He stated that if you are going to dig up a road you want to make sure that you place everything underneath that road before paving. One of the ideas **Mr. Chandler** has is to provide properties on Main Street with the opportunity to hook up to a sprinkler system. That could make some of the vacant properties more appealing for redevelopment. Since the road is going to be dug up anyway, there is an opportunity to do a wet tap on the existing water main. He has had discussions with **Trampas King**, who is on the Utility District Board, and has received some prices from him. The State has a five-year Moratorium for cutting into the new pavement unless there is an emergency so this is the time to consider doing it even if it is only just a couple of hook ups. The ballpark figure is three to four

**COUNCIL MINUTES OF
FEBRUARY 8, 2018**

thousand dollars for each one, which does not include the excavation cost or the cost to bring it all the way into the building. **Chuck Ellms** added that the hook up should be brought all the way into the building so that the new sidewalk did not have to be cut into and **Mr. Chandler** agreed but was not sure if that could be accomplished. **Sharon Grant** asked if the Utility District or the Town would be paying for the hook ups and **Mr. Ellms** replied that the PUC would not let the Utility District cover the cost. **Mr. Chandler** said he had a meeting on Monday that would help with ideas to apply for grants to cover the costs and that he is also looking into other ideas to make Main Street more viable for economic development. He concluded by adding that he is also looking into the sidewalks around the library since they are in bad shape and the State project will go up past that area.

VII. PUBLIC FORUM

Frank Spizuoco suggested that in discussing the next budget, the Council might want to consider more than last year's \$500 which was set aside for economic development. More money would recognize the need and make it a priority so investors would not pull away from Dexter. **Marcia Delaware** stated that the Town has not had the leadership that expressed an interest in economic development before so that has just been a page in the budget book. Now we have someone who can give the Town a much better outlook.

Mr. Spizuoco estimated that it would cost a business approximately \$1076 a year for a 4" line and he would pay to have the system in the cafe building. Having a sprinkler system in a building minimizes a business's exposure. People don't die in a building with a sprinkler system. If he wants to develop the top two floors of his building, a sprinkler system is just a smarter way to go.

Fred Sherburne mentioned the "Welcome to Dexter" signs on the outskirts of Town and wondered if more advertising could be done by hanging additional signs there or put advertising on the website for some of the events in the northern areas that might encourage people to stop on the way through Dexter.

Sharon Grant added that signs on the railroad bed showing information on businesses in Town such as the Brewster Inn or the Golf Course would be a good idea and **Jim Chandler** responded that it would be one of the items that the ATV Task Force would be addressing.

VIII. EXECUTIVE SESSION

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

NONE

Motion to Adjourn at 7:50PM: **Fred Sherburne**

Second: **Mark Robichaud**

Vote: Unanimous in favor, motion passes

Respectfully Submitted,

Kim M. Hughes
Town Clerk