

**COUNCIL MINUTES OF
JULY 12, 2018**

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

STAFF PRESENT: Trampas King, Marilyn Curtis, Kim Hughes, Jeremy Trowbridge, Eric Campbell, Mike Gudroe

The Invocation was led by **Deacon David Denbow** followed by the Pledge of Allegiance.

Mike Blake introduced **Trampas King** as the new Town Manager and stated that he would be starting his new position around the first week of August.

I. PUBLIC HEARING

1. Ordinance C2018-7 Children Playing Signs

Kim Hughes explained that **Mr. Nolt** had requested a 25MPH speed limit sign in addition to the children playing sign. Since the Town repealed setting speed limits and had given that authority to the State, **Ms. Hughes** contacted the State to see what the procedure would be to make a change. The State's reply was that the Town should first put up a children playing sign and if that did not work, the Town would have to apply to the State for a speed limit change.

2. Order A2018-43 New Application for a Farmer's Market License with Authorization to Sell Malt Liquor, Spirits, or Wine

Meredith Josselyn explained that the license is for the Farmer's Market that they already have on Saturdays at B'Warts. The license will allow a winery or brewery to conduct taste-testing and sales two times a month. Once the Council approves the license, it takes 30 days before they can begin so it will be mid August before they can start the taste-testing. **Ms. Josselyn** stated that they already have a lot of interest and hope to showcase even more local businesses.

3. Order A2018-44 New Application for an Off-Premise Retail Liquor License for Robert Brenckman dba Log Cabin Groceries, 809 Dover Road

Mr. Brenckman gave the Council a handout with information on his intended hours of business as well as what they intend to stock in the store. They are planning on offering fresh pastries, doughnuts, bagels, and bread as well as take out homemade meals and eat in items such as pizza, sandwiches, pies, soups, deserts, and more. They will also have cigarettes, beer and wine, common grocery items, sporting gear, and seasonal fish and game equipment. He added that the Log Cabin will probably not be able to open until September due to a small setback in getting the handicap bathrooms installed.

4. Order A2018-45 New Victualer's License for Robert Brenckman dba Log Cabin Groceries, 809 Dover Road

No Additional Comments

5. Resolution B2018-2019-1 Municipal Budget

No Comments

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II. MINUTES

1. Approve/Amend Council Minutes of June 13, 2018

Motion to Approve: **Sharon Grant**

Second: **Fred Sherburne**

Vote: 6 to 1 (Delaware - abstain), motion passes

III. NOMINATIONS, APPOINTMENTS, & ELECTIONS

None

IV. UNFINISHED BUSINESS

1. Departmental Reports

Marilyn Curtis told the Council she had received notification that **Kim** has completed all the requirements to become a life-time certified Clerk of Maine and will be receiving her certificate at the annual Clerk's Networking Day in September.

2. Order A2018-30 Sale of Tax Acquired Property - 60 Railroad Avenue

BE IT ORDERED, that the Dexter Town Council, in accordance with the Dexter Town Code, hereby authorizes the sale of certain tax acquired property being more specifically described as Map 14, Lot 43 at 60 Railroad Avenue to Stanley Garnet for the amount of \$ 6,500.

Transfer Tax costs shall be the responsibility of the purchaser.

Filed July 12, 2018

CHUCK ELLMS

Second: **Marcia Delaware**

Vote: Unanimous in favor, motion passes

3. Order A2018-31 Sale of Tax Acquired Property - 6 Armstrong Road

Dave Kirshkalm addressed the Council to let them know that **John Devine**, a friend of his, purchased the property in February and that he is acting as agent for **Mr. Devine**. **Mr. Devine's** wife found out in March she has stage four cancer and they intend to move here so that **Mr. Kirshkalm** can give them assistance. **Mr. Kirshkalm** stated that he had wanted to look inside the trailer before he bid on the property and was not able to get in, but one day when he was mowing the property he did see **Ms. Keaten** being let in to see the trailer. Originally the new land owner wanted the trailer removed from the property but he now wants the trailer left in place if he wins the bid. Also, **Mr. Devine** is willing to forgo the lot rent that he could have been charging the Town since the property became tax acquired if the trailer is awarded to him. **Mike Blake** asked if the Town could have a letter stating that no lot rent was to be charged and **Mr. Kirshkalm** assured the Council that there would be no problem with getting a letter.

BE IT ORDERED, that the Dexter Town Council, in accordance with the Dexter Town Code, hereby authorizes the sale of certain tax acquired property being more specifically described as Map 102, Lot 32-H-2 at 6 Armstrong Road to Dave Kirshkalm for the amount of \$ 2,200.

Transfer Tax costs shall be the responsibility of the purchaser.

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SHARON GRANT

Second: **Marcia Delaware**

Vote: Unanimous in favor, motion passes

4. Ordinance C2018-7 Children Playing Signs

BE IT ORDAINED, that the Dexter Town Council hereby amends Chapter 9, Motor Vehicles and Traffic as follows:

Sec.9-71. "Children Playing" areas.

(x) On the North and South side of the vicinity of 61 Old Dover Road

(y) On the east side of the vicinity of 68 Dunn Road

Filed July 12, 2018
MARCIA DELAWARE

Second: **Sharon Grant**

Vote: Unanimous in favor, motion passes

5. Order A2018-43 New Application for a Farmer's Market License with Authorization to Sell Malt Liquor, Spirits, or Wine

BE IT ORDERED, that the Dexter Town Council hereby approves the new Farmer's Market License with authorization to sell malt liquor, spirits, or wine for Meredith Josselyn doing business as Dexter, Maine Farmers' Market.

Filed July 12, 2018
MARK ROBICHAUD

Second: **Peter Haskell**

Vote: Unanimous in favor, motion passes

6. Order A2018-44 New Application for an Off-Premise Retail Liquor License for Robert Brenckman dba Log Cabin Groceries, 809 Dover Road

BE IT ORDERED, that the Dexter Town Council hereby approves the new off-premise retail liquor license for Robert Brenckman doing business as Log Cabin Groceries, 809 Dover Road.

Filed July 12, 2018
PETER HASKELL

Second: **Fred Sherburne**

Vote: Unanimous in favor, motion passes

7. Order A2018-45 New Victualer's License for Robert Brenckman dba Log Cabin Groceries, 809 Dover Road

BE IT ORDERED, that the Dexter Town Council hereby approves the new Victualer's License for Robert Brenckman doing business as Log Cabin Groceries, 809 Dover Road subject to the final inspection and approval from the State and local authorities.

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Filed July 12, 2018
FRED SHERBURNE

Second: **Sharon Grant**

Vote: Unanimous in favor, motion passes

8. Resolution B2018-2019-1 Municipal Budget

BE IT RESOLVED, WHEREAS the sum of \$4,566,286, which sum constitutes the estimated requirements of the Town of Dexter for the year 2018-2019 based upon the budget submitted by the Town Manager as provided by the Town Charter, be raised by assessments upon the estates of the Inhabitants of the Town of Dexter and upon the estates of the non-resident proprietors within the Town for the present municipal year and the sum is hereby appropriated in addition to the sum otherwise provided. The amount for each purpose being specified in the schedule is as follows:

CLASSIFICATION	APPROPRIATION	REVENUES
Special Revenue Fund	\$50,000	
General Government	\$965,471	
Public Works	\$559,093	
Airport	\$15,145	
Public Safety	\$542,398	
Health & Welfare	\$64,735	
Solid Waste Mgt/Lakes & Dam	\$274,866	
Culture & Recreation	\$211,632	
Facilities & Parks	\$ 439,959	
Cemetery	\$101,442	
Economic Development	\$15,000	
Debt Service	\$154,632	
Contributions to Reserve Accts	\$163,808	
County Tax	\$305,485	
Education	\$1,926,983	
Subtotal	\$5,790,649	

Increase from 2017-2018 ----- \$115,377

General Government Revenue		\$51,150
Cemetery Revenue		\$7,100
Culture & Recreation Revenue		\$12,900
Excise Tax Revenue		\$553,000
Facilities & Parks Revenue		\$11,550
Health & Welfare Revenue		\$10,000
Public Safety Revenue		\$32,000
Public Works Revenue		\$60,000
MMSWA Revenue		\$2,200

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Airport Revenue		\$3,900
Economic Development		\$0
Undesignated Revenue		\$368,350
General Fund Transfers		\$0
Capital Projects Revenue		\$62,213
Special Revenue Funds		\$50,000
Subtotal		\$1,224,363

Decrease from 2017-2018 ----- \$(55,526)

NET BUDGET ----- \$4,566,286

NET INCREASE FROM 2017-2018 ----- \$170,903

Filed July 12, 2018

CHUCK ELLMS

Second: **Marcia Delaware**

Peter Haskell stated that he was not happy with the projected 7/10 mil increase and said that he did not want to see an increase of more than 1/2 a mil. He thought money should be transferred from the General Fund to offset the difference. **Marilyn Curtis** stated that the General Fund has a balance of approximately \$1.3 million.

Marcia Delaware asked if the Assessor was done figuring the homestead exemptions and valuations and **Marilyn Curtis** replied "no" so the increase might not be as much as projected.

Mark Robichaud was comfortable with leaving the budget as presented.

Mike Blake stated that the General Fund needed to stay at around a million dollars and there is stuff coming up that has not been budgeted for like the Morrison Building foundation. No one wants a tax increase but one way or the other those things need to be paid for. If taking \$50,000 from the General Fund with the homestead exemptions keeps it at a 1/2 mil, he would be in favor of it.

Fred Sherburne stated with the expenses such as the landfill, etc. that are unknown, he would rather not dip into the General Fund.

Peter Haskell asked if there is \$55,000 less expected in revenue, why couldn't the Council take \$55,000 from the General Fund.

Chuck Ellms felt taking money out of the General Fund was just kicking the can down the road.

Marcia Delaware felt there was still a little wiggle room to get the mil rate down and that they should wait and see where they were after the Assessor gets the final figures. With the three things that are upcoming (the landfill being one), she was not in favor of transferring any money.

Mike Blake added that if the budget was not passed, the tax bills would not go out but the mil rate should be set at the August meeting.

Sharon Grant was also concerned with the things that are unknown expenses.

Marilyn Curtis stated that **Trampas King** had talked with the State about the landfill that day and he said he talked with the engineer at CES that does the inspections. He said there is a new person who is testing for different substances than have been tested for in the past and this facility is new to him. He was surprised by some of the things that are there but they are things

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that have been there for years. The nearby brook has been tested over the years and everything has been good. **Mr. King** stated that after two months or so no report has come in from the DEP and it sounds like there is not an issue that would have to be dealt with this year. Another issue is that some of the vents were broken or misaligned and need to be fixed but again not an issue for this year. The DEP has been advised that any issues that need immediate attention need to be in this year's budget and nothing has happened. **Mr. King** felt that if anything came up with the DEP, it could be put off until next year as long as the Town has a proposal.

Sharon Grant asked how much the foundation issue with the Morrison Building was going to cost and **Chuck Ellms** replied that it was not a huge issue and that \$2,000 to \$5,000 would take care of it.

Marcia Delaware asked if money was taken from the General Fund and the mil rate increase was less than expected, could the money be put back into the General Fund and **Marilyn Curtis** replied that it would automatically go back at the end of the fiscal year. **Ms. Curtis** added that if the Council wanted a firm mil rate number, the budget could be delayed until next month and the Town would operate under last year's commitment.

Vote: Unanimous decision to table until the August meeting

V. NEW BUSINESS

1. Discussion on First Universalist Church

Mike Gudroe explained the report from the CEO that was given to the Council and talked about the area between the Town Hall and the back of the church that is wet and spongy. There appears to be a drain pipe in the bank directly behind the church and there is a sump pump in the basement that pumps into a pipe being held up by a fence that also drains directly onto the church property. The issue is most prevalent in the spring. **Mr. Gudroe** stated that the pipe could be routed to a catch basin towards the street and then run into the storm water drain.

Rich Pfirman added that the issue came to a head about five years ago when the Town Hall basement flooded and the opening at the base of the stone wall where there was a pipe flooded the furnace room and the entire downstairs of the church. Once the Town Hall basement was dry, the water stopped coming into the church. The other pipe that comes from the sump pump works 24/7 and half of the rain that comes into that area comes from the roof of the Town Hall and the other half comes from the roof of the church. **Mr. Pfirman** stated that he had been told that it is illegal to pump water onto an adjoining property. The church has hired **Steve Lawson** to put a whole new catch basin in the side yard with 8" pipe to alleviate the drainage issues. The church is requesting approximately 40% of the cost or about \$3,000 to be reimbursed by the Town. There was concern on where the Town's commitment would end especially if a developer purchased the church in the future. **Mr. Pfirman** felt that if the remediation was done it would be a one-time thing. The Council decided to put off any decision until the next meeting so that **Mr. Ellms** could talk with **Mr. Lawson** and come up with a plan.

2. Order A2018-46 Off-Premise Catering Permit for Mark Libby dba Anthony Lee's Winery
BE IT ORDERED, that the Dexter Town Council hereby approves the off-premise catering permit for Mark Libby doing business as Anthony Lee's Winery for the Maine Red Hot Dog Festival on August 11, 2018.

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Filed July 12, 2018
SHARON GRANT

Second: **Marcia Delaware**

Vote: Unanimous in favor, motion passes

3. Order A2018-47 Off-Premise Catering Permit for Adrian Cronkhite dba Factory One
BE IT ORDERED, that the Dexter Town Council hereby approves the off-premise catering permit for Adrian Cronkhite doing business as Factory One for the Maine Red Hot Dog Festival on August 11, 2018.

Filed July 12, 2018
MARCIA DELAWARE

Second: **Sharon Grant**

Vote: Unanimous in favor, motion passes

4. Order A2018-48 Accept Donation from Bill and Joan Alford Foundation
BE IT ORDERED, that the Dexter Town Council hereby accepts the generous donation of \$6,900 from the Bill and Joan Alford Foundation to help fund the 2018 summer camp for area youth.

Filed July 12, 2018
MARK ROBICHAUD

Second: **Fred Sherburne**

John Parola told the Council that without **Marilyn Curtis'** assistance the donation would not have happened this year.

Vote: Unanimous in favor, motion passes

5. Order A2018-49 Bid for Sale of 1999 Chevrolet Truck
BE IT ORDERED, that the Dexter Town Council hereby accepts the bid from Eric Campbell in the amount of \$150.00 for the 1999 Chevrolet Truck.

Filed July 12, 2018
PETER HASKELL

Second: **Mark Robichaud**

Vote: Unanimous in favor, motion passes

6. Order A2018-50 Approval of Continuation of Beano/Bingo for Knights of Columbus
BE IT ORDERED, that the Dexter Town Council hereby approves the continuation of Beano/Bingo by signing the application for the Knights of Columbus Council #2625 at 179 North Dexter Road for July through December 2018.

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FRED SHERBURNE

Second: **Mark Robichaud**

Kim Hughes explained that the new requirement by the State is a calendar year application instead of the "blanket" letter giving Town approval. The Knights of Columbus and the VFW will now have to have a yearly application signed by the Council.

Vote: Unanimous in favor, motion passes

7. *Order A2018-51 Approval of Continuation of Beano/Bingo for VFW*

BE IT ORDERED, that the Dexter Town Council hereby approves the continuation of Beano/Bingo by signing the application for the Carter-Dulac Memorial VFW Post #4298, 20 Cedar Street for July through December 2018.

Filed July 12, 2018
SHARON GRANT

Second: **Marcia Delaware**

Vote: Unanimous in favor, motion passes

8. *Order A2018-52 Approval of On-Premise Extension of License for Anthony's on Moosehead Trail*

BE IT ORDERED, that the Dexter Town Council hereby approves the On Premise Extension of License for the outdoor stage event on July 21, 2018 and July 28, 2018 for Anthony Pandozzi and Steven Kelley doing business as Pep's Sports Bar at Anthony's on Moosehead Trail, LLC, 300 Corinna Road.

Filed July 12, 2018
MARCIA DELAWARE

Second: **Sharon Grant**

Mike Blake stated that the Town was visiting the outside events on a case by case basis as recommended by the State. There are two events scheduled and **Mr. Blake** mentioned that he had heard complaints about the last event being too loud. The manager for Anthony's said she would be checking into the issue and talk with the sound engineer.

Vote: Unanimous in favor, motion passes

9. *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

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- 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

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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 August 9, 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 9, 2019.

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

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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: **Fred Sherburne**
Second: **Peter Haskell**
Vote: Unanimous in favor, motion passes

10. Approve/Sign Quit Claim Deed for Joel Costonis
Motion to Approve/Sign: **Marcia Delaware**
Second: **Chuck Ellms**
Vote: Unanimous in favor, motion passes

11. Approve/Sign Cemetery Deed for Dale Thompson
Motion to Approve/Sign: **Peter Haskell**
Second: **Fred Sherburne**
Vote: Unanimous in favor, motion passes

VI. PUBLIC FORUM

John Lawson addressed the Council stating that he had a copy of last year's budget and there was a lot of red ink on it. He asked **Marilyn Curtis** what budget original and budget net was and she replied budget original is what the Council passes at the beginning of the fiscal year and budget net reflects any money that is appropriated throughout the year for additional projects to be done. **Mr. Lawson** stated that Dexter seems to be running by the seat of it's pants and asked if any department has a five-year plan. **Marcia Delaware** replied that the Town has a Comprehensive Plan which is a ten-year plan. The Comp Plan gives the Town guidelines and directions but there is not a lot of money so there is not a lot of progress. **Mike Blake** added that the Council is hoping to have a grant writer very shortly to help. **Mr. Lawson** pointed out a big expense from last year which was computers and did not understand how anyone could authorize that amount of money. **Mike Blake** answered that money was put into an IT fund each year for upgrades but that the Council put their trust in the wrong place when it came to how to spend that money. **Mr. Lawson** also did not understand why each Department Head was not being held accountable for their budget and that this is the ideal time to get things straight and it can be done with **Trampas King**, the new Town Manager.

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Frank Spizuoco commented on the church by stating that when there is a property with water running off the roof or coming from the basement, it is the responsibility of the owner to take care of the issue. Just because the buildings have been there for a hundred years or more does not mean there is no responsibility and **Mr. Pfirman** is trying to work with the Town in sharing the cost. **Mike Blake** replied that the Council was not ignoring the issue but that they just wanted more information before they made a decision.

VII. EXECUTIVE SESSION

None

Motion to Adjourn at 8:02PM: **Marcia Delaware**

Second: **Chuck Ellms**

Vote: Unanimous in favor, motion passes

Respectfully Submitted,

Kim M. Hughes

Town Clerk