

**COUNCIL MINUTES OF  
AUGUST 9, 2018**

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

**EXCUSED ABSENCE:** Mike Blake

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

The Invocation was led by **Pastor Ronald Stevens** followed by the Pledge of Allegiance.

**PRESENTATION BY SPIRITS PLACE**

**Lee Palmer**, Executive Director of Spirits Place Rescue, introduced herself to the Council. Spirits Place does a lot of feral cat work in the communities and that includes the Dexter area. She has been working with their local High School and has been putting a plan together to help low income people with spay/neuter and vaccinations. **Ms. Palmer** has been working in the area for over 15 years but formed Spirits Place only a couple of years ago and has become a 501(C)(3). She thought it was a good time to organize it and put a plan forward and get the cat population healthy and under control. There are a lot of cats in Dexter and the good news is that a lot of people are feeding the cats but no one is spaying or neutering. Through Spirits Place, the local police, and Noel Sirabella, the Animal Control Officer, they are trying to put a face in the community so the Town knows what they are doing. Taking the cats out of the neighborhoods doesn't always work because people get more cats so the goal is to get the population managed, maintained, and under control. Research shows that if you maintain the cats that are already in place, you won't get an influx of new ones. **Noel Sirabella** added that what people don't understand is that cats keep the rodent population down. If you trap all the cats out of a neighborhood, the rodents are going to take over. Feral cats do not want to be taken inside. They want to stay outside but they need to be fed to supplement their diet and they need vaccinations to keep disease down. Spirits Place has the ability to come into a neighborhood and pick up 30 or so cats, get them spayed or neutered, give them rabies and distemper shots, and tip their ears so they are recognized in the future if they are caught again.

**I. PUBLIC HEARING**

*1. Ordinance C2018-8 Moratorium on Legalization of Marijuana*

No Comments

**II. MINUTES**

*1. Approve/Amend Council Minutes of July 12, 2018*

Motion to approve: **Marcia Delaware**

Second: **Chuck Ellms**

Vote: Unanimous in favor, motion passes

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

*1. Order A2018-53 Appointment of Town Manager*

**BE IT ORDERED**, that the Dexter Town Council hereby approves the appointment of Trampas King as Town Manager for the Town of Dexter.

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Filed August 9, 2018  
**PETER HASKELL**

Second: **Marcia Delaware**

Vote: 5 to 1 (Grant - abstain), motion passes

Town Manager, **Trampas King**, was sworn in by Town Clerk, **Kim Hughes**.

*2. Order A2018-54 Appointment of Treasurer*

**BE IT ORDERED**, that the Dexter Town Council hereby approves the appointment of Trampas King as Treasurer for the Town of Dexter for the year ending December 31, 2018.

Filed August 9, 2018  
**MARK ROBICHAUD**

Second: **Fred Sherburne**

Vote: 5 to 1 (Grant - abstain), motion passes

**IV. UNFINISHED BUSINESS**

*1. Departmental Reports*

No Questions

*2. Continued Discussion on First Universalist Church*

**Chuck Ellms** looked at the project with **Steve Lawson** and discussed it with **Rich Pfirman**. What **Mr. Ellms** thinks would be a fair deal for everyone is to pay **Mr. Lawson** to hook the sump pump drain into the church's drain and give the church \$1,000 for the privilege of hooking into the drain. It would essentially knock \$1,500 off their bill. **Mr. Ellms** talked with **Marilyn Curtis** to see if there was any money in the budget to cover that and she said it could be done. **Mr. Pfirman** stated it would be a very generous and fair way to handle the matter. He asked the Council for permission to dig into the Town property five to ten feet at an angle behind the retaining wall to pick up some of the water coming from that area. The Council was in agreement to allow the digging and to give the church \$1,000 to hook into the drain.

*3. Resolution B2018-2019-1 Municipal Budget*

**RESOLUTION B2018-2019-1**

**JULY 12, 2018**

**2018-2019 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:

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<b>CLASSIFICATION</b>	<b>APPROPRIATION</b>	<b>REVENUES</b>
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	<del>\$211,632</del> <b>\$220,132</b>	
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	<del>\$5,790,649</del> <b>\$5,799,149</b>	

Increase from 2017-2018 ----- ~~\$115,377~~ **\$123,877**

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
Airport Revenue	\$3,900
Economic Development	\$0
Undesignated Revenue	\$368,350
General Fund Transfers	\$0
Capital Projects Revenue	<del>\$62,213</del> <b>\$70,713</b>
Special Revenue Funds	\$50,000
Subtotal	<del>\$1,224,363</del> <b>\$1,232,863</b>

Decrease from 2017-2018 ----- ~~\$(55,526)~~  
**\$(47,026)**

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

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

Filed August 9, 2018  
**FRED SHERBURNE**

Second: **Marcia Delaware**

**Marilyn Curtis** proposed a change to the budget since there had already been a discussion concerning replacing the public information sign at the Police Station. Replacing the sign is not funded in this budget and the easiest way to do that is to increase an expense but off set it by a revenue. It would come out of the cable money that is left and there would be a zero effect on the taxable amount. The total that is needed for the sign is \$8,500. **Sharon Grant** asked what was left in the cable account and the reply was \$21,000. The Council agreed to make the change to the budget in order to replace the sign.

Vote: Unanimous in favor, motion passes

*4. Ordinance C2018-8 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
- 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

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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 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.

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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.

Filed August 9, 2018

**SHARON GRANT**

Second: **Marcia Delaware**

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**Fred Sherburne** suggested that the issue needs to be looked at thoroughly and believes that a committee should be formed to study wording of a future Ordinance and look at how it would affect the community. He also feels that there is a real opportunity for some money to be made for the Town in tax revenues. **Sharon Grant** felt that the Town still needs to see how the State intends to handle the issue so that the Town will be complying. **Mark Robichaud** added that there is also a Federal issue to consider. **Rich Pfirman** commented that he was at a KIWANIS meeting in Dover with the Town Manager and they have developed an Ordinance there. He suggested that the Town should get in touch with **Jack Clukey** for a copy of the Ordinance. He added that the Town has already had an issue that has made them happy that they have the Ordinance in place.

Vote: Unanimous in favor, motion passes

**V. NEW BUSINESS**

*1. Resolution B2018-2019-2 Tax Due Date and Interest Rate*

**BE IT RESOLVED**, that the 2018-2019 property taxes shall be due and payable on or before October 12, 2018; and furthermore that the interest rate for the outstanding balance paid after that date shall be at the rate of 8% per annum.

Filed August 9, 2018  
**MARCIA DELAWARE**

Second: **Sharon Grant**

**Richard Brenske** commented that the interest rate was high compared to bank interest rates and people are already struggling to pay their taxes and **Ms. Delaware** replied that the rate was set by the State.

*2. Resolution B2018-2019-3 Mil Rate*

**BE IT RESOLVED, WHEREAS;** the sum of \$4,566,286 is required to be raised through taxation to support municipal operations, as well as the Town's contribution to School Administrative District #46 and payment to Penobscot County for the period of July 1, 2018 to June 30, 2019, that a mil rate not to exceed 19.6 mils be hereby adopted for the 2018-2019 tax year.

Filed August 9, 2018  
**CHUCK ELLMS**

Second: **Sharon Grant**

Vote: Unanimous in favor, motion passes

*3. Resolution B2018-2019-4 Tax Club*

**BE IT RESOLVED**, that the Dexter Town Council hereby approves the continuation of the Tax Club for the collection of property taxes for the 2018/2019 fiscal year.

Filed August 9, 2018  
**PETER HASKELL**

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Second: **Fred Sherburne**

Vote: Unanimous in favor, motion passes

*4. Order A2018-55 Transfer of Money to Balance F.Y 2017-2018*

**BE IT ORDERED**, that the Dexter Town Council hereby authorizes the Finance Director to transfer the following sums between Departments to balance the Fiscal Year 2017/2018 budget.

TRANSFER FROM	TRANSFER TO
\$10,000 from #102-01 Council	
\$20,000 from #102-05 Administration	
\$10,000 from #102-15 Code Enforcement	
\$ 5,000 from #103-01 Human Services	
\$13,000 from #103-01 Public Works	
\$ 3,000 from #108-01 Debt	
\$10,000 from #109-25 MMSWA	
<b>\$71,000 TOTAL</b>	
	\$ 3,000 to #102-06 Employee Benefits
	\$ 3,500 to #102-30 Information Management
	\$61,000 to #105-03 Street, Roads, and Bridges
	\$ 500 to #110-10 Utilities
	\$ 3,000 to #110-20 Town Hall
	<b>\$71,000 TOTAL</b>

Net change to Fiscal Year budget ending 06/30/2018 = \$0.00

Filed August 9, 2018  
**MARK ROBICHAUD**

Second: **Fred Sherburne**

Vote: Unanimous in favor, motion passes

*5. Order A2018-56 On Premise License Extension for Outside Venue for Anthony's on  
Moosehead Trail*

**BE IT ORDERED**, that the Dexter Town Council hereby approves two On Premise Extensions of License for the outdoor stage events for Anthony Pandozzi and Steven Kelley doing business as Pep's Sports Bar at Anthony's on Moosehead Trail, LLC, 300 Corinna Road with one extension from August 11 thru August 31 and with a second extension from September 7 thru September 8.

Filed August 9, 2018  
**FRED SHERBURNE**

Second: **Mark Robichaud**

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**Trampas King** commented that there are scheduled events on August 25th and August 31st but the rest of the month they would like to have the opportunity to keep the field open for family fun nights and company picnics.

**Fred Sherburne** commented that he thinks the venue is a really great thing and a great thing for the Town. They have invested a lot of money down there and set it up well. He stated that he is pleased it is there and wished them good luck with the events.

Vote: Unanimous in favor, motion passes

6. *Approve/Sign Quit Claim Deeds for the following:*

*John Devine*

*Stanley Garnet*

Motion to approve and sign: **Marcia Delaware**

Second: **Chuck Ellms**

Vote: Unanimous in favor, motion passes

**VI. PUBLIC FORUM**

**Anthony Pandozzi** commented on the Ordinance on Legalization of Marijuana and asked if it affected medical marijuana and the reply was that that was no affect.

**Richard Brenske** commented on the area of the same Ordinance concerning testing facilities and thought the Ordinance was too broad. **Marcia Delaware** explained that the Ordinance was needed only until the Town had time to develop a policy. **Mr. Brenski** asked if it was affecting anything that was preexisting and **Ms. Delaware** replied that the Town did not have anything that is preexisting and in some sense the Town is already protected by the Zoning Ordinance.

Motion to go into Executive Session: **Marcia Delaware**

Second: **Fred Sherburne**

Vote: Unanimous in favor, motion passes

**VII. EXECUTIVE SESSION**

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

Motion to come out of Executive Session at 7:45PM: **Sharon Grant**

Second: **Fred Sherburne**

Vote: Unanimous in favor, motion passes

Motion to award **Marilyn Curtis** a one-time bonus of \$2,000 for her work as acting Town Manager over the past year: **Marcia Delaware**

Second: **Sharon Grant**

Vote: Unanimous in favor, motion passes

Motion to Adjourn: **Sharon Grant**

Second: **Chuck Ellms**

Vote: Unanimous in favor, motion passes

Respectfully Submitted,  
Kim M. Hughes, Town Clerk

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