

**COUNCIL MINUTES OF
SEPTEMBER 13, 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, Shannon Hall, Susan Page, Eric Campbell, Kevin Wintle

The Invocation was led by **Deacon Charlie Chabot** followed by the Pledge of Allegiance.

I. PUBLIC HEARING

1. Automobile Graveyard/Junkyard Permit Renewals

No comments or questions.

II. MINUTES

1. Approve/Amend Council Minutes of August 9, 2018

Motion to Approve: **Peter Haskell**

Second: **Fred Sherburne**

Vote: Unanimous in favor, motion passes

III. NOMINATIONS, APPOINTMENTS, & ELECTIONS

1. Order A2018-57 Appointment to the Dexter Utility District Board

BE IT ORDERED, that the Dexter Town Council hereby appoint Roger Salley to the Utility District Board of Trustees for a term to expire Election Day, November 6, 2018.

Filed September 13, 2018

PETER HASKELL

Second: **Fred Sherburne**

Vote: Unanimous in favor, motion passes

IV. UNFINISHED BUSINESS

1. Manager's Report

Trampas King thanked everyone for their patience with the roads and stated that the construction will not be coming any further into Town this year. The area up by Dunkin Donuts will remain rough for at least a couple more weeks but they are going to finish what has been started by paving. Next week they will be running curbs after doing more digging and laying of pipes. **Mr. King** invited everyone to the Family Fun Day on Saturday from 11AM to 3PM. The event is sponsored by the Recreation Committee and should be a good time for everyone.

2. Departmental Reports

No comments or questions.

3. Order A2018-58 Automobile Graveyard/Junkyard Permit Renewals

BE IT ORDERED, that the Dexter Town Council hereby approves the Automobile Graveyard/Junkyard renewals for the following:

Dave Berry dba Dave Berry's, 51 Winter Street

Kevin Davis dba B & K Auto, Kaeton Pond Road

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Mark Nelson dba R & M Graveyard, 49 Nelson Road
John & Gloria Poulin dba Poulin Salvage, 501 Charleston Road
Leslie Woodard dba Woodard's Garage, 55 Winter Street
Everett Wooster dba Edge of Town, 135 Line Road

Filed September 13, 2018
MARK ROBICHAUD

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

V. NEW BUSINESS

1. Order A2018-59 Office Closure for Gubernatorial Election

BE IT ORDERED, that the Dexter Town Council hereby authorizes the closure of the Municipal Office for the Gubernatorial Election on Tuesday, November 6, 2018 in order to allow the clerks to work at the election polls.

Filed September 13, 2018
FRED SHERBURNE

Second: **Mark Robichaud**
Vote: Unanimous in favor, motion passes

2. Order A2018-60 Renewal Application for Liquor License for Anthony's on Moosehead Trail, LLC, 300 Corinna Road

BE IT ORDERED, that the Dexter Town Council hereby approves the renewal of the Spirituous, Vinous, and Malt Liquor License with an On Premise Extension of License for Anthony Pandozzi and Steven Kelley doing business as Anthony's on Moosehead Trail, LLC, 300 Corinna Road.

Filed September 13, 2018
SHARON GRANT

Renewal withdrawn

3. Order A2018-61 Renewal of Special Entertainment Permit for Anthony's on Moosehead Trail, LLC, 300 Corinna Road

BE IT ORDERED, that the Dexter Town Council hereby approves the renewal of the Special Entertainment Permit for Anthony Pandozzi and Steven Kelley doing business as Anthony's on Moosehead Trail, LLC, 300 Corinna Road.

Filed September 13, 2018
MARCIA DELAWARE

Renewal withdrawn

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4. Order A2018-62 Transfer Money from Museum Reserve Account

BE IT ORDERED, that the Dexter Town Council hereby authorizes the Finance Officer to transfer up to \$2,500.00 from Museum Reserve Account # E130-05-511-08 to Museum Budget Account # E106-50-505-20 for siding replacement on the gable end of the Grist Mill Museum building.

Filed September 13, 2018
CHUCK ELLMS

Second: **Sharon Grant**

Vote: Unanimous in favor, motion passes

5. Order A2018-63 Transfer Money for Beech Street Paving

BE IT ORDERED, that the Dexter Town Council authorizes the Finance Director to transfer up to \$12,000 from Paving Reserve Account #E130-05-511-19 to Streets, Roads, and Bridges Paving Account #E105-03-507-60 to cover half the cost of paving Beech Street with the remaining cost to be covered by Dexter Utility District. At the close of Fiscal Year 2018/2019, the unexpended balance from the Public Works Department budget Account #105-01 will be transferred back to the Paving Reserve Account.

Filed September 13, 2018
PETER HASKELL

Second: **Fred Sherburne**

Vote: Unanimous in favor, motion passes

6. Order A2018-64 Sale of 2012 International 7000SE

BE IT ORDERED, that the Dexter Town Council hereby authorizes the sale by bid of the 2012 International 7000SE VIN # 1HTGRSHT8CJ049799.

Filed September 13, 2018
MARK ROBICHAUD

Second: **Peter Haskell**

Vote: Unanimous in favor, motion passes

7. Order A2018-65 Wassookeag Snowmobile Club Grant In-Aid

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

Filed September 13, 2018
FRED SHERBURNE

Second: **Sharon Grant**

Vote: Unanimous in favor, motion passes

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8. *Order A2018-66 Fireworks Display Contract*

BE IT ORDERED, that the Dexter Town Council hereby approves the three-year contract with Central Maine Pyrotechnics for the July fireworks display for 2019, 2020, and 2021.

Filed September 13, 2018

SHARON GRANT

Second: **Marcia Delaware**

Peter Haskell asked if a three-year contract had been done before and the answer was "yes". **Fred Sherburne** asked what the cost was and **Trampas King** answered that it would be \$4,500 per year. The last contract was for \$4,000 per year and the increase is due to rising prices and issues with China. **Mike Blake** asked if another company should be considered and **Mr. King** replied that he could look into a couple of other companies that he knows about.

Motion to table Order A2018-66 until the October meeting: **Peter Haskell**

Second: **Sharon Grant**

Vote: Unanimous in favor, motion passes

9. *Emergency Ordinance C2018-9 Moratorium on Legalization of Marijuana*

THE TOWN OF DEXTER HEREBY ORDAINS AN EMERGENCY MORATORIUM ORDINANCE REGARDING MEDICAL MARIJUANA RETAIL STORES, DISPENSARIES, TESTING FACILITIES, AND MANUFACTURING FACILITIES

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

- 1) The Maine Medical Use of Marijuana Act, codified in 22 M.R.S. Ch. 558-C, authorizes the use, possession, cultivation, and transfer of marijuana for medical purposes, and authorizes qualifying patients to obtain medical marijuana from other qualifying patients, registered caregivers, or registered dispensaries, as those terms are defined by 22 M.R.S. § 2422; and
- 2) On July 9, 2018, the Maine Legislature enacted PL 2017, c. 452 (LD 1539), *An Act to Amend Maine's Medical Marijuana Law*, which includes express authorization for the operation of retail stores by registered caregivers to sell marijuana to qualifying patients, as well as authorization for the operation of medical marijuana manufacturing facilities, medical marijuana testing facilities, and six additional registered medical marijuana dispensaries; and
- 3) On July 9, 2018 the Maine Legislature enacted as emergency legislation PL 2017, c. 447 (LD 238), *An Act to Amend the Maine Medical Marijuana Law*, which expressly recognizes municipal home rule authority to regulate registered caregivers, registered dispensaries, testing facilities, and manufacturing facilities; and
- 4) The unregulated location and operation of medical marijuana retail stores, registered dispensaries, testing facilities, and manufacturing facilities within the Town of Dexter raises legitimate and substantial questions about the impact of such activity on the Town of Dexter and its residents, including questions as to compatibility with existing land uses and developments in the Town of Dexter; the sufficiency of Dexter's infrastructure to

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accommodate such activity; and the possibility of unlawful sale of medical marijuana and medical marijuana products; and

- 5) As a result of the foregoing issues, the location and operation of medical marijuana retail stores, registered dispensaries, testing facilities, and manufacturing facilities within the Town of Dexter have potentially serious implications for the health, safety and welfare of the Town of Dexter and its residents; and
- 6) The Town of Dexter currently has no regulations governing medical marijuana retail stores, registered dispensaries, testing facilities, and manufacturing facilities, and existing ordinances are insufficient to prevent serious public harm that could result from the unregulated development of medical marijuana retail stores, registered dispensaries, testing facilities, and manufacturing facilities; and
- 7) An overburdening of public facilities and resources, including public safety resources, is a reasonably foreseeable result of the unregulated location and operation of medical marijuana retail stores, registered dispensaries, testing facilities, and manufacturing facilities in the Town of Dexter; and
- 8) Federal statutes in the United States Code, 21 U.S.C. §812 lists marijuana as a Schedule I controlled substance; 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 medical marijuana retail stores, registered dispensaries, testing facilities, and manufacturing facilities; 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 September 13, 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 November 12, 2018.

Section 1. Moratorium. The Town of Dexter does hereby declare a moratorium on the location, operation, permitting, approval, or licensing of any medical marijuana retail stores, registered

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dispensaries, testing facilities, and manufacturing facilities as defined in PL 2017, c. 452 (LD 1539) within the Town of Dexter.

No person or organization shall develop or begin operation of any Medical Marijuana Retail Store, Registered Dispensary, Testing Facility, or Manufacturing Facility within the Town of Dexter on or after the effective date of this Ordinance. During the time this moratorium 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 Medical Marijuana Retail Store, Registered Dispensary, Testing facility, or Manufacturing Facility

Section 2. Definitions. For purposes of this ordinance, the following terms have the following meanings.

Medical marijuana retail store means an establishment having the attributes of a typical retail establishment, such as, but not limited to, signage, regular business hours, accessibility to the public, and sales directly to the consumer of the product that is used by a registered caregiver to offer marijuana for sale to qualifying patients.

Marijuana means the leaves, stems, flowers, seeds and other plant material harvested from a plant of the genus Cannabis, including, but not limited to, Cannabis sativa, Cannabis indica, and Cannabis ruderalis or their hybrids or seeds of those plants. "Marijuana" includes any product derived from any marijuana plant or plant material, including, but not limited to marijuana concentrate and marijuana products.

Registered dispensary means an entity registered under the Maine Medical Use of Marijuana act that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies, or dispenses marijuana or related supplies and educational materials to qualifying patients and the caregivers of those patients.

Testing facility means a public or private laboratory that is authorized under the Maine Medical Use of Marijuana Act to analyze contaminants in and the potency and cannabinoid profile of marijuana samples.

Manufacturing facility means a facility or person engaged in the production, blending, infusing, compounding, or other preparation of marijuana, marijuana concentrate, or marijuana product for medical use, including, but not limited to, extraction or preparation by means of chemical synthesis.

Section 3. 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.

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Section 4. 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 5. 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 6. 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 7. 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.

Filed September 13, 2018

MARCIA DELAWARE

Second: **Sharon Grant**

Peter Haskell asked if anyone had challenged the Dover Ordinance and **Mr. King** replied "no" that it had just been passed on August 13th. **Sharon Grant** pointed out an article in the Maine Town & City magazine on Page 50 about the new laws and suggested that the Council needs to get together with the Planning Board to work on an Ordinance.

Vote: Unanimous in favor, motion passes

10. Proposed Ordinance - Moratorium on Legalization of Marijuana

THE TOWN OF DEXTER HEREBY ORDAINS A MORATORIUM ORDINANCE
REGARDING MEDICAL MARIJUANA RETAIL STORES, DISPENSARIES,
TESTING FACILITIES, AND MANUFACTURING FACILITIES

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

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- 1) The Maine Medical Use of Marijuana Act, codified in 22 M.R.S. Ch. 558-C, authorizes the use, possession, cultivation, and transfer of marijuana for medical purposes, and authorizes qualifying patients to obtain medical marijuana from other qualifying patients, registered caregivers, or registered dispensaries, as those terms are defined by 22 M.R.S. § 2422; and
- 2) On July 9, 2018, the Maine Legislature enacted PL 2017, c. 452 (LD 1539), *An Act to Amend Maine's Medical Marijuana Law*, which includes express authorization for the operation of retail stores by registered caregivers to sell marijuana to qualifying patients, as well as authorization for the operation of medical marijuana manufacturing facilities, medical marijuana testing facilities, and six additional registered medical marijuana dispensaries; and
- 3) On July 9, 2018 the Maine Legislature enacted as emergency legislation PL 2017, c. 447 (LD 238), *An Act to Amend the Maine Medical Marijuana Law*, which expressly recognizes municipal home rule authority to regulate registered caregivers, registered dispensaries, testing facilities, and manufacturing facilities; and
- 4) The unregulated location and operation of medical marijuana retail stores, registered dispensaries, testing facilities, and manufacturing facilities within the Town of Dexter raises legitimate and substantial questions about the impact of such activity on the Town of Dexter and its residents, including questions as to compatibility with existing land uses and developments in the Town of Dexter; the sufficiency of Dexter's infrastructure to accommodate such activity; and the possibility of unlawful sale of medical marijuana and medical marijuana products; and
- 5) As a result of the foregoing issues, the location and operation of medical marijuana retail stores, registered dispensaries, testing facilities, and manufacturing facilities within the Town of Dexter have potentially serious implications for the health, safety and welfare of the Town of Dexter and its residents; and
- 6) The Town of Dexter currently has no regulations governing medical marijuana retail stores, registered dispensaries, testing facilities, and manufacturing facilities, and existing ordinances are insufficient to prevent serious public harm that could result from the unregulated development of medical marijuana retail stores, registered dispensaries, testing facilities, and manufacturing facilities; and
- 7) An overburdening of public facilities and resources, including public safety resources, is a reasonably foreseeable result of the unregulated location and operation of medical marijuana retail stores, registered dispensaries, testing facilities, and manufacturing facilities in the Town of Dexter; and
- 8) Federal statutes in the United States Code, 21 U.S.C. §812 lists marijuana as a Schedule I controlled substance; 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

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resulting from potential applicants for the establishment of medical marijuana retail stores, registered dispensaries, testing facilities, and manufacturing facilities; 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 October 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 May 11, 2019.

Section 1. Moratorium. The Town of Dexter does hereby declare a moratorium on the location, operation, permitting, approval, or licensing of any medical marijuana retail stores, registered dispensaries, testing facilities, and manufacturing facilities as defined in PL 2017, c. 452 (LD 1539) within the Town of Dexter.

No person or organization shall develop or begin operation of any Medical Marijuana Retail Store, Registered Dispensary, Testing Facility, or Manufacturing Facility within the Town of Dexter on or after the effective date of this Ordinance. During the time this moratorium 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 Medical Marijuana Retail Store, Registered Dispensary, Testing facility, or Manufacturing Facility

Section 2. Definitions. For purposes of this ordinance, the following terms have the following meanings.

Medical marijuana retail store means an establishment having the attributes of a typical retail establishment, such as, but not limited to, signage, regular business hours, accessibility to the public, and sales directly to the consumer of the product that is used by a registered caregiver to offer marijuana for sale to qualifying patients.

Marijuana means the leaves, stems, flowers, seeds and other plant material harvested from a plant of the genus Cannabis, including, but not limited to, Cannabis sativa, Cannabis indica, and Cannabis ruderalis or their hybrids or seeds of those plants. "Marijuana" includes any product derived from any marijuana plant or plant material, including, but not limited to marijuana concentrate and marijuana products.

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Registered dispensary means an entity registered under the Maine Medical Use of Marijuana act that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies, or dispenses marijuana or related supplies and educational materials to qualifying patients and the caregivers of those patients.

Testing facility means a public or private laboratory that is authorized under the Maine Medical Use of Marijuana Act to analyze contaminants in and the potency and cannabinoid profile of marijuana samples.

Manufacturing facility means a facility or person engaged in the production, blending, infusing, compounding, or other preparation of marijuana, marijuana concentrate, or marijuana product for medical use, including, but not limited to, extraction or preparation by means of chemical synthesis.

Section 3. 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 4. 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 5. 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 6. 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 7. Effective Date. This Ordinance shall become effective at the expiration of 30 days after 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.

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VI. PUBLIC FORUM

Dick Gilbert told the Council he was representing the tax payers of the camps on the Owlsboro Road and asked if they could get a little help from the Town on the road. He stated that the Town usually does some summer maintenance on the road. **Eric Campbell** replied that the Town usually grades the road and that he would see that it gets done.

Motion to go to Executive Session at 7:20PM: **Marcia Delaware**

Second: **Sharon Grant**

Vote: Unanimous in favor, motion passes

VII. EXECUTIVE SESSION

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

2. Attorney - Client Consultations per 1 MRSA Sec (6) (E)

Motion to come out of Executive Session at 8:00PM: **Fred Sherburne**

Second: **Mark Robichaud**

Vote: Unanimous in favor, motion passes

No further action taken

Motion to Adjourn at 8:05PM: **Sharon Grant**

Second: **Fred Sherburne**

Vote: Unanimous in favor, motion passes

Respectfully Submitted,

Kim M. Hughes
Town Clerk