

**COUNCIL MINUTES OF
OCTOBER 11, 2018**

COUNCIL PRESENT: Fred Sherburne, Sharon Grant, Mark Robichaud, Marcia Delaware

EXCUSED ABSENCE: Mike Blake, Peter Haskell, Chuck Ellms

STAFF PRESENT: Trampas King, Kim Hughes, Marilyn Curtis, Mike Gudroe, Jeremy Trowbridge, Shannon Hall, Susan Page, Matt Connor, Kevin Wintle

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

I. PUBLIC HEARING

1. Ordinance C2018-10 Moratorium on Legalization of Marijuana

Town Manager, **Trampas King**, advised that the Moratorium was set up to protect the residents of Dexter and that it was not set up to be either for or against the issue. **Mr. King** stated that he would like to set up a Task Force with Council Members, Planning Board Members, residents, and business owners to meet and study both sides of the issue so rules, regulations, and Ordinances can be written.

Francis Whelan expressed concern on allowing the growth of marijuana in the Town area and wanted to know if extra police officers would be hired to protect the Town. **Sharon Grant** explained that the Moratorium that was being voted on was to give the Town time to study both sides of the issue and to decide whether the Town wants to opt in or opt out. It also allows time to talk to business owners and residents about the issue to decide how to regulate opening up the various businesses associated with marijuana. **Mr. Whelan** continued to express concern and stated that marijuana did not do anyone any good. Police Chief, **Kevin Wintle**, agreed that probably half of the OUIs right now are associated with marijuana or other substances. **Mr. King** confirmed that is why the Moratorium is needed to give the Town time to decide how to proceed with the issue. He added the Town cannot stop people from growing marijuana right now if they are staying within what is legally allowed. The Task Force will be put together to study the issue and help the Town do the right thing.

2. Ordinance C2018-11 General Assistance Guidelines

Trampas King explained that the State sets the maximums and the Town cannot go lower than what is set but they can be changed to go higher. If the Town wanted to make changes, there would have to be a survey done and there is the possibility that the State would not reimburse the Town. He recommended that the guidelines be approved as written.

II. MINUTES

Trampas King stated that at the last Council meeting there was an Executive Session. The Council did not take any action after the Executive Session so **Mr. King** wanted it noted that the Council approved a bonus of \$1,200.00 for the extra work **Al Tempesta** did assisting the interim Town Manager.

Motion to award **Al Tempesta** a one-time bonus of \$1,200 for assisting the interim Town Manager: **Marcia Delaware**

Second: **Mark Robichaud**

Vote: Unanimous in favor, motion passes

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

Motion to approve: **Marcia Delaware**

Second: **Sharon Grant**

Vote: Unanimous in favor, motion passes

III. NOMINATIONS, APPOINTMENTS, & ELECTIONS

1. Approve/Sign Election Warrant for November 6, 2018

Motion to Approve/Sign: **Marcia Delaware**

Second: **Sharon Grant**

Vote: Unanimous in favor, motion passes

IV. UNFINISHED BUSINESS

1. Manager's Report

Trampas King let everyone know that the First Universalist Church is looking for some ideas and suggestions on what they might be able to do with the facility. There is a meeting on October 17 from 6:00PM to 8:00PM and everyone is welcome to attend. They are looking for ways to preserve the building and explore potential uses. **Mr. King** concluded on a sad note by telling everyone that Velma Brasier, the female holder of the Gold Cane, passed away yesterday at 101 years old.

2. Departmental Reports

No Comments or Questions

3. Ordinance C2018-10 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:

- 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

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- 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 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

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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.

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.

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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.

Filed October 11, 2018

MARCIA DELAWARE

Second: **Sharon Grant**

Vote: Unanimous in favor, motion passes

4. Ordinance C2018-11 General Assistance Guidelines

BE IT ORDAINED, that the Dexter Town council hereby approves the State recommended general assistance guidelines as follows:

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2018-2019 GENERAL ASSISTANCE ORDINANCE APPENDICES
(October 1, 2018 – September 30, 2019)

**APPENDIX A – OVERALL MAXIMUMS
BASED ON PEOPLE IN HOUSEHOLD**

OLD AMOUNTS

NEW AMOUNTS

1	2	3	4	5	6		1	2	3	4	5	6
605	682	847	1,095	1,269	1,344		693	697	908	1,137	1,297	1,372

NOTE: For each additional person add \$75 per month

APPENDIX B - FOOD MAXIMUMS

OLD AMOUNTS

NEW AMOUNTS

# IN HOUSEHOLD	WEEK		MONTH	
	WEEK	MONTH	WEEK	MONTH
1	44.65	192	44.65	192
2	81.86	352	82.09	353
3	117.21	504	117.44	505
4	148.84	640	149.30	642
5	176.74	760	177.21	762
6	212.33	913	212.56	914
7	234.65	1,009	235.12	1,011
8	268.14	1,153	268.60	1,155

APPENDIX C - HOUSING MAXIMUMS

OLD AMOUNTS

NEW AMOUNTS

# OF BEDROOMS	UNHEATED		HEATED	
	UNHEATED	HEATED	UNHEATED	HEATED

	WK	MO	WK	MO		WK	MO	WK	MO
0	104	447	127	545		123	527	146	628
1	115	494	143	615		123	527	146	628
2	149	643	179	770		156	669	191	823
3	191	822	234	1,005		198	851	241	1,038
4	219	943	271	1,166		223	958	276	1,185

Filed October 11, 2018
MARCIA DELAWARE

Second: **Mark Robichaud**

Vote: Unanimous in favor, motion passes

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5. 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 *for \$4,500.00 per year.*

Filed October 11, 2018
SHARON GRANT

Second: **Marcia Delaware**

Trampas King explained that he did talk to some contractors about the fireworks and found that for the amount of fireworks Central Maine Pyrotechnics puts out, they are giving the Town a good price and they have been doing the display for Dexter for a long time. The change in price does not affect this year's budget since there are two installments and the second payment is not due until the next fiscal year.

Vote: Unanimous in favor, motion passes

V. NEW BUSINESS

1. Order A2018-67 Christmas Holiday Closure

BE IT ORDERED, that the Dexter Town Council hereby approves the closure of Abbott Memorial Library on Saturday, December 22, 2018 and the Municipal Offices on Monday, December 24, 2018. Employees will not be financially compensated for any hours not worked beyond their eligible holiday pay unless they use vacation or personal time.

Filed October 11, 2018
FRED SHERBURNE

Second: **Mark Robichaud**

Vote: Unanimous in favor, motion passes

2. Order A2018-68 New Year's Holiday Closure

BE IT ORDERED, that the Dexter Town Council hereby approves the closure of the main floor of the Municipal Office on Monday, December 31, 2018. Employees will not be financially compensated unless they use a vacation day or personal day.

Filed October 11, 2018
MARK ROBICHAUD

Second: **Sharon Grant**

Vote: Unanimous in favor, motion passes

3. Order A2018-69 Accept Funds from Sale of 2012 International 7000SE

BE IT ORDERED, that the Dexter Town Council hereby accepts \$30,000 from Paul Hall of Hall's Trucking for the sale of the 2012 International 7000SE VIN # 1HTGRSHT8CJ049799 with the funds being transferred to Highway Equipment Reserve Account #E112-01-521-13.

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Filed October 11, 2018
MARK ROBICHAUD

Second: **Marcia Delaware**

Vote: Unanimous in favor, motion passes

4. Order A2017-70 Sale of Golf Course Equipment

BE IT ORDERED, that the Dexter Town Council hereby authorizes the sale by bid of the Municipal Golf Course 1991 Toro Grounds Master Serial #30781-70294 *with a minimum bid of \$1,000.*

Filed October 11, 2018
SHARON GRANT

Second: **Marcia Delaware**

Vote: Unanimous in favor, motion passes

5. Approve/Sign Cemetery Deed for David Leo

Motion to Approve/Sign Cemetery Deed: **Marcia Delaware**

Second: **Mark Robichaud**

Vote: Unanimous in favor, motion passes

Marcia Delaware mentioned that the Council had correspondence concerning HAD 4/Mayo Regional Hospital joining with Eastern Maine/Northern Lights Health System. She recommended that the Council support the integration of the two hospitals.

Motion to support the integration plan and authorize the Town Manager to sign a letter of support: **Marcia Delaware**

Second: **Mark Robichaud**

Vote: Unanimous in favor, motion passes

Mike Curtis, HAD 4 Board Member, stated that the majority of his fellow Board Members are in agreement. The time line is progressing and he has just received an email of about 25 pages on the contract even though it is still in the proposal stage. Stroudwater Associates did an assessment several years ago showing 89 rural hospitals across America closing since 2010. That process led the Board to believe that the hospital can continue like it is in the present if everything stays the same but by 2020 the situation will be dire and unsustainable. The only option then as a HAD 4 District of thirteen communities is to start asking for higher taxes from the Towns or to cut back the services which would create a downward spiral. It seems the only alternative for the hospital is to try to affiliate with a larger organization to help sustain what the Towns already have. The Board is still being very cautious and moving with great deliberation but as a Board Member, **Mr. Curtis** feels it is a necessary step. **Mr. Curtis** said he was glad the Council was willing to support the integration and added that if the Council has any questions, **Marie Vienneau**, CEO of Mayo Regional Hospital, would be happy to meet with them.

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VI. PUBLIC FORUM

Mark Stephens from the Brewster Inn asked if Crosby Street could be closed again this year and **Trampas King** answered that an Order could be placed on next month's Agenda.

Sharon Grant stated that she is so impressed with what is going on in Town. She complimented **Steve Lawson** on the wonderful job he did on the boat landing. **Tony LoConte** is doing a great job of fixing the old Dunham building on Spring Street to store his collection of old vehicles.

Spring Street Greenhouse has added a new sign that looks nice. There is a lot of work being done on the library and the Post Office is going to be painted. With the new road and next year's sidewalks, Dexter might start looking nice to people and new businesses might be encouraged.

Fred Sherburne added that along that line is the Youth Group that is coming to Dexter next July and spending a week doing improvements on some of the resident's homes.

VII. EXECUTIVE SESSION

None

Motion to Adjourn at 7:30PM: **Marcia Delaware**

Second: **Sharon Grant**

Vote: Unanimous in favor, motion passes

Respectfully Submitted,

Kim M. Hughes
Town Clerk