

**Winterport Town Council Meeting
Tuesday, March 10, 2020**

MINUTES

Call to Order- Chairperson Stephen Cooper called meeting to order at 7:00pm

Roll Call Attendance- In attendance was following Council Members Stephen Cooper, Peter Rioux, Margaret English- Flanagan. Corey Ginn and Ann Ronco. Also, in attendance was Michael Crooker, Joseph Tyler, Camille Morrison, Parker Dresser, Christina Movely, Angela Gray, Travis Couture, Mary Anne Royal, Larry White Jr and Norman Poirier.

Consent Agenda (items marked with an asterisk *)- Peter Rioux made a motion and Ann Ronco seconded to accept the consent agenda. MOTION UNANIMOUS

Adopt Agenda- Ann Ronco made a motion and Margaret English- Flanagan seconded to adopt the agenda meeting. MOTION UNANIMOUS

Financial Reports:

March 10, 2020	March 24, 2020
Expenditures/revenue & budget bal. Monthly (Regular Format) Quarterly	Gen Fund Cash Position, Reserves, Trusts, and Investments YTD
Current Year Property Tax	Gen.Fund Gen. Ledger Summary (Detail New)
Liens & Foreclosures Status	

Payroll and Invoice Warrants

- A. Payroll through Sunday, March 8, 2020- Motion was made by Ann Ronco and seconded by Corey Ginn to pay Payroll through Sunday, March 8, 2020. MOTION UNANIMOUS.
- B. Invoices through Monday, March 9, 2020- Motion was made by Ann Ronco and seconded by Corey Ginn to pay Invoices through Monday, March 9, 2020. MOTION UNANIMOUS.

Guest Speakers & Committee Reports- None Scheduled

Input from Citizens on Unscheduled Items- Tom Skratt address the Town Council with an update on the status of the Assessors. Tom stated that things were developing as far as the Equalization was going. There is an Assessors' Board meeting tomorrow. Jackie Robbins (the new Assessor's Agent) is very proactive and pushing forward with things. The Equalization was kind of put to the back but she would like to get started with it as soon as possible. Jackie made a proposal to the town, in detail on her plans for the Equalization. She has a partner that she is bringing on board named David Ledew. He is a retired Property Tax Division Chief for the State of Maine. Tom stated that they have a modified plan for the Equalization. Instead of doing a complete reassessment on each residence; they would look at the pictures and sketch on property cards to determine if there were any changes to the residence. If they determine that no changes have been made to the property then they would skip over it. If there are any changes to the residence, they would redo the card, including up to date measurements and sketches. The proposal that Jackie turned in gives a price of \$85,000.00 dollars. She also has a completion date of August 2022. Jackie is fully insured. Tom stated that he is very confident that Jackie can get this done in the proposed time frame. Ann Ronco asked if they are considered Contractors or

Employees? Town Manager stated that they are acting as Contractors. Tom stated that they both have their own insurance and Proof of Rebuttal. Tom stated that Dave also has his own insurance and Proof of Rebuttal that he will be giving the Town. Maggie English Flanagan asked Town Manager if he has talked to MMA. Town Manager stated that he has spoken with MMA about others. Peter Rioux asked when does she want to start the revaluation? Tom stated that she wanted to start as soon as possible. Tom stated that there is money in this year's budget that was put aside to spend on this project. So, the money is there for her to start. Peter asked if her proposal was a guaranteed price or an estimate. Tom stated that it is a proposed contract amount. Maggie stated that it shouldn't change much. Tom stated that it shouldn't change at all. Tom stated that he will say that when Jackie put in an estimate proposal for the Assessor's Agent position it was for 12 days plus 10 additional days for \$12,000.00 dollars. Since starting she has been her for 4 days already. She is not concerned about the time she just wants to get the work done. Jackie sees no problem with the Equalization. Ann Ronco asked if the Town needs to be listed as additional insurance. Town Manager stated that ideally it should be, but the contract at this time does not call for it. Tom stated that he has shared a copy with Mike, but it is still evolving and will require Council to sign off / authorize the final copy. Town Manager stated that given the dollar amount the Council will have to decide on it and explain why they accepted this contract without an RFP Proposing and bidding process occurring, if they decide to accept the proposal. Council asked about the old proposal from the retired Assessor's Agent. Tom stated that Herb estimated a starting price of \$65,000.00 dollars. He had no insurance and was counting on a lot of help from the office staff. Peter asked it started a \$65,000 and then increased to \$75,000. Maggie stated that she was on the Assessor's board at the time and they were not sure what was even going to cover it entirely. They were not sure of the details and had a lot of questions regarding the expenses of it.

Town Manager Presentation- No presentation scheduled.

Schedule of Meetings

- A. Regular meetings of March 24, 2020 and April 7, 2020*

Accept Minutes

- A. Town Council Meeting Minutes of February 25, 2020- Stephen Cooper stated that there was a spelling error in the name of the Dedication of the Town Report. It is Lionel with an I not a Y. Peter Rioux made a motion and Maggie English Flanagan seconded to accept minutes. There were 3 votes in affirmative. MOTION PASSED.

Scheduled Items:

Old Business

- A. Ready for Consideration- None
- B. Pending further action-
 - 1. Intent to Build Notice Ordinance- Town Manager stated that he provided the Council with a draft for review. Peter Rioux stated the first paragraph states the "Urges", what does that supposed to be. It doesn't sound right. Town Manager stated that it is underlined and being questioned already. Peter Rioux asked where Town Manager get the 100 sq ft addition or any kind of improvement from. He asked how he came up with that? Town Manager stated that that is a starting point for a lot of communities. Peter asked if it that covers out buildings. Town Manager stated it covers anything over 10x10. Peter Rioux asked if the new Code Enforcement Officer has looked at this yet? Town

Manager stated that no she has not had a chance to yet. Peter Rioux asked if the town taxed on anything under 200 sq. ft. Tom Skratt stated that if it can be hooked up and moved then it was not assessed. Peter Rioux stated that he does not want this so restrictive that people don't want it. Peter then asked if porches and decks are taxed? Tom Skratt stated that a deck would be taxed because it increases the footprint of the dwelling. Everything is graded, a 4x8 deck is not the same as a 40-foot deck. Peter asked if the Town Council agreed that someone building a deck will need this permit. Stephen Cooper stated that he would say so. Ann Ronco asked Tom if chicken coops are taxed. Tom stated that he would leave that up to Jackie, she has more experience. Stephen Cooper asked about Jackie attending a meeting. Peter Rioux asked for Jackie to review this and come to the next council meeting. Margaret English Flanagan asked if the ordinance as written covers any internal renovations to existing buildings or just additions. Town Manager stated that ultimately it is up to the Town Council but no it is not written to cover any internal adjustments. Stephen Cooper asked the Town Manager to give a copy of this to Jackie and ask her to attend the next meeting. Peter Rioux stated or to at least look at it and comment on. He does not want it so restrictive that people will reject it. He also asked about fines and what is the norm. He stated that it should have some sort of a fine, if it is going to Town Meeting so it will have some reinforcement behind it.

C. New Business

1. Adult Use & Medical Marijuana, Adult Use Marijuana Home Cultivation Ordinance- Town Manager stated that Councilor Rioux asked about an ordinance being on this agenda. Town Manager stated that he has provided the Town Council with information from an MMA workshop that he attended on these matters. Peter Rioux stated that his understanding is even if the Town does not opt in there is a loophole were multiple people could grow/ cultivate in one place. He stated that he would like to see the town address this with an ordinance to stop this. Town Manager gave sample of ordinance. Peter read parts of the ordinance that talked about growing on own property or on a parcel of land owned by the grower. Town Manager stated that this ordinance was intended for Adult Use Marijuana not necessarily medical marijuana. Town Manager stated that for medical in the information given to them it states that can't prohibit or prevent caregivers. Town can opt in or opt for Adult Use, but caregivers can't be prohibited. Town Manager stated that included was other suggestions from MMA to deal with it such as a land use ordinance, specific marijuana ordinance or a regulatory statute. Will have to be addressed in other ways with caregivers. Ann Ronco asked Peter Rioux exactly what was he proposing here? Peter Rioux stated that he wants an ordinance that would prevent a lot of people from outside of or inside of the community from participating in a large cultivating area. So that one place can not be home to 40-50 plants, becoming one big cultivation area. He stated that each person is allowed a certain number of seedlings, mature plants and immature plants. If this is all in one area is could result in a mass grow of recreational adult use. Audience member asked if that would only deal with recreational use. Town Manager stated that town cannot limit caregivers if they are licensed caregivers. Joe Tyler asked if this was going to be voted on by the council or put out for all the town to vote on. Joe stated that it is ridiculous, every town around us is going to have it, it will draw business to town, draw people to town, therefore it should be put out for the Town to vote on. Norman Poirer stated that he is a resident of Riverview Heights and lives behind what is a possible site, he stated that he does not disagree with Joe Tyler, but that it needs to be in an area that is nonresidential. He stated that this is a residential area and that there is a concern from a fire protection point of view. Norm stated that he lives 200 feet away from a potential cultivation site and it could go up at any time. He stated that if there is no regulation on

it who will cover him if something happens, he stated that there is no fire protection out there and the Town only has a volunteer fire department. Peter Rioux stated that he agrees with Joe Tyler but that the Town is going to need zoning if we are going to do this. Peter Rioux stated that he agrees with Norm it is unacceptable in a family neighborhood not just for fire protection but because of security, water use, and safety of children. Norman Poirer stated that is it not recreation or medical that concerns him. He is concerned with how they are going to cultivate it; will it have fire protection in place? His concern is a fire concern. Margaret English Flanagan stated that she was curious and asked Norm why he had a fire concern. Norm stated that he is so close to the area and he doesn't want to talk about it because we are not supposed to discussed. Margaret English Flanagan asked if there a greater risk of fire? Norm stated that cultivating marijuana or any plant creates a greater risk of fire if protection is not in place. The lighting used in the growing process draws more energy; he stated to go talk to the State. He stated that he already has done that. Peter Rioux stated that if the Town opts in State rules will have to be obeyed. Joe Tyler stated that he was driving down Hammond Street in Bangor and with in 1,000 feet there were 3 medical marijuana places right in the middle of Bangor. Instead of getting nervous about it go look at these places see how they are run and see if that is what you want in town. Audience member stated that any facility should have an electrical permit from the State of Maine to ensure work was done to code. That goes for any structure. He stated that is it required by any facility to get a permit. Norman Poirer stated that a medical marijuana site is very different from a cultivation site. He stated that it is up to the Town Council, he works in Belfast and they are everywhere. However, they grow elsewhere and bring it there to sell it. There is a big difference between selling and cultivation. Peter Rioux stated that Bangor has zoning that allows certain things in certain areas. He stated that Winterport only has Shoreland Zoning and that if the Town wants to do this, they will have to set up zoning. He stated that he does not want to stop this stuff, but it needs to be done correctly and in the right area. He stated that if the Town opts in it will create a lot of things the Town will have to do. Mary Anne Royal asked so this is an ordinance that your proposing that wouldn't have to go to Town Meeting for passage? Town Manager stated that it depends on how the ordinance is structured or worded. The council has the power to bring certain ordinances forward, if it had fines, penalties, land use or things indicating zones then it would have to go to a town meeting. Mary Anne Royal asked the Town Charter doesn't require the Town to act on an ordinance that would affect the town or its population or citizens? Town Manager stated that not all ordinances, in this case depending on what is being proposed and the final version then it might have to go before the Town. It depends on what the Town Council wants to do. Mary Anne Royal asked what the charter says on an ordinance. Town Manager asked her which part she would like to know. Mary Anne Royal stated to never mind she would research it on her own. Town Manager stated that under power and duties that the Town Council has limited authority with State mandates. He stated that there is no consensus if State has Mandated this action on Municipalities. Peter Rioux stated that MMA apparently stated there was a bill for incentives for Towns to opt in in legislation right now. He stated that another option was a moratorium. He asked how long it would last. Town Manager stated that it would last 180 days with an extension of up to another 180 days if it can be shown there is progress and a necessity for it. Peter Rioux asked what the power point that he has is and asked if the recent projection equipment that has been installed has anything to do with it. Town Manager stated that the Fire Department installed it and he just did not put the screen up. Town Manager stated that it has links on MMA that you can go to and watch a 15-minute video that was covered in the workshop. It will give you the most up-to-date information on the issue and that is what the power point covers. Peter Rioux stated to the Council Chairman that the owner of Dresser Properties was present and asked if he could ask what his plans are for his site. Parker Dresser stated that they want to be good neighbors. He stated that they are present to identify the negative

implications of this activity and how it is affecting someone else. He stated that they have been fixing up the building that he owns, bringing it up to code. He stated that when he purchased it, it was a fire hazard. He stated that they are taking steps to make sure the building is secure and repairing all the electricity in the building. Parker Dresser stated that as far as the tenants there they will be legally growing marijuana. Ann Ronco asked if the State requires a sprinkler system. Parker Dresser stated that with marijuana that it does not have that requirement but that they do have fire extinguishers. Miss Camille (property manager for Dresser Properties) stated that they have met every code and inspection. They have come to the Town Office and gotten every permit required. Ann Ronco asked how big the building was. Miss Camille stated that it is the same exact size that it has always been. Joe Tyler explained what he knew about the Farmington Sites. Peter Rioux asked Parker Dresser if he was a grower, Parker stated that no he is just the building owner. Parker stated that it is not going to be a grower as described earlier. There are not going to be multiple large number of people growing. Parker stated that he has met with the Marijuana Inspector and told everyone of his tenants that they need to talk with him also. His name is Jim York. He stated that he has been staying in touch with him and that if any thing is out of line they will be shut down. Town Council asked if a license is needed. Parker told them that yes, a license is needed. When asked by the Town Council if the inspector was going to issue him a license until he met the criteria, Parker responded that he himself will not have a license but rather the tenant is the license holder. He stated that he only owns the building and will rent it out to individuals that are legal by both local and state law. Norman Poirer stated again that it needs to be understood there is a big difference between medical and cultivation. Growing is a bigger deal and that the State sees it as a bigger deal. There are more regulations on it regarding fire protection and other resources. It was stated that they don't even allow a certain number of Co-op or tenants to be in there unless cultivating their own specific area. There are certain securities that have to be in place to make sure that they are indeed the ones taking care of their area and not someone else doing it for them. Norman stated that he has nothing against the business itself, he said to be completely honest his nephew does it and his business was broken into. So, there are other issues and concerns and that he hopes the Town Council listens to those concerns. Margaret English Flanagan asked about the inspector coming and if he would be looking at the closeness to residential area. She was told that it still had to come to the Town. Peter Rioux asked the Council where the Council wants to go with this? Do they do anything or just hope it goes the way it should. Do they put a moratorium in place and get the planning board involved or make an ordinance that will put a stop to what Dresser Properties wants to do, or do they do nothing? Further discussion was had on when Dresser Properties came to the Town the last time. Discussion was also had on the ability for the Town to receive a copy of a license of the growers. There was discussion on speaking with the Fire Chief about the fire concerns and about the stop work order that was believed to be in place. There was discussion on whether the stop work order was still in effect because work was being done. Town Council asked about the opt in incentive. Peter Rioux asked that the Planning board be brought in and up to date on the matter. Peter stated to table this until next meeting.

2. Office Security Update & Proposal Consideration- When renovations were made some of the security sensors were removed. At this time, we do have an active system, however we need to put in additional sensors to cover a greater area. Town Manager wants permission to contract with Eagle's Security to get sensors installed. There is a need for more sensors to cover the entire building. Peter Rioux asked if sensors were going to be put in the Town Council chambers or just out in the office areas. Town Manager stated primarily in the office areas. He stated that there is an extender and with that it could possibly include the Town Council Chambers and more. Right now, there is only just so many zones available. Peter Rioux asked

the Town Manager about the price amount being asked for and what it included. Town Manager stated that the proposal was for \$934.50 and would include motion and smoke monitoring, and motion sensors. Peter asked about door and window sensors. Town Manager stated office windows would have sensors that would sense opening and shattering. Ann Ronco made a motion to allow the Town Manager to enter a contract with Eagle Security for \$934.50 for sensor upgrades/installation. Margaret English Flanagan seconded. MOTION UNANIMOUS.

Legal: None

Appointments/Resignations: None

Correspondence/Significant Items

Outgoing

1. None

Incoming

1. Winterport CEO/LPI Report February, 2020
2. Maine Forest Service Notification #544347

Minutes/Agendas:

1. RSU #22 Board of Directors Agenda Wednesday, March 11, 2020
2. RSU #22 Board of Directors Minutes Wednesday, February 12, 2020

Communications:

- A. Town Manager's Report- Town Manager has nothing to add unless there are any questions. Margaret English Flanagan asked if someone from the VGCC was coming to speak with them. Town Manager stated that he did not know if anyone would show up or not. He stated that he spoke with her on the phone about the situation but wanted to advise the Town Council about her concerns. He stated that he spoke with the Scouts and they removed some stuff. He stated that he did give them permission to leave one bulletin board up. He stated that he addressed her other concerns about cleanliness. He stated that he does not know who left the artwork or bird house but felt that it was no detrimental to the building or meeting space.
- B. Response to Council Questions- No Comments
- C. Council Comments- Peter Rioux stated that he had a comment that he would like to make about the sand on the roads. He stated that he would like to see the town use less sand and more salt or all salt. He stated that the sand ends up in the ditches and then needs to be dug out, and it causes a lot of dust. He stated that he would just like that to be kept in mind during the budgeting process. Corey Ginn asked Town Manager if any progress has been made on the wood chip issue. Town Manager stated that he received a paper from the company. It stated that the chips off set the mobilization cost that the town would have to pay otherwise. There was further discussion on the use of chips by Town citizens. Town Manager stated that he is going to make up a sheet of budgetary numbers on what the Town Council would have in forgone costs. He stated that in his opinion it is a policy issue. There was a question on whether the company itself had complained. Town Manager stated that they had never complained to him, but he believes that the issue was the amount of

volume being hauled away. There was some discussion on other ways to dispose of the chips.

Signatures:

Executive Sessions: None Scheduled

Adjourn: Motion to adjourn was made by Ann Ronco seconded by Margaret English Flanagan. MOTION UNANIMOUS. Adjourned 8:21 p.m.

NOTE:

Meetings:

Dates & Time of other meetings between March 10th & March 24, 2020
Board of Assessors, March 11th and Cemetery Board, March 18th.

Training & Days Off:

Minutes prepared and respectfully submitted by Brittany Whittlesey.

Stephen Cooper

Peter Rioux

Maggie English-Flanagan

Ann Ronco

Corey Ginn