

**MINUTES  
TOWN COUNCIL MEETING  
STANDISH, MAINE  
TUESDAY, AUGUST 8, 2017  
STANDISH MUNICIPAL CENTER  
7:00 PM**

**CALL TO ORDER**

Chair Pomerleau called the meeting to order and the Pledge of Allegiance was led by Councilor Sirpis.

**ROLL CALL**

Councilors present: Higgins, Libby, Nesbitt, Pomerleau, Sirpis and Starostecki.  
Councilor Delcourt was excused.

**MINUTES OF PREVIOUS MEETING (S)**

The minutes from the July 11 meeting minutes were accepted as presented by unanimous consent.

**PETITIONS AND COMMUNICATIONS**

There were no petitions or communications at this meeting.

**REPORT OF THE TOWN MANAGER**

Gordon Billington spoke on the following items:

- The Public Works Department is busy replacing culverts, supervising town paving projects and other related work. The department will also soon be overseeing bids on a public works truck and improvements to the ice skating rink at Johnson Field.

Mr. Billington explained that Representative Donald Marean was here this evening to provide an update to the work that the legislative committee has done on provisions and policies to the recreational marijuana law that was ratified by voters in November 2016.

Representative Marean explained that committee has spent the last seven months establishing the provisions for the recreational marijuana use law. He noted that he was selected to serve on this committee due to the 18-years he's served on the Agricultural Committee. He announced that last Friday the committee submitted the draft legislation which does not make any reference to medical marijuana since that was not part of their task. He did note that future amendment's may be enacted to make the medial and recreational marijuana regulations mirror one another. The legislation that they've drafted is a complex 60-page document, once it's printed he will forward it to them. The public hearing is scheduled for September 26 through the 28 tentatively to be held at the Civic Center. After the hearing, changes may be made to the legislation based on public input. He anticipated that a special session of the legislature would be called to act on this matter, if it doesn't get the necessary votes or is vetoed by the governor it will go back to workshop and they won't be able to implement the law before the February 2018 enactment date. If the law is passed it then is referred to the necessary the Legislative Rules Committees who will write the rules on the legislation. It then returns to his committee for a final review. He reported that the leadership of the committee recently travelled to Denver to talk to Colorado officials to learn what problems they had and the steps that they took to correct the issues and what positive things had happened. Colorado officials said that Maine could benefit by their mistakes by having the rules regarding testing in place before the law is enacted. He revealed that a bill 1641 was written to regulate testing procedures, it passed the legislature and senate, however it was vetoed by the governor. That bill then came back to them to them on August 2 and they overrode the governor's veto so it became law a few days after passing since it was an emergency session. Colorado officials say that the three biggest issues are pesticides, banking and the home-grow marijuana. He said that since marijuana is a federally scheduled drug there are no federally approved pesticides to use on marijuana. Representative Marean cited the *Cole Memo* which was written by a former US Attorney General which provides if states follow its priorities, the state would avoid federal interference regarding medical marijuana

matters. One of the memos points refers to the use of pesticides, Colorado is considering allowing the use of the same pesticides that are used on vegetables and fruits. Banking issues are of concern because a lot of cash is involved, he said that Colorado is seeing an increase in gang related robberies, kidnapping other related crimes. He noted that recently the use of debt cards for sales is being used and apparently acceptable under banking provisions to reduce the amount of cash transactions. The Maine leadership group visited a retail shop and highlighted the stringent procedures that are in place at these shops including that proper I.D. is required. He explained that one of members of the Maine group did not have a state issued I.D. available and was not allowed to enter the shop. He then showed them a sheet from the business that they visited that disclosed what the shop carried for products. He told them that in Colorado marijuana is between \$325 to \$375 an ounce, in some cases up to \$5,600 a pound. He said that while in the store he saw a number of sales take place. He explained that the Maine group met with a number of Colorado dignitaries who said that those involved the commercial grow, cultivators, testers and producers were following the regulations. He thought because the fines are high and if a rule is broken they would be banned from being involved in the field. He noted that Colorado's biggest problem is the home-grown law. They are having large black-market sales that have caused them to roll back the number of plants on any one property to 12 plants. He noted that last week Maine amended its bill to follow this provision. He indicated that this change will help curb black-market sales. He noted that in Colorado there is a provision that a home grower can apply to their local municipality to seek an increase of up to 24 total plants. He said that Maine will assess a 10% excise and a 10% sales tax on marijuana sales. Mr. Marean noted that it is contemplated that a portion of the taxes collected will go back to the participating municipalities. He highlighted the aspects of the marijuana industry covered under this law noting that social club's regulations have been put off until 2020. Representative Marean commented that it is hoped that the application fees, licensing fees, and excise taxes will cover the regulatory and enforcement costs. He explained that in Colorado they had to hire 125 new state employees because of the marijuana law. They have a 108 people in their enforcement department and there are approximately 27 employees in their tax department. In Maine, the application fees range in price depending on the size of the facility and whether it is a commercial or home-grow facility. The license fee too is based on the size of the facility. He noted that the fine in Maine for violation of any of the laws is up to \$60,000. He said that the committee wanted it high so that it would be more than the cost of doing business. He said that the state will be licensing the businesses, the business will then have to find a municipality where they can establish the business. He noted that the Maine law will allow the municipality to assess a licensing fee in addition to the state license fee. The municipalities can limit the type of marijuana businesses allowed in their town. He said that the law also prohibits anything regarding marijuana from being within 1,000 feet of a school. In addition, the state will have 14-days to notify a municipality of a change in a licensee or in the case of any violation of the laws. In closing, he noted that once the L.D. is printed he will forward it to them and he reminded them of the public hearing date. Representative Marean questioned if they had a moratorium ordinance?

Mr. Billington said that we do have a moratorium in place and it's on the agenda to be extended.

Representative Marean asked if they were using the MMA model ordinance?

Councilor Higgins the Chair of the Ordinance Committee explained that they have been waiting for the state to finish its work before delving into the Town's ordinance. She said that the Council wants to get more public input to determine what the residents of Standish want in their town. She said that the voters voted in favor of legalizing marijuana, but does that mean that they want facilities in town?

Representative Marean noted the MMA does have the model ordinance available. He noted that Hollis and Buxton voters voted in June and did not support the measure to allow marijuana facilities in their town. Buxton had a technical error on their ballot and they will revote on the matter in November.

Councilor Higgins thanked him for the committees work and for attending their meeting tonight.

Representative Marean said that he did have concerns with enforcement. He said that if they were looking for model ordinances Sanford also has a very good ordinance.

Mr. Billington continued with his report:

- The Clerk notified him that a change in state law regarding the filing deadline for nomination papers that has been approved. The deadline is now 60-days prior to Election Day, so, the town will have to take this into consideration regarding the notice to the Clerk of upcoming town referendums so that the ballots can be prepared at the same time. The Council will need to take this new schedule into consideration during the budget process in the spring.
- A bid is being conducted for a 4-wheel drive vehicle for the Code Enforcement Office.
- There has been a rash of duck itch cases reported by beach goers.
- The underground fuel tanks here at the Municipal Center have been updated by installing detection sensors both outside and inside the building. The cost was approximately \$22,000 which was charged to the Building Maintenance Account, later in year, this encumbrance may cause an overdraft in the account.
- Frequently, stray dogs are dropped off at the Dispatch Office for the Animal Control Officer to find their owner. A holding kennel is being constructed here to house the animal while its owner is located.

Mr. Billington noted that there are a number of audience members here to speak to the Marijuana Moratorium Ordinance that is on the agenda. He encouraged those present to speak on the issue.

## **PUBLIC HEARINGS**

There were no Public Hearings at this meeting.

## **COMMITTEE REPORTS**

Councilor Nesbitt reported that the Finance Committee met to review the FY17 year-end financials. Although, final numbers won't be available until the audit in December all departments appear to be within their budgets. He explained that excise tax collection exceeded the budgeted amount in FY17, also state revenue sharing funds were higher than budgeted. In the first month of FY18 excise tax collections are below what was projected, however other items are inline. He announced that there are several quit claim deeds and authorization for the Finance Director to execute bonds ratified by the voters on tonight's agenda.

Councilor Starostecki announced that the Portland Water District Steering Committee met to discuss the concerns that PWD has with the proposed improvements at the beach. He is drafting a letter to highlight the successes at the beach and reiterate the future plans to enhance the beach area to include flush toilets and a grilling area. Once the letter is reviewed by the Steering Committee it will be brought to the Council for endorsement.

Councilor Libby advised them that the Capital Improvements Committee recently held a meeting where they discussed the expansion at the Steep Falls Fire Station bid and the Recreation Department bus.

Councilor Higgins explained that the Recycling Committee continues to explore educational programs regarding recycling and composting. The next meeting is scheduled for August 17 at 7 pm.

Councilor Higgins explained that the Ordinance Committee has scheduled a meeting for August 16 among agenda items discussed will be recreational marijuana regulations.

Councilor Sirpis informed them that the Economic Development Committee will not meet in August due to scheduling conflicts. Their meetings will resume in September.

## **CONSENT CALENDAR**

There were no Consent Calendar items on this agenda.

## **UNFINISHED BUSINESS**

The Clerk announced that additional information had not been received on any of the postponed orders, so no action will be taken tonight.

**74-17 Road Acceptance Request Submitted by Shadow Woods, LLC for a Portion of Woodrow Drive [Pomerleau] (Postponed at the July 2017 Meeting pending additional information)**

**75-17 Road Acceptance Request Submitted by Tompson Development, Inc. for a Portion of Lindsey Drive [Pomerleau] (Postponed at the July 2017 Meeting pending additional information)**

**76-17 Road Acceptance Request Submitted by JoJo's LLC for a Portion of Nature's Way [Pomerleau] (Postponed at the July 2017 Meeting pending additional information)**

**77-17 Road Acceptance Request Submitted by Cummings Acquisitions for a Portion of Rose Lane [Pomerleau] (Postponed at the July 2017 Meeting pending additional information)**

## **NEW BUSINESS**

**79-17 Extension of Town of Standish Moratorium Ordinance on Retail Marijuana Establishments and Retail Marijuana Social Clubs (Introduction) [Higgins]**

Moved by Libby seconded by Sirpis and voted to dispense with the Clerk's reading of the ordinance. (Unanimous)

Councilor Higgins explained that this is an extension of the moratorium that is currently in place to allow time for the state's regulations to be in place. This is the first step in the Town's legislative process with the Public Hearing to be held in October.

Chair Pomerleau called for public comments.

Joseph Albert a proponent of recreational marijuana, explained that he has been a caregiver for 6-years and takes this cause very seriously. He has been leasing space at Walter Butler's building for his business for the past two, so Standish has become his home. He said that he realizes this is a controversial and heavily stigmatized subject with a lot of uncertainty involved. It was his opinion that recreational marijuana would be beneficial economically noting that the harms related to this matter are significantly exaggerated. He voiced his availability to assist them in their work on the ordinance. It was his view that the moratorium was not needed because if they can adopt an ordinance to allow the use of recreational marijuana sooner it would more beneficial to all involved.

Carl Butterfield the proprietor of Maryjane's Smoke Shop said that he did not support recreational marijuana. It was his belief that allowing recreational marijuana facilities in town would take money away from other business because there is only so much money for people to spend.

Chair Pomerleau asked him what he sold at his store?

Mr. Butterfield said that he sells tobacco products. He said that items at his store are priced in the \$10 to \$20 range, not in the \$300 range of marijuana products. He said that the only ones that will benefit from marijuana retail sales are the owners of those businesses. He thought that most marijuana retailers would be out-of-staters due to the high cost related to start-up this type of business.

Councilor Sirpis questions that based on the name of his business that Mr. Butterfield sold more than cigarettes, does he sell paraphernalia as well? He said that he wanted to be clear – you sell paraphernalia, but you're opposed to this?

Mr. Butterfield said that he thought that retail sales of marijuana in Standish would close his business.

Amanda Melnick a consultant for the cannabis industry said that she disagreed with the previous speaker. She said that the bill supports Maine residents regarding getting licenses in these businesses. She said that Maine has a huge tourist industry, she suggested that this may be a financial benefit to towns that allow the retail sales. She asked that they consider not extending the moratorium for a couple of reasons, she said that there is a way to do this properly without the moratorium bring in place.

Chair Pomerleau called for council discussion.

Councilor Sirpis questioned the Town Manager as to how many times the moratorium can be extended.

Mr. Billington said that he believed that it could be extended two times.

Councilor Sirpis said what would happen then?

Mr. Billington said that it would then fall under state law, in addition it was his opinion that until local guidelines were adopted it would not be allowed.

Councilor Starostecki thanked all that had spoke on the issue tonight. He let them know that his son has used medical marijuana for years, noting that is the reason that they came to Maine, and its use is probably keeping him alive. He said that he didn't want to lose medical marijuana so he believed that recreational marijuana needs to be embraced so we have a say in the control over it. He continued by saying that the state's Public Hearing is coming up with a vote on issue in October. He said that it's time make a decision on this noting that many surrounding towns have opted out of the retail sales in their town. He said that the traffic maps show the commuter traffic that flows through our town. He said that this is a opportunity to say to business people, come to us. He said that we should say, bring us your jobs we want to work with you, instead of saying we don't want to work with you. He said that 53% of Standish voters voted in favor of legalization of recreational marijuana. He said let's start talking about this.

Councilor Higgins said that is why Mr. Starostecki is on the Ordinance Committee due to his experience and enthusiasm. She agreed that we need a reason to bring people to Standish and to spend their money on their way to and from work. She thought that this should be looked at as an economic development tool. She said that for now the moratorium will allow them the time needed to develop the Town ordnances. In closing, she announced that the Ordinance Committee meets the third Thursday of the month.

Councilor Sirpis said while he respects Councilor Starostecki's point of view, he is not a supporter of recreational marijuana. He said that he sees multiple issues with this industry starting with large amounts of cash and the element that might attract. It was his opinion that 53% of the people in Standish voted to legalize recreational marijuana not to sell it. He continued to say that because it was passed doesn't mean that they want it sold in town. He said that he didn't think that there was any way that he would support recreational marijuana, except perhaps allowing testing facilities in town since that this a clinical type of facility. He said that he would support the moratorium, but at this time won't support recreational marijuana.

Chair Pomerleau called for the roll.

**VOTE: 5 Yeas – 1 Nay, Starostecki -- This vote moved the moratorium to First Reading at the September Council meeting.**

#### **80-17 Town Council Appointments to Various Boards or Committees [Pomerleau]**

Moved by Pomerleau seconded an voted to amend the order by adding the following individuals to the noted board through the date given:

Charles Brown .... Planning Board – Area 4 .... Through June 2018  
Christine Gamarsh ... Budget Committee .... Through June 2018 (Unanimous)

Chair Pomerleau called for the roll.

**VOTE ON ORDER AS AMENDED: 6 Yeas**

**81-17 Authorize Finance Director to Issue Municipal Quit Claim Deed to Vincent Lombardi [Nesbitt]**

Moved by Nesbitt seconded by Sirpis and voted to dispense with the Clerk's reading of the order. (Unanimous)

Councilor Nesbitt explained that this is one of the properties that had been moved forward for sale which got the owners attention. The taxpayer came forward and paid the taxes due. The execution of this quit claim deed releases the town's interest in the property and takes it out of foreclosure.

Chair Pomerleau called for the roll.

**VOTE: 6 Yeas**

**82-17 Authorize Finance Director to Issue Municipal Quit Claim Deed to Emery Isaac [Nesbitt]**

Moved by Nesbitt seconded by Higgins and voted to dispense with the Clerk's reading of the order. (Unanimous)

Councilor Nesbitt said that this property had not been moved forward for sale, however the hard work of the Finance Department worked with the owners to get the taxes paid.

Chair Pomerleau called for the roll.

**VOTE: 6 Yeas**

**83-17 Authorize Finance Director to Issue Municipal Quit Claim Deed to Robert F. Hanson Jr. [Nesbitt]**

Moved by Nesbitt seconded by Higgins and voted to dispense with the Clerk's reading of the order. (Unanimous)

Councilor Nesbitt explained that this property was brought forward for sale. The owners came forward and paid the back taxes, which amount was close to \$10,000.

Chair Pomerleau called for public discussion. There was none.

Chair Pomerleau called for council discussion, hearing none she called for the roll.

**VOTE: 6 Yeas**

**84-17 Town of Standish Orders of the Town Council Authorizing Issue of \$1,631,115 Principal Amount of Bonds and Notes in Anticipation of Such Bonds [Nesbitt]**

Moved by Libby seconded by Sirpis and voted to dispense with the Clerk's reading of the order. (Unanimous)

Councilor Nesbitt explained that this is the authorization for the Finance Director to secure the bond to complete the projects or acquire the items that the voters approved in June.

Chair Pomerleau called for public discussion. There was none.

Chair Pomerleau called for council discussion, hearing none she called for the roll.

**VOTE: 6 Yeas**

**85-17 Award Bid and Authorize Contract for 14 Passenger Mini Bus for the Recreation Department [Libby]**

Moved by Libby Seconded by Nesbitt and voted to amend the order to include the name of O'Connor Bus Sales at a cost not to exceed \$57,400. (Unanimous)

Chair Pomerleau called for public discussion. There was none.

Chair Pomerleau called for council discussion.

Councilor Nesbitt questioned if the bid met all the requirements of the specs.

Councilor Libby said that it did meet the specs and the bid amount lower than what was budgeted.

Chair Pomerleau called for additional Council discussion, hearing none she called for the roll.

**VOTE ON ORDER AS AMENDED: 6 Yeas**

**86-17 Amend Manager's Contract [Pomerleau]**

Chair Pomerleau explained that this will be effective beginning this week. Chair Pomerleau said that the Council believes that Mr. Billington has worked very hard and deserves this.

Chair Pomerleau called for public discussion. There was none.

Chair Pomerleau called for Council discussion, hearing none she called for the roll.

**VOTE: 6 Yeas**

**87-17 Authorize Consent Agreement – Dolana – Map 14 Lot 21 Sub 4 [Pomerleau]**

Chair Pomerleau said that this order speaks for itself.

Chair Pomerleau called for public discussion. There was none.

Chair Pomerleau called for Council discussion.

Councilor Higgins wanted to make sure that she understands this, was this a small violation that was discovered during the process of putting the property up for sale?

Councilor Nesbitt said that there doesn't appear that there were any inspections done.

Mr. Billington said that the Town does not measure setbacks, it relies on the applicant to comply with the setback restrictions.

Councilor Nesbitt asked if the applicant built the home?

Cornelia Dolana, the applicant explained that this is the fourth time that the home has been sold and the first-time this was discovered.

Moved by Nesbitt Seconded by Higgins and voted to amend the agreement by not assessing a penalty. (Unanimous)

Chair Pomerleau called for public discussion on the order as amended. There was none.

Chair Pomerleau called for additional Council discussion of the order as amended, hearing none she called for the roll.

**VOTE: 6 Yeas**

A moment was taken so the applicant could sign the agreement.

**88-17 Utility Location Permit –Central Maine Power – Deer Hill North [Pomerleau]**

Chair Pomerleau called for public discussion. There was none.

Chair Pomerleau called for Council discussion.

Councilor Sirpis questioned if CMP pays a fee?

It was explained that a \$25 fee is paid to the town.

Councilor Higgins asked if this was a replacement pole?

Mr. Billington explained that it was for a new home. Two poles are being installed one in the public right-of-way the other is on private property.

Chair Pomerleau called for additional Council discussion of the order as amended, hearing none she called for the roll.

**VOTE: 6 Yeas**

**PUBLIC ITEMS**

There were no public items at this meeting.

**ANNOUNCEMENTS**

Several upcoming meetings were announced.

**EXECUTIVE SESSION**

An executive session was not needed at this meeting.

**ADJOURN**

Moved seconded and voted to adjourn. The meeting adjourned at 8:30 p.m. by unanimous consent.

Submitted by: s/Mary Chapman  
Clerk/secretary