

Minutes of the Wilton Select Board Meeting  
September 5, 2023

(FULL RECORDING IS AVAILABLE AT [www.mtbluetv.org](http://www.mtbluetv.org))

Members Present: David Leavitt, Mike Wells, Tiffany Maiuri, Keith Swett, Phil Hilton, Perry Ellsworth, Town Manager

**Item #1-Minutes of the Select Board Meeting of August 15, 2023**

Motion by David /Second by Mike-Move to Approve as written the Minutes of the Select Board Meeting of August 15, 2023

Vote: 3-2 Abstain (Keith, Phil)

**Item #2- Public to speak on non-agenda item**

None

**(Attached are Manager notes for topics 1-13)**

**Item #3-PWD Fuel Pumps**

Perry- To replace the fuel pumps the cost is approximately \$160, 170,000. DEP has changed the rules so we do not need to replace our tanks but the pumps must be moved away from the garage entrance door. The present gas pump is not working therefore we are buying gas from an outside entity. Two bids have been received for pump replacement.

1. Simard and Son at \$75,389 (They can do this coming Spring)
2. Precision Tanks @ \$71,685 (They can do this Fall)

We have no money in the budget. Perry is proposing to use ARPA funding. Perry would like to accept the bid for Precision Tanks for \$71,685.00.

Motion by Mike/Second by David-To use ARPA funding for the installation of the new pumps.

Phil-What if we did not use ARPA funding?

Perry-A special town meeting would be needed. We do not have enough funds or capital to do this job.

Tiffany-There would be different options. Did we RFP or did we just do bids?

Perry-Yes, we went to RFP.

Vote: 5-0

#### **Item #4-Blueberry Festival Update**

This has been tabled until the next Select Board Meeting.

#### **Item #5- Cannabis Moratorium Update (set Public Hearing Date)**

(See attached Moratorium for Cannabis consideration)

The next step would be to request a public hearing and Perry is suggesting the date of September 19, 2023 which would be at the next Select Board meeting. After that meeting, a special town meeting would need to be scheduled prior to the regular Select Board meeting on October 17, 2023. The warrant would be signed at the October 3, 2023 Select Board meeting. Included would be some ordinance changes proposed by the planning board at the same time. The Moratorium would be retro to the date of the special Town Meeting which means only active applications would be considered during the Moratorium period of 180 days. The Moratorium can be extended an additional 180 days if needed. The moratorium would be for six (6) months and would not affect the businesses in the now. The purpose of this moratorium is to review the present ordinance. We are missing language for dispensaries in our present or past ordinance(s). Motion by David/Second by Phil- To accept the proposed Moratorium as written and set a public meeting date for September 19, 2023.

Clarification on the date?

Perry-The effective date on applications could be worked on up until the special Town Meeting. If they haven't been brought forward to the Select Board or the Planning Board, they could not go. This is the process we have to go through with the type of town government.

Keith-How many people are required at the special Town Meeting?

Perry-This one does not require a minimum

Vote: 5-0

#### **Item #6- Police Cruiser Proposal**

Perry is in support of Chief Kyes proposal

Police Chief E. Kyes-We are looking to add two cruisers. We would like to buy 1 new cruiser and 1 used cruiser. This would not affect our capital plan. Miles and

hours are an issue. Estimated mileage is approximately 100,000 a year on the three vehicles. We are looking to have assigned cruisers and the mileage would then be split over 6 cruisers.

(See Attachment for detailed explanation and financial detail).

Perry-Ford Motors is to take back the 2023 model that we have on hold with Quirk Ford and Ford will redo them into a 2025 model at a much higher cost.

Police Chief E. Kyes--If a cruiser gets wrecked, it would not get replaced.

Keith-We pay insurance per vehicle?

Perry-Yes but he does not believe because of spreading mileage, it would be a wash.

Police Chief E. Kyes-Kyes Insurance stated there wouldn't be an extra cost until July 2024

Tiffany likes the concept.

Police Chief E. Kyes-A Pilot Program would be good.

Mike-Have any other departments taken this approach?

Police Chief E. Kyes-He hasn't talked about cost savings but in Farmington, their guys have cruisers. Mexico and Oxford County do this as well.

Perry stated that if we do not take advantage now, we would not be able to take advantage until 2025. We have it in the budget. We had it in the capital plan to purchase one next Spring.

Motion by Mike-Second by Phil-To accept Police Chief Kyes proposal for the purchase of 1 new police cruiser and 1 used police cruiser with Capital funds already on account

Vote: 5-0

### **Item #7-Cannabis Licenses**

Perry gave a little background. A smell and odor were suspected cannabis growing over in the buildings next door (from the Town Office). It goes back a long time.

The previous owner of 128 Weld Rd was Gil Reed and he got the first license for marijuana growth. Travis Gray, the current owner got the second license in 2016. It was supposed to be one room. There are now 4 rooms. It is supposed to be one and only one that was ever licensed and was 500 square feet, that Travis had himself. OCP (Office of Cannabis Policy) has been to the property. The parties have been pushed to get the proper licensing through the Town. They do have a

State License. The last license that Travis had was in 2020 through 2021. It ran out in November 2021.

There are some things in Cannabis Ordinance that requires a Lease Agreement if you are not the owner of the building.

There is an attorney that is currently working on Lease but was unable to get it printed or signed for today.

It could be a condition if you decide to grant them a license.

A Lease agreement is recommended strongly suggesting the conditions:

1. An assigned Lease within 7-10 days
2. Within 30 days a filtration system will need to be installed. It has to be self-contained. That is the Law. That is the order of Law. That is also part of our Ordinance.

There are four people looking for a license.

Motion by Mike to deny the permits.

This cannot be done. A motion needs to be made to accept and it can be denied when you vote.

Motion by David/Second by Phil-To Approve the License permits pending any legal obligations for the Lease or anything else within our Ordinance and a filtration system.

Mike feels that according to our Ordinance, failure to meet the requirements of this Ordinance is grounds for denial of a permit. They have been doing business in Wilton without the proper licensing.

Eddie Duguay with the Cannabis Compliance Program did an evaluation approximately 5 weeks ago and met with the Code Enforcement Officer Gary Judkins and then OCP investigator Chris Carr. They passed for individual care givers. Eddie writes plans for odor control. The building has never really had OTA control. With the new carbon filters, he can get the smell to lower than 4%. A lot of it is about your operating. If you have cannabis and flower, that is when you have smell. When they are in veg and not flower there is no smell. Doors cannot be left open until I get this plan done. A plan of correction received by the State. They will need to agree to abide by all the rules of statute governing registered caregivers' activity and be in compliance with the Office of Cannabis Policy. A lease is needed between the owner and tenant(s)

A recommendation from the State is that under the medical program, you can be an individual caregiver with a certain canopy that you are allowed to grow. The

more you grow, the more you pay the State and the bigger you can pay canopy, then you end up over there with four different caregivers.

Dispensary stays in the medical program but the dispensary has a lot more oversight. You can't have a dispensary unless you have local certificate of occupancy from the municipality. It is not easy to get the dispensary license.

As far as the Ordinance, he would like to work with the Planning Board or Select Board to get the Dispensary language into the Ordinance. It would be a \$5,000 license fee with the State. He feels the prospective renters fee is too low compared to what is going on throughout the State.

When the ordinance is being worked on, work on fees so that  $\frac{3}{4}$  is covered. What does it cost with Police, Fire, Code Enforcement? It is not unusual for municipalities to be charging more money.

The fees of \$250.00 (by 4 licenses) will be paid.

David-What is the turn around time on the filtration system?

Eddie Duguay-90 days. He also handles what they call trip tickets. If the product goes to Portland, then you have a trip ticket. (For example- If 11 pounds left at noon, it went to Portland and got there at 2:30, this is the person that received it and this is the amount of money that exchanged hands) there is documentation that is required.

Mike-Is that requirement for the trip tech? Is that for medical only caregiver or for recreational?

Eddie Duguay-The Adult use program is really regulated. Yes, it is all required.

Mike-So if any of these organizations in town that have been doing a business without a permit, could they show us their trip tickets and where their product has been going?

The Attorney has them.

All 4 have been in violation.

David-He feels they should be given the opportunity. If they fail within the 90 days, licenses will get pulled. They should have known about our Ordinance but didn't try to subvert our Ordinance. They are asking for an opportunity to make sure they come into compliance.

Keith-When were they notified that they were in violation?

Gary Judkins, CEO-March 2023

Tiffany-She would like to give people the benefit of the doubt.

Keith-There are 4 licenses, correct? For a 500 square foot each

Mark Walker, Attorney (Hallowell, Maine) -He spoke on behalf of the 4 prospect licenses. (See Recording)

Vote: 4-1 (Mike) Passes

Lease to be completed within 10 days

Filtration system to be completed within 90 days

Ordinance Rules must be followed

The Code Enforcement will be checking on the filtration system.

### **Item #8-Town Manager Search procedures**

A Search Committee needs to be determined.

Perry-Procedures need to be put into place as interviews should be taking place by the end of September. Perry feels his position is to collect the Applications, provide a review, schedule the applicants. Volunteers will need to be solicited.

Perry suggested Linda from the office personnel and John from the Highway Dept personnel for the interview process.

Mike agrees with the Application process.

David-The more the process is opened up the longer it will take.

Perry-There are at least one or two very strong, fairly strong individuals. He agrees with David in regards to keeping this cycle moving.

Tiffany-We can look at what a final review would like. The final review would be applicants that would be accepted into the final review.

Perry-More advertising can be done. (For the Committee) For Example-social media, Town Webpage, Electronic Board, Daily Bulldog)

Tiffany-The last day to accept Applications for the committee will be September 18, 2023.

It is suggested 2 people from the public and it was suggested public works department and an office staff person as part of the committee.

### **Item #9-Banking**

Perry met with Franklin Savings Bank. They explained that could provide us with a Sweep Account and have offered a competitive interest rate in which would be a variable rate. Perry also stated that changing banks would be a cumbersome process for the office staff and a change should only be for a significant gain.

Perry suggested that an RFP should not be done. A workshop was suggested and anticipated to be scheduled in October. Perry will provide dates at a future board meeting.

#### **Item #10-Truck Bid**

Perry-We went out to 5 dealerships on quotes on a pickup truck to replace the Public Works Dept pickup truck. One bid was received from O'Conner in the amount of \$67,154.00. It is a GMC Sierra 2500 HD Crew cab all-inclusive of plow and liftgate. The Public Works Dept foreman's (John Masse) truck will go to the cemetery as that truck is past its ability for an inspection sticker. When the new truck is received the cemetery truck will be declared as junk and Perry will ask the Select Board to dispose of it. The cemetery could possibly buy out the value the present truck and it would go back into the capital account. That is was done in the past.

Tiffany-Is this within the Capital Budget?

Perry-Yes, it is.

Motion by Mike/Second by David-To accept the truck bid as proposed.

Vote: 5-0

#### **Item #11-30-Day Notices**

There are 277 30 Day notices to be sent. Taxes are Due for November 1, 2023.

The 30-Day notices encompass a \$3.00 handling fee along with the \$8 certified mail fee. Perry is requesting that the accounts with \$50.00 or less receive a non-certified letter. The others would receive a certified notice.

Motion by Mike/Second by David-To grant permission to not send out certified tax notices for less than \$50.00.

Vote: 5-0

#### **Item #12-Grant for the Fire Department**

The Grant is an MMA Grant for safety. No cost to the Town.

Motion by Keith/Second by Phil-To Accept the Grant from MMA

Vote: 5-0

### **Item #13-General Assistance**

A Public Hearing needs to be set for the 2023-2024 General Assistance Rates. September 19, 2023 is the recommended date. This would take place after the Moratorium hearing.

Motion by Keith/Second by David-To set a Public Hearing date for General Assistance on September 19, 2023 after the Moratorium Public Hearing.

We are in trouble financially. Of \$15,000 expended we should get \$10,930.40 back. This (line item) will be significantly overrun by Spring time because fuel oil is still very high.

We have moved one person out over the last couple days. The other person we are working with the State to see how we can get them moved out when the State stops paying. The State stopped paying for hotel rooms.

Mike-So if someone is homeless in your town, you have to provide accommodations, correct.

Tiffany-We are mandated by the State and obligated.

Perry-We are overseers of the poor.

Mike-Where will the money come from?

Tiffany- The undesignated fund because inside of our warrant articles that's authorized the Select Board to expend from unanticipated expenses and over runs.

Vote: 4-1 Opposed (Mike)

### **Item #14-Hazard Mitigation Plan Resolution**

Perry is suggesting that the Hazard Mitigation Plan Resolution be signed. It is a good plan. (The Hazard Mitigation Plan is on file at the Town Office)

Motion by David/Second by Phil-To Move to have Perry sign the Hazard Mitigation Plan Resolution form signed.

Vote: 5-0

### **Item#15-Other**

Moke spoke on the conversation he had with the police department about their "recycling rate" as Mike calls it. This is in reference to the arrests that take place with the same persons. Mike would like to invite the District Attorney to a meeting to explain what is legally done once these folks are arrested and sent before the District Attorney and what the trial schedules look like. He would like



to get a bird's eye view from the District Attorney to mitigate some of the drug trafficking selling that we have got going on here. Statistics in the State of Maine: 723 Drug Overdoses in 2022. We had had 366 drug overdoses as of July 2023 on the national level. Maybe have a retired judge possibly attend.

David is concerned with the timing due to the upcoming public hearings scheduled. It is a great idea to invite them. Maybe one of the meetings in October.

Perry is suggesting to set a Public Hearing for September 19, 2023 for the closure of Mill St for Winter maintenance. October 1, 2023 is the deadline.

Motion by Keith/Second by David-To set a Public Hearing for the closure of Mill Street to winter maintenance.

Vote: 5-0

#### **Item#16-Manager Report**

Perry has not heard from Matrix or MCA. This should be discussed at an upcoming Select Board meeting.

Thursday there is a zoom meeting with Tiffany and Consolidated Communications.

#### **Item #17-Adjourn**

Motion by David/Second by Mike -To Adjourn

Vote: 5-0            7:25 P.M.

