

**Town of Buxton**  
**Minutes for May 17, 2017 Selectmen's Meeting**

*Prepared by: Beverly Gammon*

*Members Present: Clifford L. Emery, Jean C. Harmon, Dennis P. Santolucito, Chad E. Poitras, Mark P. Blier*

*Others Present: Cheryl Cote Huntley, Ellen DeCotiis, Julie Gamelson, Thomas Morrison, Rich Streeter, Miriam Rubin, Asa Rubin-Crump, Nathan Schools, Peter Burns, Troy Cline, David Harmon*

**Public Hearing – 7:00 PM**

*Secret Ballot Article 3 – Proposed Ordinance to Prohibit Growing, Cultivating, Selling, and Retail Marijuana Social Clubs in the Town of Buxton*

*The Board recited the Pledge of Allegiance and opened the Public Hearing at 7:04 PM. Selectman Emery read the hearing notice and explained that this ordinance has nothing to do with the law that allows people to possess and grow their own personal marijuana. It is not intended to stop people from doing what the law allows. The same law, however, allows municipalities to exclude within the municipality the different establishments, including retail and social clubs, which are outlined in the law.*

*There were comments and questions from the public and a discussion with the Board. Selectman Emery, Selectman Santolucito and Selectman Harmon each shared their concerns and reasons for supporting this ordinance. Our Police Chief, Troy Cline and Fire-Rescue Chief, Nate Schools talked about some of the serious concerns they have from a law enforcement and fire-rescue perspective. Selectman Blier also shared the reasons he supports the ordinance.*

*There were no other comments or questions.*

*The Public Hearing was closed at 8:05 PM.*

**Meeting Agenda**

**1. Call to Order**

*The meeting was called to order at 8:05 PM.*

**2. Pledge of Allegiance**

*The Pledge was recited before the Public Hearing started.*

3. **Approval of Prior Meeting Minutes**

*Selectmen Meeting Minutes for May 10, 2017*

*Approved 3-2*

4. **Discussion held between 4:00 & 7:00 p.m.**

*The Board met with the Police Chief and Fire Chief to go over some issues they had.*

*The Selectmen talked about the rescue subscription program and what our auditors think the Board should do with the money in that account.*

5. **Review of Correspondence**

- *Email from Dave Francoeur, Deputy Director York County EMA – Re: Local Emergency Management Directors Meeting*

*Nate Schools, our EMA Director reported that the EMA Directors have been working with York County on a shelter agreement and they have made some positive moves on sheltering and other issues related to that.*

- *Legislative Bulletin from Maine Municipal Association*
- *State House News Update from Rep. Don Marean*
- *Email from SAD 6 Business Office – Re: Focus on Finance & Date change for the District Budget Meeting*
- *Email from Marian Alexandre, So. ME Planning & Development – Re: York Legislative Update*
- *Email from Representative Don Marean – Re: Official withdrawal of Frye Island bill*
- *Email from Marian Alexandre, So. ME Planning & Development – Re: Office Supply Bid*
- *Maine CDC Health Alert – Re: Air Quality Alert*

6. **Review of Projects and Issues**

*Selectman Blier reported that he had a Comprehensive Plan Meeting Monday night.*

*Selectman Poitras reported that preservation work has begun on the old 1915 Model T Fire Truck and a lot of progress has already been made. He said there is a lot of enthusiasm on the project and the town is fortunate to have someone like Mr. Baresel who is willing to do the work. Selectman Poitras also reported that a resident approached him about the Keep The Heat Inside project that is going on now involving window inserts that go over existing windows to help with insulation. The inserts are very affordable and everybody is eligible for them. If anyone has questions about the program they can contact Selectman Poitras for more information.*

*Selectman Poitras thanked Selectman Santolucito for all the work he has done with the SAD 6 Budget Advisory Committee on the school budget.*

*Selectman Harmon reported that she has been working on some resident complaints she had this past week. Also, our auditors were in Monday and Tuesday doing pre-audit work for year-end. She mentioned that the Board received notice that one of the Trustees at Bonny Eagle Park had to resign for a health issue. She suggested that the Board might want to put the word out in case anyone is interested in the position. The Board also received a request from Dave Spencer, one of the Trustees at Carroll Park to add Toby Reynolds as another Trustee. He (Toby Reynolds) is involved in the Buxton Little League.*

*Selectman Harmon stated she received a call last week from Dave Bouffard with the Maine Revenue Service asking about our Sales Ratio Analysis that he had not received yet. She said the report has been completed and sent to the state. Based on sales from April 1, 2015 through 2016, the ratio was around 96% of the valuation.*

*Selectman Santolucito served on the committee for re-apportionment of the SAD 6 School Board. The committee submitted a proposal to the State Education Commissioner reducing the size of the Board from 14 down to 11 members with residency requirements but the Commissioner rejected that. Selectman Santolucito said the state is looking for a much more district-wide approach with most of the positions being “at large” which he said means that one town could stack the board. The school brought in an attorney who wrote the proposal and assured the committee that it would pass so that attorney is involved with this now and will be working with the state.*

*Selectman Emery gave examples of how the state’s process would work and how one town could turn out a larger vote, or have its election sooner than other towns and elect all of its candidates to the School Board leaving the other towns with no representation. He said that does not make any sense.*

**7. Old Business**

*Charter Review Committee*

**8. New Business**

*None*

**9. Executive Orders**

*E.O. 161705010 – An order to approve an Application for Veteran Exemption for [Map 10, Lot 125-18]*

*Approved 5-0*

*E.O. 161705011 – An order to approve 16 hours of vacation time for Greg Heffernan*

*Approved 5-0*

*E.O. 161705012 – An order to approve an Application for the Widow of a Veteran Exemption for [Map 10, Lot 103A]*

*Approved 5-0*

**10. Executive Orders by Initiative**

*E.O. 161705013 – An order to approve an application for a liquor license renewal and Special Amusement Permit for Julie C. Hagerman and R. Shiloh Hagerman d/b/as Chaps LLC*

*A motion was made by Selectman Harmon and seconded by Selectman Santolucito to approve.*

*Selectman Emery explained that the liquor license is going to be approved but that conditions are going to be placed on that. A lengthy discussion followed between the Board and Julie Hagerman about the establishment serving liquor outside the building and on the deck. Selectman Emery stated that when the bar was originally approved all alcohol was to be consumed inside the building. The deck was added as a smoking area. No one has ever gone back to the Planning Board to have that changed so the Board of Selectmen does not have the right to approve selling or serving alcohol outside of the building including the deck. The Board of Selectmen cannot supersede the Planning Board. If the establishment wants to serve food and liquor outside the building, they have to go back to the Planning Board to get approval. Selectman Emery talked about a letter in 2014 from Fred Farnham our CEO at that time, and a decision that had been made by the Board of Appeals before that. The deck was to be used as a smoking area only and no liquor was to be served outside the building.*

*Julie Hagerman stated that when they have an event she chooses to allow drinking on the deck rather than go to the parking lot because it is easier to police and regulate. She said they will open the gate to the parking lot and rope off an area at the base of the deck for smoking. She said people cannot drink and smoke in the same area and she was told by the state that the best way to get around that is to put up a barrier so that one side of the deck is for smoking and the other side is for drinking.*

*Selectman Emery reiterated that the Appeals Board did not allow drinking on the deck. He said they would go to the Planning Board, then the Appeals Board, then to Superior Court and no one has done that. He said the deck was added originally for a smoking area but it has somehow turned into an extension of the bar where there is drinking.*

*The Board advised Julie Hagerman that drinking on the deck or anywhere outside the building is prohibited and must stop until that is addressed.*

*Selectman Emery talked about items that were identified by the Fire-Rescue Chief as failing at their last inspection. He told Julie Hagerman that all of those items will have must be corrected very soon. There seem to be items in every inspection and the Board feels that the corrections need to be made to clean them up quickly.*

*The discussion ended and the Board voted 5-0 to approve the liquor license renewal subject to these conditions.*

**11. Accounts Payable and Payroll Warrants**

*E.O. 161705008 – An order approving expenditures as documented in Accounts Payable Warrant #95*

*Approved 5-0*

*E.O. 161705009 – An order approving expenditures as documented in Payroll Warrant #94*

*Approved 5-0*

**12. Next Meeting of the Board**

*Public Hearing Wednesday, May 24 at 7:00 PM regarding a 180-day extension of the Town's Moratorium Ordinance for Retail Business Establishments in the Village District*

*Board of Selectmen Meeting Wednesday, May 24 at 7:10 PM or immediately following that public hearing*

*The Planning Board will be Meeting Monday, May 22 at 7:00 PM and they will be holding a Public Hearing on their ordinance changes.*

*The Neighborhood Watch Group will be having a meeting Thursday, May 25 at 6:00 PM at the Groveville Fire Station.*

**13. Other Business**

*Senior Citizens of SAD 6 (60+) are invited to a free Turkey Dinner Thursday, May 18 at 4:45 PM at Bonny Eagle High School.*

#### **14. Public Comments and Questions**

*Rich Streeter went to the podium and introduced himself. He asked the Board what the new ISO Protection Class number is.*

*Selectman Emery stated that he went immediately to ask his insurance agent what the impact of that would be on the cost of insuring his building. He was told he would save around \$360/year on his commercial business. He has not heard what the savings will be for a homeowner.*

*Mr. Streeter had questions about the Planning Board's Public Hearing and the Public Hearing on the 180-day extension of the moratorium on retail business in the Village Zone.*

*Selectman Emery explained that this is different than what the Planning Board is doing and the moratorium in the village zone runs out in June so the Board wants to make sure the moratorium remains in place until the town meeting in June.*

*Selectman Harmon mentioned speaking with Julie Gamelson in regards to a candidates night that is being held June 8<sup>th</sup>. She said the large meeting room is available so it can be held here at Town Hall. She said in the past when there has been a candidates' night it was sponsored by an organization such as the West Buxton Public Library or something like that; it was for all candidates running for office, and there has been a moderator. Selectman Harmon said she does not know if that is how this is going to be run because they have not really talked about any details.*

*Julie Gamelson went to the podium. She said she did not want to talk about it until she knew for sure where it was going to be held. She said they are going to invite all the candidates and they will have a moderator. A group of Buxton residents are doing this because they do not know anything about those who are running.*

*Jean said it has been awhile since we had one and it is a good opportunity for people to meet the candidates.*

*Dennis said he spoke with Julie earlier and it sounded like it was going to be more like a public forum than a candidates' night. He said he has a concern about that.*

*Julie Gamelson said she understands the concern and they are still working that out. She said she will talk more about it next week but it will be primarily a candidates' night.*

*There were no other comments or questions.*

**15. Executive Session**

*None*

**16. Adjournment**

*Motion made and seconded to adjourn the meeting at 8:38 PM*

*Approved 5-0*