

**Location: Town Office, Council Chambers
 21 Water Street, 2nd Floor**

**September 9, 2024
5:45 PM**

Special Council Meeting

Executive Session

(S090124) Council enters Executive Session for the purpose of discussing the duties of the Town Council where public discussion of which could cause damage or invasion of privacy, pursuant to MRSA Title 1, Section 405(6)A.

V. Adjournment

Location: Town Office, Council Chambers
21 Water Street, 2nd Floor

Viewing on: Pioneer Cable – Channel 400
Spectrum Cable – Channel 1301

Public Participation thru Zoom: Meeting ID: 856 7271 4460
NO PASSCODE NEEDED
CALL-IN: 1-929-205-6099

AGENDA

Regular Council Meeting

**September 9, 2024
6:00 PM**

Pledge of Allegiance

Public Comments

I. Minutes: Special & Regular Council Meeting of August 26, 2024.

II. Old Business:

A. (080224-6) The Town of Houlton ordains the addition of Chapter 10, Article XV Ordinance Prohibiting Retail Marijuana Establishments and Retail Marijuana Social Clubs in the Town of Houlton to the Houlton Code. (Note: The ordinance in its entirety is available for review during normal business hours.) (First Reading)
Public Hearing will be held at the Gentle Memorial Building (Rec Center) on September 23, 2024.

III. New Business

A. (090124-1) Council approves the execution of the application to the Department of Public Safety Bureau of Alcoholic Beverages by Wine Until Nine located at 84 Main Street, for renewal of liquor license. (Public Hearing)
Approval is required by the state.

B. (090124-2) Council accepts the criminal forfeiture funds in the amount of \$259.00 and \$33,283.00 from the State of Maine for the Police Department.

C. (090124-3) Council accepts a \$5,000 2024 Rural and Nonmetro Election Infrastructure Grant from Center for Teach and Civic Life and authorizes the Town Manager, Jeremy Smith to sign all documents.

Will be used for election supplies and law enforcement.

IV. Discussion and Reports

A. Town Managers Report

B. Councilors' Remarks

**Special Council Meeting
August 26, 2024**

Chairman Robinson called the meeting to order at 5:05 PM with all councilors present.

Executive Session

(S070224) It was moved by Councilor Lake, seconded by Councilor Torres that Council enter Executive Session with the Town Manager for the purpose of discussing a personnel matter, pursuant to MRSA Title 1, Section 405(6)A.

Vote was taken as follows: Councilor E. McLaughlin, yes; Councilor Horvath, yes; Councilor Torres, yes; Councilor Peters, yes; Councilor Lake, yes; Councilor J. McLaughlin, yes.

Council entered Executive Session at 5:06 PM and returned to Open Session at 6:05 PM.

V. **Adjournment:** On motion by Councilor Lake, seconded by Councilor Torres, the meeting adjourned at 6:05 PM with all in favor.

**Regular Council Meeting
August 26, 2024**

Chairman Robinson called the meeting to order at 6:06 PM with all councilors present.

Public Comments

Chairman Robinson recognized Police Chief DeLuca who reminded everyone that school would be back in session tomorrow. He reminded everyone to drive safely and to watch for school buses and pedestrians.

Chairman Robinson recognized Noel Valcho, Houlton resident who expressed her thoughts and concerns about smoking marijuana.

Chairman Robinson reminded everyone that at tonight's meeting there would be an introduction to the proposed new ordinance concerning marijuana and that the First Reading would be held on September 9th and the Public Hearing would be held on September 23rd.

Chairman Robinson recognized Steven Cole, Houlton resident who stated that there has been misinformation on Facebook regarding medical marijuana. He stated that he wanted everyone to know that the town wasn't coming after the caregivers, that the caregivers came to the town. He explained that the town opted out for recreational marijuana and that caregivers are in a different category. He gave statistics on alcohol, tobacco, and obesity deaths and stated that there has never been a marijuana overdose death. He explained that the caregivers do not issue medical cards, they are given by qualified professionals that the state handles.

Chairman Robinson recognized Chief Cone and Shelby Fenderson from the Ambulance Department. Chief Cone stated that Shelby was involved with a call that required the use of the new Lucas CPR device and that it worked properly. Cone stated that Shelby was now a National Child Passenger Safety Certified Technician. Shelby explained that parents or guardians can receive free car seats if they qualify. She stated that anyone can get a free inspection of their car seat. She stated that she already has 46 car seats ordered.

Councilor E. McLaughlin asked if there was any documentation available on the side effects of the Lucas CPR device. Shelby replied that there wasn't any at this time.

Chairman Robinson recognized Jody, Houlton resident who explained that she moved here for the medical marijuana program. She stated that she felt the state didn't give a whole lot of instruction and is willing to help if needed to implement the new law.

Chairman Robinson recognized JJ Schools who thanked the Fire Department for saving his home last year. He also stated that he fully supported the community to do the right thing concerning the new proposed ordinance.

I. **Minutes:** It was moved by Councilor Lake, seconded by Councilor Torres that the Special & Regular Council Meeting of August 12, 2024 minutes be approved as presented.

All were in favor of the minutes.

II. **Old Business:**

A. (S080124-1) Chairman Robinson declared the Public Hearing open on the following:
The Town of Houlton ordains the transfer of up to \$400,000 from the Undesignated Fund Balance

for the purpose of reducing taxes. The Town Manager certifies that this is in the best interest of the Town.

Susan Tortello, Houlton resident requested an explanation on why \$400,000 was being asked for.

Terri Duff, Assessor explained that \$400,000 has been used numerous times and that it was only up to that amount if needed to keep the mil rate down.

Tortello asked if it was due to the increased school budget. Duff replied that it was due to the increase in the County tax bill, school budget increase and other increases that have occurred.

Town Manager Smith stated that he felt it was a safe buffer. He also stated that the TIF capture has been reduced and \$600,000 was able to be redirected to help ease the burden of surprise costs that have occurred.

Vote to approve the order was taken as follows: Councilor J. McLaughlin, yes; Councilor Lake, yes; Councilor Peters, yes; Councilor Torres, yes; Councilor Horvath, yes; Councilor E. McLaughlin, yes.

The order passed.

B. (080124-4) It was moved by Councilor Lake, seconded by Councilor Torres that Council authorize temporary use of 2 parking spaces on Court Street located just east of Bastions Tavern. Spaces to be utilized for a food truck on Fridays from August 16, 2024 through October 25, 2024 no later than 10:00 PM.

Chairman Robinson noted that permission to utilize town property requires authorization.

Logan Harvey, General Manager of Bastion's stated that he has a list of various food trucks that are willing to come. He stated that he would be having a box installed externally to provide power for the food trucks. He stated that he would place rubber mats over the power cords to reduce tripping hazards. He also stated that he would provide additional staff to patrol the sidewalks for trash. He stated that now that there was a 4-way stop he didn't believe the food trucks would impede traffic.

Councilor Torres thanked Logan for his breakdown of solutions and wished him luck.

Councilor E. McLaughlin thanked Logan for going above and beyond to provide the answers to Council. She asked how big the power box would be. Travis Coker, owner of the building replied that it would be approximately 6X6.

Vote was taken as follow: Councilor E. McLaughlin, yes; Councilor Horvath, yes; Councilor Torres, yes; Councilor Peters, yes; Councilor Lake, yes; Councilor J. McLaughlin, yes.

The order passed.

III. New Business

A. (080224-1) It was moved by Councilor Lake, seconded by Councilor Torres that Council accept the 2023 Annual Audit as presented by RHR Smith & Company. (Note: The document in its entirety will be available for review at the Town Office during normal business hours and on the Town's website houlton-maine.com)

Ron Smith of RHR Smith & Company stated that the town's general fund was healthy. He stated that he felt the town needed to put more funds in the capital reserve to fund roads and infrastructure needs.

Vote to approve the order was taken as follows: Councilor J. McLaughlin, yes; Councilor Lake, yes; Councilor Peters, yes; Councilor Torres, yes; Councilor Horvath, yes; Councilor E. McLaughlin, yes.

The order passed.

B. (080224-2) Chairman Robinson declared the Public Hearing open on the following: Council approves the presentation of the 2024 Long Range Program (Capital Plan), which is subject to funding through the budget process. (Note: The document in its entirety is available for review at the Town Office during normal business hours.)

Chairman Robinson noted that this is an annual Charter requirement.

There being no public comments, the Chairman closed the Public Hearing.

It was moved by Councilor Lake, seconded by Councilor Torres to approve the order.

Vote was taken as follow: Councilor E. McLaughlin, yes; Councilor Horvath, yes; Councilor Torres, yes; Councilor Peters, yes; Councilor Lake, yes; Councilor J. McLaughlin, yes.

The order passed.

C. (080224-3) Chairman Robinson declared the Public Hearing open on the following: Council approves the application for a Victualer License for Jennifer Brandt-Gilbert d/b/a Brandt's located at 132 Military Street.

There being no public comments, the Chairman closed the Public Hearing.

It was moved by Councilor J. McLaughlin, seconded by Councilor Torres to approve the order.

Vote was taken as follow: Councilor E. McLaughlin, yes; Councilor Horvath, yes; Councilor Torres, yes; Councilor Peters, yes; Councilor Lake, yes; Councilor J. McLaughlin, yes.

The order passed.

D. (080224-4) Chairman Robinson declared the Public Hearing open on the following: Council approves the Special Amusement Permit for Bastions Tavern located at 43 Market Square.

There being no public comments, the Chairman closed the Public Hearing.

It was moved by Councilor Lake, seconded by Councilor Torres to approve the order.

Vote to approve the order was taken as follows: Councilor J. McLaughlin, yes; Councilor Lake, yes; Councilor Peters, yes; Councilor Torres, yes; Councilor Horvath, yes; Councilor E. McLaughlin, yes.

The order passed.

E. (080224-5) It was moved by Councilor Lake, seconded by Councilor Torres that Council accept the Maine EMS Stabilization Program Grant of \$200,000.

Chief Cone stated that the funds would be used for recovering the costs of sending an employee to the paramedic program and for replacing antiquated equipment.

Vote was taken as follow: Councilor E. McLaughlin, yes; Councilor Horvath, yes; Councilor Torres, yes; Councilor Peters, yes; Councilor Lake, yes; Councilor J. McLaughlin, yes.

The order passed.

F. (080224-6) Councilor Lake Introduced the following: The Town of Houlton ordains the addition of Chapter 10, Article XV Ordinance Prohibiting Retail Marijuana Establishments and Retail Marijuana Social Clubs in the Town of Houlton to the Houlton Code. (Note: The ordinance in its entirety is available for review during normal business hours.)

Chairman Robinson noted that the First Reading will be held on September 9, 2024 and the Public Hearing on September 23, 2024. He stated that a larger location will be needed for the Public Hearing and will be announced in advance.

IV. Discussion and Reports

A. Town Managers Report

Town Manager Smith reminded everyone that nomination papers are still available and due by September 6th. He stated that the pickleball courts should be completed by the end of October.

Department Reports

Serenna Fitzpatrick, Civic Center Supervisor announced that the kitchen at the facility passed inspection. She stated that she hopes to offer new things such as figure skating, curling and bumper cars.

B. Councilors' Remarks

Councilor E. McLaughlin stated that she had noticed that the sign near Walgreens advertises stores that are no longer in the area. She asked if it was possible to have a sign there that lets people know that the Tourist Information Center is there. She stated that she was still concerned about the number of wires on poles. She stated that she felt it was unsightly and wondered if any of them could be put underground. She thanked everyone who came to the meeting and stated that she felt it was important that everyone have an opinion. She stated that she had concerns with the new proposed ordinance and concerns about it being too easy to get a medical card.

Councilor Horvath stated that he was glad to have staff at the Civic Center. He stated he was excited for curling and looking forward to food trucks.

Councilor Torres stated that Potato Feast Days events and the Aaron Henderson Softball Tournament were well attended and wonderful. She stated that the Chamber of Commerce was putting together a new directory and encouraged anyone who owns a business to contact her.

Chairman Robinson thanked everyone for coming. He stated that the Public Hearing will be well attended and encouraged everyone to speak their opinions and concerns.

V. Adjournment: On motion by Councilor Lake, seconded by Councilor Torres, the meeting adjourned at 7:09 PM with all in favor.



ARTICLE XV ORDINANCE PROHIBITING RETAIL MARIJUANA ESTABLISHMENTS AND RETAIL MARIJUANA SOCIAL CLUBS IN THE TOWN OF HOULTON

Sec 10-1501 Authority

This ordinance is enacted pursuant to the Marijuana Legalization Act 28-B M.R.S.A. 101 et sec. and Municipal Home Rule Authority, Me. Const., art. VIII, pt. 2; and 30-A M.R.S.A. § 3001.

Sec 10-1502 Definitions

For purposes of this ordinance, retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, and retail marijuana social clubs are defined as set forth in 28-B M.R.S.A. § 102.

Sec 10-1503 Prohibition on Retail Marijuana Establishments and Retail Marijuana Social Clubs.

Retail marijuana establishments, including retail adult (recreational) marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities, and retail marijuana social clubs, are expressly prohibited in this municipality.

No person or organization shall develop or operate a business that engages in retail or wholesale sales of a retail marijuana product, as defined by 28-B M.R.S.A. § 102.

Sec 10-1503A Exemption for Medical Marijuana Caregiver Retail Store

For the purposes of compliance with the Maine Medical Cannabis Program Caregiver Retail Store Local Authorization Form, a state-licensed Medical Marijuana Caregiver Retail establishment that was operating prior to the date of enactment of this section (July 25, 2024) shall be permitted to continue to operate providing it:

1. gives notice to the Code Enforcement Officer of its intent to continue in business, including its anticipated days and hours of business and provide a current copy of office of Cannabis Policy Individual Caregiver Registration,
2. complies with any local ordinances, including, but not limited to, the Town of Houlton Building Code Ordinance and all other Town of Houlton Ordinances, and
3. is in compliance with all state laws, rules or regulations, and
4. remains duly licensed by the state.

Additionally, nothing in this ordinance is intended to prohibit any lawful use, possession or conduct pursuant to the Maine Medical Use of Marijuana Act, 22 M.R.S.A. c. 558-C.

Sec 10-1504 Effective date; duration

This ordinance shall take effect immediately upon enactment by the municipal legislative body unless otherwise provided and shall remain in effect until it is amended or repealed.

Sec 10-1505 Penalties

This ordinance shall be enforced by the municipal officers or their designee. Violations of this ordinance shall be subject to the enforcement and penalty provisions of 30-A M.R.S.A. § 4452.

III A



STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

Application for an On-Premises License

All Questions Must Be Answered Completely. Please print legibly.

Division Use Only	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Payment Type:	
OK with SOS:	Yes <input type="checkbox"/> No <input type="checkbox"/>

Section I: Licensee/Applicant(s) Information; Type of License and Status

Legal Business Entity Applicant Name (corporation, LLC): <u>Wine Untel Nive</u>	Business Name (D/B/A): <u>Wine Untel Nive</u>
Individual or Sole Proprietor Applicant Name(s): <u>Heather LaFontaine</u>	Physical Location: <u>24 Main St. Houlton, ME</u>
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different: <u>Houlton 144 Barton Rd. ME 04730</u>
Mailing address, if different from DBA address:	Email Address: <u>wineuntelnive@gmail.com</u>
Telephone #: Fax #:	Business Telephone #: Fax #:
Federal Tax Identification Number:	Maine Seller Certificate # or Sales Tax #:
Retail Beverage Alcohol Dealers Permit:	Website address:

1. New license or renewal of existing license? New Expected Start date: _____
 Renewal Expiration Date: 10/12/2029

2. The dollar amount of gross income for the licensure period that will end on the expiration date above:
 Food: _____ Beer, Wine or Spirits: _____ Guest Rooms: _____

3. Please indicate the type of alcoholic beverage to be sold: (check all that apply)
 Malt Liquor (beer) Wine Spirits



CENTER FOR
TECH AND
CIVIC LIFE

TTC

24A-91102

Tuesday, August 27, 2024
Houlton Town, Maine

Dear Town Manager Jeremy Smith,

I'm pleased to inform you that the Center for Tech and Civic Life ("CTCL"), a nonprofit organization tax-exempt under Internal Revenue Code ("IRC") section 501(c)(3), has decided to award the **Houlton Town Clerk's Office** ("Grantee") a grant to support its nonpartisan work planning and operationalizing reliable and secure election administration in 2024. We based this decision on the information and materials provided in the **Houlton Town Clerk's Office** 2024 Rural and Nonmetro Election Infrastructure Grant Proposal ("Proposal"), which is incorporated into this Agreement as an Appendix. A copy of the Proposal has been provided simultaneously with this Agreement for your records.

The following is a description of the grant:

- **Amount of Grant:** \$5,000
- **Public Purpose:** *The grant funds must be used exclusively for the public purpose of planning and operationalizing reliable and secure election administration in **Houlton Town, Maine** in 2024.*

Before CTCL transmits these grant funds, an authorized representative of the **Houlton Town Clerk's Office** must sign this agreement ("Grant Agreement"). By signing the Grant Agreement, the **Houlton Town Clerk's Office** agrees to comply with all United States, **Maine**, and **Houlton Town** laws and regulations, including but not limited to those relating to taxes, gifts, and private funding of elections ("Applicable Laws"), when accepting and using the grant funds. You also agree to use the funds following the terms and conditions below.

By signing this Grant Agreement, you agree and certify the following:

1. The **Houlton Town Clerk's Office** is a U.S., state, or local government unit or political subdivision within the meaning of IRC section 170(c)(1). This grant shall be used only for the Public Purpose described above and for no other purposes.
2. The **Houlton Town Clerk's Office** is authorized to receive this grant from CTCL, receipt of the grant does not violate any Applicable Laws, and Grantee represents that it has taken all steps, including necessary approvals, required to apply for, accept, and utilize the grant for the Public Purpose set forth above and in the Proposal.
3. Grantee has submitted a Proposal, including the intended use of grant funds and budget estimates. This Proposal is incorporated into this Agreement as an Appendix. Grantee shall commence expending this grant for the purposes identified in its Proposal upon receipt and may use the grant funds for such purposes until December 31, 2024. If Grantee needs to reallocate grant funds between the purposes identified in the Proposal, Grantee is permitted

to do so as long as they are consistent with the Public Purposes described above.

4. If Grantee uses any part of this grant to fund another organization, it will take reasonable steps to ensure that any grant funds are used consistently with the Public Purpose of this grant and all of the terms and conditions of this Grant Agreement. Grantee further agrees that the grant funds may not be used to: (1) participate in, intervene in, or carry on, directly or indirectly (including the publishing or distribution of statements), any political campaign on behalf of (or in opposition to) any candidate for public office or public referendum; (2) engage in any effort to induce or encourage violations of law or public policy; (3) cause any private inurement or improper private benefit to occur; or (4) for any purpose other than specified in the Proposal and consistent with IRC Section 170(c)(2)(B), which relates to charitable, educational, scientific, religious, or literary purposes.
5. The **Houlton Town Clerk's Office** shall not share with CTCL, and CTCL will never ask for, non-public or confidential information about your jurisdiction's voters or voting systems.
6. Grantee shall produce a report documenting how this grant has been expended to support its proposed activities. This report shall be provided to CTCL by January 31, 2025.
7. The purpose of the Grant is to supplement the funds available to the **Houlton Town Clerk's Office** and not to substitute for previously budgeted funds that would otherwise be provided to Grantee by **Houlton Town, Maine** but for the Grant. You represent and warrant to the best of your knowledge that **Houlton Town, Maine** does not intend to reduce the **Houlton Town Clerk's** budget or fail to appropriate or provide previously budgeted funds to the **Houlton Town Clerk's Office** because it has received this Grant.
8. CTCL may discontinue, modify, withhold part of, or ask for the return of all or part of the grant funds if it determines, in its sole judgment, that (a) any of the above conditions have not been met, (b) any of the representations by Grantee are inaccurate, or (c) CTCL must do so to comply with Applicable Laws.
9. The grant term shall be July 31, 2024, through December 31, 2024, and is the period during which covered costs may be applied to this Grant.

Please indicate that you accept and agree to these terms and conditions by having an authorized representative of your election jurisdiction sign and certify below. Please return a scanned copy of the signed letter via the link in your email at your earliest convenience. If needed, you may also return it via email at grants2024@techandciviclife.org.

On behalf of CTCL, I extend my best wishes in your work.

Sincerely,

Tiana Epps-Johnson
Executive Director
Center for Tech and Civic Life

By signing this Grant Agreement, I certify that I am authorized to bind the **Houlton Town Clerk's Office** to the terms and conditions of the Grant Agreement and that the **Houlton Town Clerk** shall fully comply with the Grant Agreement including all restrictions on the use of funds.

Accepted on behalf of **Houlton Town Clerk**

By:

Title:

Date:

APPENDIX: Houlton Town, Maine Election Infrastructure Grant Proposal 2024 Submitted to the Center for Tech & Civic Life