

**Minutes
Town of Skowhegan
Special Selectmen's Meeting
Public Hearing
5:30 P.M.
Tuesday, August 18, 2020**

****Public wishing to see this meeting may do so from the
Town of Skowhegan Facebook page****

Board of Selectmen:

Paul York, Chairman
Betty Austin, Vice Chairman
Charles Robbins
Roger Staples

Town Manager:

Christine Almand

Town Planner:

Joel Greenwood

Executive Secretary:

Cara L. Mason

Call Selectmen's Meeting to order.

Paul York called the meeting to order.

Public Hearings:

1. Public Hearing to discuss the proposed amendment to the Shoreland Zoning Ordinance.

Joel Greenwood opened the Public Hearing at 5:40 p.m.

Joel Greenwood said that standard changes were made to this ordinance. The Forest Service has taken over the timber harvesting within the shoreland zone. It is mostly administrative and removes the timber harvesting standards. The town is no longer responsible for administrating and enforcing timber harvesting. There are no other substantial changes.

Christine Almand said that we are relying on Joel to allow people to speak. If you wish to speak, choose that option.

Paul York closed the Public Hearing at 5:43 p.m.

2. Public Hearing to discuss the proposed Consumer Fireworks Ordinance.

Paul York opened the Public Hearing at 5:43 p.m.

Joel Greenwood said that the Fireworks Ordinance is pretty basic. Consumer Fireworks would not be permitted within 100 yards of a dwelling without landowner permission. The Fire Chief also has authority to prohibit fireworks based on fire danger.

Steve Gould said that the exceptions on Section 4 are cumbersome...in a residential area to go find the owner. Section 5-B talks about public property and rights-of-way. Does that mean the Skowhegan or lake George wouldn't be able to hold fireworks shows?

Joel Greenwood said that he did a very early draft of this ordinance. The Planning Board decided they weren't in favor of any kind of fireworks ordinance. After that he didn't do any work on this. That section is so that fireworks are only used on private property. He wouldn't say that this is even enforceable at this point.

Chief Bucknam said that we don't get many calls of fireworks. The problem is that the officers don't know the exact location of where they are being set off. He doesn't see an issue of people using fireworks outside of downtown, where things are close together. He hasn't seen any problems with it. He brought up the 100 yard language. It is the same distance used for firearms. We need to be respectful of people's rights to set off fireworks while making sure that it is being done safely. We certainly don't want people setting off fireworks from the tops of buildings downtown. There were no fireworks complaints over the 4th of July weekend this year.

Christine Almand said that in regards to Section 5-B, we could put into that paragraph "unless authorized by the Selectmen" There is a form for those displays from the Fire Marshall's Office.

Steve Gould said this is just a draft, and is not finished.

Christine Almand said that we are planning to send this to the voters at the Town Meeting on August 29, 2020.

Paul York said that he thinks that the State covers it well. He, personally wasn't for drafting anything further. The Planning Board couldn't come to any kind of agreement. It was thrown back to the Selectmen. The Selectmen dived to put it to the voters as it is.

Roger Staples said that this isn't a ban. This is pretty status quo. It limits fireworks where they would be close to people's houses.

Paul York said if you have a neighbor that doesn't like you, and they don't give permission. He isn't sure how we deal with that issue.

Roger Staples said that not everybody is on board with fireworks.

Todd Smith said that the Planning Board unanimously decided to send this back to the Selectmen. They felt that the State Law was sufficient. The Selectmen didn't discuss this draft either...it was just voted on.

Charles Robbins asked if it was common practice to Town Meeting. It seems incomplete.

Paul York said he is not so sure it should be called a draft. This is what is being put forth. Everybody is calling it a draft...it is an actual ordinance that is being proposed to the voters. We will let the voters decide if this is what they want.

Charles Robbins said that it seems like a rush job, after talking to Planning Board members.

Joel Greenwood said it wasn't a question of time with the Planning Board. It was a question of them not believing that an ordinance was necessary. We had plenty of time to work on it, but they dismissed it.

Christine Almand said that after the Selectmen decided to put this forward, it was also brought up at a later Planning Board meeting. Again, there was an opportunity to do something with this. The Planning Board did not have any desire to do that.

Christine Almand said that the Police Chief is not likely to get many complaints on fireworks. When citizens have an issue with something that is legal, the complaints typically come to the Town Manager's office and/or the Selectmen. We have received complaints. We also had citizens come to Selectmen's Meetings to make complaints in regards to fireworks. Which is why the Selectmen decided to create an ordinance. The Selectmen felt that it would behoove them to come up with an ordinance and let the voters make that determination. If the voters decide that they don't want these restrictions, at least it has been presented to them as an option.

Chief Bucknam said that he is baffled at the permission from your neighbors and how his officers are going to be able to enforce that. He said a neighbor isn't happy about the fireworks and you set them off anyway...now we have an officer going to court on this. Is the court going to entertain this? He can't even get them to entertain real crimes out there right now. He said he supports the 100 yard thing 100%.

Christine Almand said that there was little discussion at the Selectmen's meeting where this was voted 3/2 to push this forward. However, there were several discussion regarding this. If you have gotten permission from your neighbors they are not going to complain. When we are going to hear complaints is when people are not following the ordinance. There are many towns and cities that have similar ordinances.

Steve Gould said that the Selectmen voted on a draft version of this which made it official without any thorough discussion. On the other hand, there has been no discussion on it. These usually have seven or eight edits.

Paul York said that the problem is that this is not the first time that the Planning Board has come to a stale-mate...or can't figure out what should be done...or decides that it's not necessary or whatever. It just goes back to the Selectmen. The Planning Board felt that what is there is good...so they threw it back at the Selectmen. The Selectmen decided to further it to the voters.

Charles Robbins asked how this document is edited right now.

Paul York said if we change what is being presented now, it would need another Public Hearing.

Christine Almand said that minor edits can be done at this meeting, by the Selectmen, and the Town Meeting will serve as the Public Hearing.

Jason Gayne said part of his problem is that you have to go to the Town's website to see what is posted by the Town. Not a lot of people use the website, so it will have to be monitored all the time.

Christine Almand said that they could call. The fire station is available 24/7. People call now for burn permits.

Joy St. Ledger and Jack & Lori Dugas said that they are totally in agreement with the Fireworks Ordinance. They appreciate all of the work and effort that was put into it. Hopefully the ordinance will pass. In particular they appreciate Betty Austin, Roger Staples and Gene Rouse.

Charles Robbins wanted it to say not within 100 yards of a building and get rid of the permission from the owner.

Paul York closed the Public Hearing at 6:09 p.m.

A motion was made by Charles Robbins and seconded by Roger Staples to change Section 5-B to add "unless authorized by the Board of Selectmen".

Vote: 4/0

A motion was made by Charles Robbins to change Section 5-A to just leave the 100 yards, but get rid of the permission from the owner.

Motioned failed for lack of a second.

3. Public Hearing to discuss the proposed Needle Exchange Program & Need Disposal Ordinance.

Paul York opened the Public Hearing at 6:15 p.m.

Joel Greenwood said that this is the first of its kind in the entire state. Given the relaxation of CDC permits for needle exchange programs, there is some concern. We put together this ordinance as a way to add some local regulations beyond what the CDC requires. The CDC permit is very open ended. There were prospects of a mobile exchange site. An organization could come into town and do needle exchanges out of the back of a vehicle. Some of these programs hand out fresh needles without having to turn in a used needle...a so called starter kit. We also added that anyone working for these programs would need to have a background check through the police department.

Chief Bucknam said that on February 28, 2020 he received a letter from Maine Access Points out of Portland, stating that they had been certified to operate a needle exchange program in Skowhegan. They had picked a location off Cedar Street (behind Al's Pizza). Their intent was to pop the trunk and allow substance abuse disorder people to exchange dirty needles for clean ones. It isn't just about needles...they are also doing crack pipes, snorting equipment, screens, filters, the bands that go on your arm, all the way down to the alcohol swabs. These things are all part of the program. They are not willing to look at changing their program to accommodate the Town of Skowhegan.

Once he found out what they were doing, he started making some phone calls. He checked their application with the CDC. It normally takes 4 to 6 months to get certified. Their program was approved in two weeks due to Executive Orders from the Governor during COVID-19. 90% of the application process was skipped.

Since February he has been working with Somerset Public Health, RFGH, Kennebec Behavioral Health and Maine Access Points to get the program up and running. He does believe that the program has some benefits. That program also needs to have some guidelines to follow. Driving into neighborhoods and popping the trunk of a car to do this, is not something that he is excited about. This will also pull people in from surrounding towns. Nobody wants them pulling up in front of their house to do this.

He feels that it needs to be a brick and mortar establishment, with policies and security in place. There may or may not be some violence. There may be some people who are extremely high. We can't afford to have that happen in our town. We have established guidelines for this is this ordinance.

We currently do background checks for all taxi drivers in Skowhegan. They also have to submit an application and be approved for a permit. There is no reason that these needle exchange programs can't be handled the same way.

Recording Time: 41:50

We don't want a known drug dealer volunteering his time to do the needle exchange. The next thing you know you have reports that they are selling other things on the side.

Chief Bucknam said that the Planning Board had asked why RFGH wasn't handling this. RFGH is not prepared to take this on at this time. He spoke with Reverend Tanner about using Tewksbury Hall. Tewksbury Hall is not available and they are not prepared to handle this type of program.

We need an ordinance and policies in place to make sure that these programs are safe and that we don't have people passing around needles with HIV and other things.

He went to a meeting where he found out that they are mailing needles to people in Somerset County.

With this ordinance they will need to be in a brick and mortar environment and be approved by the Board of Selectmen with background checks done by the police department prior to approval.

Jennifer Poirier said that the people in the neighborhood where it will be located should have a say whether it is allowed or not. People with substance abuse issues are much more likely to commit crimes. Inviting that into a neighborhood.

Chief Bucknam said that in the ordinance it states that it cannot be in a residential neighborhood. The point is that we are trying to protect our residents here.

Maine Access Points wouldn't be doing this if they weren't making any money. It is all funded by the CDC. They CDC will pay their rent for a year. Why is that type of money being funneled up here for that type of program? We have businesses closing down and people out of work, but we are going to fund and pay the rent for somebody for a year. This program has not existed up here before. We have been deemed a hot spot by the Maine CDC. The federal CDC offers money to the Maine CDC for locations that they deem to be hot spots.

We need to make sure that these programs are safe and conducted properly. Santa Anna, California kicked the needle exchange program out of their city because of the damage it did. Look at Los Angeles...just look it up online. For every success there is a failure. After Maine Access Points started a program in Portland, the city ended up having to take it over. Their highway department has had to clean up needle areas. The taxpayers in Portland now have to pay for this. It could end up being the same here. It is a step toward safe injection sites, where people can go somewhere and get a room to shoot up safely. Medical staff on standby to make sure people don't overdose.

Jenifer Poirier asked if there was something that could be done if residents didn't want that type of program here.

Joel Greenwood wanted to clarify that there isn't anything in the ordinance about residential neighborhoods. We have a distance from schools, churches, daycares, parks and playgrounds. We can't restrict residential neighborhoods unless we want to institute some kind of zoning. We do not have zoning in Skowhegan and don't have a classification of residential and commercial areas.

It does have to be located in a commercial building, not residential...so it cannot be run out of a house. It does not restrict them from a residential neighborhood.

Christine Almand said that we have many commercial properties in residential neighborhoods now. Without zoning, we do not have the ability to say that it cannot be in a residential neighborhood. We are not allowed to do spot-zoning for something like this. We would have to have comprehensive zoning in order to do that.

Jennifer Poirier said that this could potentially be in somebody's neighborhood.

Christine Almand said that we cannot legally stop that.

Joel Greenwood said that there is a typo in Section 5-C. It should say needle exchange program.

Joel Greenwood said that the Planning Board added language so that you couldn't just have a box for needle disposal. They need to be secured and out of the public way.

Paul York asked if we have any right to say whether or not we even allow them here.

Chief Bucknam said that we cannot. That has been confirmed with MMA attorneys.

Paul York closed the Public Hearing at 6:55 p.m.

A motion was made by Betty Austin and seconded by Roger Staples to fix the typo in Section 5-C, removing Adult Entertainment Business and inserting Needle Exchange Program.

Betty Austin said that with these being located 1000 feet from certain areas, it does keep it out of most residential areas.

Christine Almand said it is 750 feet.

Vote: 4/0

Regular Agenda:

1. Discussion and decision to approve the August 29, 2020 Town Meeting Warrant.

A motion was made by Betty Austin and seconded by Roger Staples to approve the August 29, 2020 Town Meeting Warrant.

Vote: 4/0

2. Other Business

There was no other business.

3. Sign Documents

Arrangements were made for the signing of documents.

Adjourn Selectmen's Meeting.

Approved and signed on September 8, 2020.

A True Copy Attest: _____
Cara L. Mason, Executive Secretary