

**Town of Pownal**  
**Select Board Minutes**  
**Monday, August 12, 2024**  
**6:30 pm Regular Meeting**

**I. Call to Order** by Chair Morris at 6:30 pm.

Members Present: Jon Morris, Andy O'Brien, Kate Day (excused at 6:55 pm)  
Town Administrator: Becky Taylor-Chase

**II. Pledge of Allegiance**

**III. Accounts Payable Warrant & Payroll Journal**

- FY24 AP Warrant #5 in the amount of \$12,285.71.

Selectperson O'Brien motioned to approve FY24 AP Warrant #5 in the amount of \$12,285.71. Selectperson Day seconded the motion.

Discussion: None

**Vote: Yes 3; No 0**

- FY25 AP Warrant #6 in the amount of \$294,845.02.

Selectperson O'Brien motioned to pay FY25 AP Warrant #6 in the amount of \$294,845.02. Selectperson Day seconded the motion.

Discussion: None

**Vote: Yes 3; No 0**

- Payroll Journal #62 in the amount of \$9,734.65.

Selectperson O'Brien motioned to pay Payroll Journal #62 in the amount of \$9,734.65. Selectperson Day seconded the motion.

Discussion: None

**Vote: Yes 3; No 0**

**IV. Minutes of the Previous Meeting**

- Town Meeting June 17, 2024

Selectperson O'Brien motioned to approve the minutes of the June 17, 2024 Town Meeting as written. Selectperson Day seconded the motion.

Discussion: None

**Vote: Yes 3; No 0**

- Regular Meeting July 22, 2024

Selectperson O'Brien motioned to approve the minutes of the July 22, 2024 regular meeting as written. Selectperson Day seconded the motion.

Discussion: None

**Vote: Yes 3; No 0**

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## V. Public Comment – Non- Agenda Items

None

## VI. Department Head Reports

(Department head reports can be viewed on their respective website page(s))

- Select Board

Selectperson O'Brien gave a PCWA generator update.

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## VII. New Business

- Jordan Smith

Jordan Smith passed out papers to the Select Board. He introduced himself. He opened it up to questions about the documents sent earlier that day. The Board members had not had time to review the documents thoroughly. Mr. Smith summarized the documents sent. He essentially stated the assertion that they have been operating illegally in the town is incorrect and a statement from Attorney Burns is incorrect. LD79 and LD1811 outline the beginnings of IHS extraction. He is here not to change their minds on their decision. Chair Morris stated our decision is to follow our attorney and the Office of Cannabis Policy. Mr. Smith asked if the OCP had other advice outside of the information he was given and presents. Chair Morris stated they did. He talked to Miss Ellis, and she was very clear. She summarized by stating let's take marijuana out of the equation. Did the applicant have a home occupation permit or any permit that the town would have acknowledged that he had a business. Chair Morris answered her with no he didn't. Mr. Smith stated he has requested that multiple times and that should impact the decision. Chair Morris stated he is sympathetic. He feels the fight is with the Office of Cannabis Policy. We have made a decision based on our attorney's advice. Chair Morris stated he has an avenue. Mr. Smith expressed he wanted to finish his statement. It is a concession speech and then his attorney would like to say some final words. (see attached). Attorney Cohen made a closing statement. She acknowledged the amount of time and effort put into the consideration of this matter. She feels this could have been worked out. He is a 19-year resident. She has "hammered out" more contentious agreements than this in Portland, Scarborough and other towns. The goal was to reach an agreement and have acknowledgement from the town. He has been asking for written documentation. He was given verbal assurance repeatedly that he would be grandfathered. One of the benefits of living in a small town is having access to the government. He is half a mile from here operating a caregiver business and now it's a problem because of a new form from the State. He would have gladly filled out a home occupation permit but was never asked to do so. It is frustrating that the Town's complete disavowal of that 2022 letter. Nobody rescinded it. Nobody told him that CEO Hill did not have the authority to issue that letter, so we need to put some guardrails up. I've stated from day 1 this is something we could have worked out by a consent agreement. You have the authority to do so. I know I'm a guest when speaking in these towns, in my opinion that is what should have happened here. It is a very hard pill for Mr. Smith to swallow to have his town government turn their back on him. All that said, again I want to acknowledge the time spent. We were never authorized to have a conversation with the town attorney, and I think that should have happened. She has been on a loop repeating

the same thing but there is more to it. Thank you for allowing me as a guest to your meetings and I have great respect for the work you do.

- **Conservation Easement Elmwood Road Map 9, Lot 43**

The Town Administrator stated there is a conservation easement agreement and the baseline documentation. This has all been vetted by the attorney. Both of these need to be motioned and signed. Matt Welch, Chair of the Conservation Commission, stated at their last meeting they reviewed the baseline documents and approved them. Selectperson O'Brien stated we have a statement here from Attorney Burns approving the agreement and baseline document. Selectperson O'Brien motioned to sign the conservation agreement and baseline document on behalf of the town. Selectperson Day seconded the motion.

Discussion: None

**Vote: Yes 3; No 0**

Selectperson Day mentioned having attended the Pownal Conservation Commission meetings, the head of the Commission, Matt Welch, should be commended for a wonderful job done for Pownal and its interest.

The documents were signed and notarized.

Dave Bears, interim director for the Royal River Land Trust. He wanted to thank the town for entering into this partnership. He wanted to acknowledge the transparency and engagement with the Town.

Chair Morris moved to the volunteer forms.

- **CIP Transfer from the Unassigned Fund Balance per Town Meeting Vote**

The Town Administrator stated the words "up to" were added to the article which changes the meaning. Chair Morris motioned to transfer \$300,000. Selectperson O'Brien seconded the motion.

Discussion: None

**Vote: Yes 2; No 0**

- **Economic Development & Sustainability Committee-3 Volunteers**

Chair Morris motioned to appoint Ian Nichols to the Economic Development & Sustainability Committee and J Gorden Scannell Jr to the same committee and Dan Brewer to the same committee. Selectperson O'Brien seconded the motion and added we should provide these to Susan Briggs Peters, the current chair, to give them some direction.

Discussion: None

**Vote: Yes 2; No 0**

- **Volunteer Form: Kristy Johnson**

Chair Morris motioned to appoint Kristy Johnson of the Fickett Road to both the Conservation Commission and Recreation Committee and she can decide which committee to join.

Discussion: None

**Vote: Yes 2; No 0**

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- **Volunteer Form: Melissa Briggs**

Chair Morris also motioned to approve Melissa Briggs to the Farmers Market Committee. Selectperson O'Brien seconded the motion.

Discussion: None

**Vote: Yes 2; No 0**

- **Water Capacity Study Next Steps**

Selectperson O'Brien stated we got an email from our Town Planner. The initial project review memo triggers some specific decision making. One is to decide on the Dugas Knights Pit or the Blackstone Pit for potential well. To construct a legal agreement for access. He doesn't feel we can do full rights and to agree on a waiver of liability on chosen site.

Selectperson O'Brien had conversation with both pit owners and Albert Blackstone is not in favor of anyone drilling on his property. Scott Dugas gave verbal permission, and he stated he would follow up with a written agreement. Selectperson O'Brien suggested to the Town Planner that he reach out to Drumlin to see if they have a boilerplate agreement that they have used in the past. We would then have it vetted by our attorney. Chair Morris stated we should do what Tom has asked and choose between the Dugas and Blackstone pit so we will need a motion. Selectperson O'Brien motioned that we investigate water at the Knights Pit. Chair Morris seconded the motion.

Discussion: None

**Vote: Yes 2; No 0**

Chair Morris stated #2 to construct a legal agreement for access and full water rights in perpetuity, if land is not purchased or granted to the Town. We do not need to move on that. To agree on a waiver of liability and hold harmless agreement between the Town and the property owner of the chosen site for well-drilling. That is presented in our packet. Selectperson O'Brien reviewed it. That gives our Town Planner, Tom Ursia, authorization to contact a well-driller. Selectperson O'Brien stated the Drumlin team will do that, it's part of their scope of work. Chair Morris stated we will move forward with that. Matt Welch asked if the town has any say or control over what is going on over on Bradbury. They've drilled two wells already. When he attended the planning board meeting they were presenting the plan for the new expanded campground. The town is in the middle of a water study and asked if they had done one. The women attending the meeting stated there is plenty of water. Selectperson O'Brien stated we are doing our study based on the soil and conservation maps of aquifers for the potential future water for the village district. Chair Morris stated we have no control over their exploration. Selectperson O'Brien stated they have provided us with their results of their study.

- **Oath-Devin Garneau**

Chair Morris motioned to appoint Devin Garneau as Information Officer. Selectperson O'Brien seconded the motion.

Discussion: None

**Vote: Yes 2; No 0**

Chair Morris wanted to add a couple of things under new business. He is exploring the possibility of creating new impact fees to be used for campgrounds and short-term rentals and has been talking to other Select Board members for creating impact fees for houses that are beyond the median selling prices. That would lessen the tax burden on people below the median average. These larger homes will affect the smaller homes just by valuation increases. I've had under correspondence a number of conversations about the tax and valuation increase. We are at a tipping point in this town.

#### **VIII. Old Business**

Chair Morris asked how trash pick up is going. The Town Administrator stated the comments were fewer from Casella. We received interesting feedback. The recycling bin was packed so hard that when the arm tipped it the cardboard did not dump out. So, Casella sent me a PDF of "do's and don'ts" which we placed on the website and we printed copies. Most of the comments were just placement of the bins, spacing of the bins. Selectperson O'Brien stated the last two times they have dropped his carts so they are not upright in his driveway. The Town Administrator stated before automation they picked up trash on Donna Lane at the end. When they delivered the carts they drove them down to each house. The first week they drove down and picked up the trash the second week they did not. After multiple phone calls to Casella we confirmed they will drive down Donna Lane. We also had a resident ask what happens if Casella breaks the cart. For example, the arm drops the cart before it meets the ground and the wheel breaks. Casella is responsible for replacing if it's their fault. Chair Morris has received multiple phone calls from residents that it looks like both the recycling and trash go into the same hole in the truck. There is a separator within the truck. Chair Morris stated he attended the recent Solid Waste Committee as their liaison. They are very energized and would like to meet with Durham.

#### **IX. Correspondence**

The Town Administrator stated she received several phone calls about the tax bills. They went out a week earlier than planned. The Town received a refund from the Maine Municipal Association. If we do not have any workers compensation claims. The Town of Pownal has received a \$1775 dividend check from the Maine Municipal Association because of its good performance and loss prevention efforts. That has gone back into cash receipting. We also received a thank you note from George Eastman with the Trek Across Maine thanking us for use of the parking lot.

Selectperson O'Brien spoke with Mr. Blackstone and he has asked if the town is interested in his buildings on the corner. His exact words were if the fire department would be interested. We should have a conversation with him.

Chair Morris stated the chairperson of the Select Board wanted to have a July teenth day to honor board members and employees and committee members. Have a cookout and we were going to have it at the outpost of North Pownal but he mentioned to move it to Alan Bradstreet's house and have an opportunity for people to tour the Community Club building where we were charged by town meeting vote to explore the acquisition.

The Town Administrator stated on August 29<sup>th</sup> the deputy clerk has a training in Augusta and I need to file the liens in Portland so I may need to shut down the counter for a couple of hours.

**X. Any Other Business**

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**XI. Adjournment**


Selectperson O'Brien motioned to adjourn the meeting. Chair Morris seconded the motion.


Discussion: None

**Vote: Yes 2; No 0**

The meeting adjourned at 7:21 pm.

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Jon Morris

  
Andy O'Brien

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Kate Day

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Hello I'm Jordan Smith. First of all I would like to answer any questions anyone might about the documents I have provided for today's meeting. If there are none I will continue with my speech.

I'm not here today to keep trying to change your mind about the IHS form. I know your minds are made up.

We have supplied you with countless documents and hours of testimony to support our position.

State guidance on a silver platter that would have been the magic wand to fix this.

I get the message loud and clear, We're not welcome here in Pownal anymore.

I'm here today to tell you that despite the Town Counsel's opinion, We have always operated legally here. We have also had the support of the town and multiple approvals resulting in us spending a large amount of money on infrastructure and equipment.

You can refer to the documents I have provided as to how and why it has been legal in pownal for us to operate. At this point they are simply to set the record straight. Being accused of illegal activity is not something I take lightly.

We are closed and moving the lab. This has cost us greatly already. Only time will tell the true cost of this decision.

Pownal officials have been in our current lab multiple times, approved it, given us permits etc. others before have given us verbal approval of our conduct and zoning. The select board told us we would be protected and grandfathered in 2017 when I asked about our lab. That's what it says on the letter from Alan Hill on town letterhead as well. Furthermore OCP has confirmed that they consider us grandfathered on a state level due to the Alan Hill letter and that letter has gained us state authorization since 2022.

We are deeply disappointed and hurt that all this doesn't seem to matter to anyone. To be discarded like this is very difficult to experience.

Some in the ZBA seemed to be supportive and directed the select board to try to "work it out" with us. That did not happen.

We offered simple guidance from the State that could have remedied the situation. It then became clear that the intent of the board was not to help us as stated but to keep us closed.

The response was the same from the town Counsel. No consideration of guidance from OCP just a reply to ensure we are further denied operation of our business. A legally incorrect reply at that. This has been beyond frustrating.

Anyway, we won't be here trying to save our little lab anymore.

Thank you all for your time and for hearing us, I wish this had gone differently.

