

Town of Litchfield
Mass Gathering Ordinance Committee
November 19, 2019

In attendance:

Committee members - Mel Newendyke, Gary Parker, Mike Seaman, and John Upham
Guests - Rayna Leibowitz, William Robbins, and Jessica from the Kennebec Journal

- Chairman Gary Parker called the meeting to order at 6:32 PM.
- Mike Seaman began by noting changes he had made to the ordinance since the last meeting. He added sections 6.6, 6.7, 6.8, and 6.9. Section 6.8, "Conditions," was moved from 12.17. He has been working to organize the ordinance better.
- Section 6.9 encourages applicants to meet with the Board of Selectmen before submitting their final application. Gary liked that idea, but doesn't think a sketch plan is applicable - will strike.
- Mike noted that section 6.7.3 is redundant, and that 6.7.2 and 6.7.3 need to be combined. He will work on re-wording to eliminate redundancy.
- Gary asked Mike to research the use of district vs. superior court in section 5. Mike had already changed it from superior to district and recommended having MMA legal review.
- Gary asked if time frame had been changed from 7 to 14 days in section 6.1.2, per the last meeting. The other time frames in section 6 are correct.
- Mike noted that the submission requirements in section 7 include detailed instructions so that the application will be submitted in a way that is easy to understand and review. Many artifacts are needed to make the application complete, and they need to be organized so the Board can find them easily.
- Discussion on section 7.6: Mel Newendyke asked if the schedule of estimated costs is necessary, as an applicant might not want their profit potential known. Mike said that is a normal part of applications, and serves two purposes: to help determine the size and scope of the event for liability insurance, and to help determine if the applicant can fund the event.
- Discussion on section 7.4: Gary asked why the application needs to include the names and addresses of vendors. Mike said it will help the Board determine the scope of the food/alcohol being served and to know how many vendors are from out of state. Gary said he doesn't see the necessity.
- Discussion on section 7.6: Gary suggested alternate wording, such as a multiple choice price range, so the specifics aren't known. Mel suggested under \$50K, \$50-100K, over \$100K, etc. Mike said the Board of Selectmen can decide later to take this requirement out of the application later if they don't find it useful. Rayna Leibowitz said she felt it would be helpful in determining if the applicant can fund the project.
- Discussion on section 7.7: Rayna suggested replacing the word "schedule" with "identification." Mike agreed, and also noted that a definition of "structure" is needed.
- Discussion on section 7.8: Mike said this is only required if soil disturbances are expected to occur; they may not, depending on the time of year and the weather. Rayna suggested changing the word "enacted" to "used" - all agreed.
- Discussion on section 7.10: Gary suggested removing "the" before "project" in the first line. Rayna suggested moving 7.10 to before 7.2 for a more logical flow; Mel agreed. Mike said that sections 7.10 - 7.13 should be read together. He said that the Board will go through the review criteria step by step and compare to the performance standards, to see if the applicant is capable of meeting the requirements based on the information provided in the application.

- Discussion on section 7.12: Mel asked how to identify hydric soils, and if an explanation should be included. Mike said that an engineer should know how to use the county map, and there should be an engineer working on any event.
- Discussion on section 7.13: Rayna asked what the definition of “artifacts” is. Mike said this section is asking the applicant for maps, plans, a layout of the facilities, etc. - a collection of documents. Rayna suggested changing “artifacts” to “documents.”
- Discussion on section 8: Mike rewrote this section since the last meeting. It states that the applicant is responsible to schedule an inspection with the Board of Selectmen or their agent at least 72 hours before the event. They will then convene after the inspection, and notify the applicant of any findings or revoke the permit if necessary.
- Mike said that the next draft (draft 3) will have section 8.1 updated, and he will add revision numbers to the drafts.
- Gary suggested having more than one inspection throughout the process, so problems could be caught earlier and there would be less of a chance of having to revoke a permit right before the event. Mike said he will add a recommendation that the applicant request inspections in stages, and that the inspection schedule can be established during the application process.
- Discussion on section 9: Gary suggested changing this section so that the Board will notify the applicant verbally if the permit is revoked, and then follow up with a written notice. He suggested that “expedited mail service” be changed to “certified mail service” to ensure delivery.
- Mel noted that section 10 repeats section 2.1.2 - all agree to strike section 10.
- Discussion on section 11: Rayna suggests this section be moved to follow section 2.2. All agree that section 11 will become section 3.
- Gary and Rayna asked who will set the dollar amount of any penalties assessed - the ordinance allows for up to \$50,000. Mike said the selectboard will set the amount; the penalties are for violations that cost money. Rayna asked to add “established by selectboard” to this section.
- Discussion on section 12: Mike noted that the submission requirements are for the applicant, and the performance standards are the guidelines for the Board to use when reviewing applications. He copied most of this section from the appendix of chapter 265 of the DHHS guidelines.
- Rayna suggested changing the title to plural “standards.”
- Mike noted that sections 12.3 and 12.4 are not copied verbatim from DHHS. Section 12.14 will also need to be developed; DHHS does not include anything about camping. If an event does not involve camping, the applicant can request a waiver for that section.
- Discussion on section 12.1.13: Mel asked why the document with the land owner’s signature needs to be notarized. Mike said that is a DEP requirement, and it draws the land owner’s attention to their responsibility.
- Mel noted that the penalties section refers to any “person” who violates the ordinance. Mike said he thinks the only person the town can hold responsible for violations is the owner of the property. Rayna noted that the definition of “person” in the ordinance includes companies, etc.
- John Upham suggested that the word “be” should be added before “notarized” in the last sentence.
- Mike noted that everything after section 12.4 was copied from DHHS and can be tweaked as needed.
- Discussion on section 12.2: Rayna is concerned with the wording that states the traffic control personnel will be on site for the duration of the mass gathering - she wondered if they will leave at the end of the event, or stay until all vehicles have left. She wants to be sure traffic control personnel will be there as long as needed. Mike said a definition of “duration” can be added to the submission requirements.

- John noted that section 12.3.3 mentions traffic control personnel being on site before and after the event. Mike said that the selectboard can stipulate the length of time. John suggested adding “until normal flow of traffic is restored.” Mike said he will change the wording.
- Discussion on section 12.3.1 (1): Gary is concerned that vehicle searches would lead to civil rights violations. Mel said he had thought the only vehicles that would be searched would be the ones on the premises, not those parked off site. Gary suggested checking with MMA to clear up.
- Discussion on section 12.3.1 (2): Gary is concerned with the wording of this section (“At no time...”). Mike said he will work on adding definitions and/or time frames.
- Discussion on section 12.3.2: Mike said this information is needed so the DOT can put up signs with the expected delays for each route.
- Discussion on section 12.3.3: Rayna asked if traffic would be directed at the event site only. Mel said he thought traffic would also be directed at the off site parking. Mike suggested checking with the Kennebec County Sheriff’s Department or the State Police to see what the town is able to specify in the ordinance. The town may not be able to specify traffic control on roads they don’t manage. Rayna also suggested checking with DOT.
- Gary suggested asking a representative from the Sheriff’s Department to come address the committee at a future meeting. Mike suggested also asking a representative from MEMA; Rayna mentioned starting with local emergency management, then moving to the county level.
- Discussion on section 12.3.5: Gary mentioned that he thinks the requirements for road width are excessive. Mike said that those are the requirements from DHHS. Mel noted that the number of campers at an event might skew the parking spaces needed (1 space for every 4 people).
- Discussion on hospitals - Mike asked if a representative from a local hospital could come address the committee regarding their plans for mass casualty situations, and if they have plans in place to set up field hospitals at events rather than using ambulances to transport non-emergency cases and overloading hospitals. Gary suggested that someone from a hospital, as well as Tina Gowell, be invited to come to the next meeting.

Mel made a motion to adjourn; Mike seconded. Adjourned at 8:35 PM.

The next meeting will be held on Tuesday, December 3rd, at 6:30 PM.