

North Berwick Board of Selectmen Minutes August 7, 2018

**NORTH BERWICK BOARD OF SELECTMEN MINUTES
AUGUST 7, 2018**

Present: Chairman Hall, Selectman Galemmo, Selectman Johnson, Jr., Selectman Johnson, Sr.

Absent: Selectman Cowan

Also Present: Dwayne Morin, Jeannie Marie Provencher, Jacob Kaply, Beverly Barish, Kellie Roberge, Aaron Barth, Scott Churchill, Will Harvey, Lynn Manley, Julie Fernee, Rick Staumbaugh, Jeffrey Butland, Claudy Boy, Rebekah Yonan, Kate Whalen

Chairman Hall called the meeting to order at 6:30 pm.

1. Pledge of Allegiance

3. Review and Approve Minutes of July 24, 2018

Selectman Galemmo motioned to approve the minutes of July 24, 2018 as written. Selectman Johnson, Jr. seconded the motion. VOTE: 4-0

5. Unfinished Business:

A. Tax Acquired Property: Gordon Donnell Property

Dwayne stated that at the last meeting, the Board had awarded the bid to Norman Pepin for the sale of the Donnell tax acquired property. They just need to sign the deed. He stated that they will be closing tomorrow.

Selectman Galemmo motioned to approve the deed to Norman Pepin. Selectman Johnson, Sr. seconded the motion. VOTE: 4-0

2. Public Hearing – 6:35 PM - Moratorium Ordinance Regarding Retail Medical Marijuana Caregiver Storefronts

Chairman Hall read the Legal Notice for the meeting into the minutes:

TOWN OF NORTH BERWICK
PUBLIC HEARING
TUESDAY, AUGUST 7, 2018 6:35 P.M.
MUNICIPAL BUILDING CONFERENCE ROOM #212

Moratorium Ordinance Regarding Retail Medical Marijuana Caregiver Storefronts

The North Berwick Board of Selectmen will hold a Public Hearing on Tuesday, August 7, 2018 at 6:35 p.m. in the Municipal Building Conference Room #212 pursuant to 30-A MRSA 4352 (9) on the proposed Moratorium Ordinance Regarding Retail Medical Marijuana Caregiver Storefronts proposed for the 2018 Special Town Meeting. The ordinance to be presented at the Annual Town Meeting is:

Article 2. Shall an ordinance entitled, “Moratorium Ordinance Regarding Retail Medical Marijuana Caregiver Storefronts,” be enacted?

Copies of the proposed Moratorium Ordinance Regarding Retail Medical Marijuana Caregiver Storefronts can be viewed in the Town Clerk’s Office during regular scheduled hours or on the Town’s website: townofnorthberwick.org.

The Board of Selectmen encourages all interested persons to attend this Public Hearing.

Chairman Hall opened the meeting up to public comment.

Kellie Roberge stated that after reading through the public notice and proposed moratorium, she was concerned with some of the language that was used as far as medical cannabis goes. She also noticed that the same language was used when they did a Moratorium on retail on the recreational side. She would like the Board to explain how medical cannabis caregiver storefronts could cause serious implications for the health, safety and welfare of a municipality and its residents and visitors. She would also like to know how it will have an overburdening of public facilities and resources, including public safety resources. She said that there are already a number of caregivers that are functioning in North Berwick. She asked the Board for them to provide any instances where these caregivers have caused serious implications of health and safety to the residents and visitors of the town or increased any type of public safety.

Chairman Hall stated that the Board’s decision was not to prevent it but to put a “pause button” on it to allow the Planning Board to come up with something to put before the voters for this fall or at the next Town Meeting. They also want to get as much input from the townspeople so they know what people want. Selectman Galembo stated that if they do nothing now, then whatever Town Ordinances are existing will be what regulates any proposed storefronts. He stated that this may be what the Town wants but they need to find out. He stated that this Moratorium is just a temporary thing to allow them to get input from people because he really has not heard much one way or another. This then allows us to create an Ordinance that everyone can live with and everyone can like to have the town vote on.

Kellie Roberge stated that she is just wondering what the serious implications are. Dwayne Morin said that according to the existing State Caregiver’s Law, there is nothing that allows caregiver storefronts. Aaron Barth stated that they do now that 1539 has passed. Dwayne said this was correct but 1539 doesn’t go into effect until October 2nd. So there is currently a 3 month gap where there are zero regulations. The State says storefronts are not allowed and our town says they are not allowed. The Moratorium will allow the Planning Board time to put something together regarding caregiver storefronts because there is definitely a gray area. Most municipal

attorneys, including ours, will say that they are not allowed under the current law but there are others that say that they are. This creates a huge gray area which creates liabilities for the town. We have not performance standards as it relates to medical marijuana caregivers storefronts so this Moratorium puts a “pause button” and allows the town to determine how they are going to regulate these storefronts.

Kellie Roberge stated that she just wants to get a defining answer on what the serious implications on public health and safety are. She stated that there are people that are 65 years old that have cancer and are using medical marijuana to help with lowering their tumor levels. She wonders how this is causing severe implications. Aaron Barth said that they are just wondering why it was represented in the fashion that it was, specifically for this meeting. He stated that it was a very negative connotation to medical marijuana caregiver storefronts in general. Mr. Barth said that if it was going to be a public hearing where we are going to allow the public to decide whether or not these types of things are going to be allowed in town, then the people should make the decision based on facts and not opinions of the committee.

Kellie Roberge wanted to bring awareness to some research that was publicly noted and was conducted by the National Highway Traffic Safety Administration. They found that when adjusting for factors, having a detectable amount of THC, which is the main psychoactive ingredient in cannabis, in your blood, did not increase the risk of being involved in a car crash. However, having a blood alcohol level of at least .05 increased that risk by 575%. Ms. Roberge stated that there are several businesses in this town that are operating retail and restaurants that sell alcohol to the residents and visitors in town. Based upon the research stated, she asked the Board to explain how they are not causing implications to the health and safety of the residents and visitors to the town. Dwayne Morin stated that these things have been reviewed by our Planning Board and conditions and performance standards have been placed on those uses. Currently there are no performance standards or ordinances that can be reviewed as it relates to marijuana storefronts. Dwayne agreed that having alcohol in your system is certainly more dangerous when you are driving. However, our town has made the decision to allow these things and we provide performance standards under our Ordinance. When they come before the Board to be approved, these performance standards are placed upon those entities. On the marijuana caregiver storefronts we have zero performance standards. The Moratorium allows the Planning Board the opportunity to decide what performance standards, if any, are going to be placed on these storefronts.

Aaron Barth asked what professionals are able to provide the adequate recommendations to the Planning Board. He wants to know who will be involved with making these decisions or helping the Planning Board make the decisions for the town residents to vote on. Dwayne stated that town residents would be making these decisions. Everything is done at public sessions with the Planning Board. Kellie Roberge asked if there could be people from the town that actually have positives as opposed to negatives because she feels that the current distribution of documentation about this is very negative. She feels that it doesn't show any of the positives. She said that when you have the population reading something negative over and over it will be a brain trigger. She stated that people who aren't educated on medical cannabis are going to immediately go towards the negative because that is what they are getting in their mail, posted

online or given as a handout. Dwayne stated that the town is looking at a Moratorium which is in and of itself is a banning of a land use activity so in and of itself it is a negative aspect.

Rebekah Yonan stated that she has a lot of thoughts regarding medical cannabis. She has had a very positive experience with cannabis being used by my mother who has dementia and it has been quite miraculous. She also has a lot of concerns. She believes that there are a lot of people that don't know about formulating and growing of it. Dwayne stated that this Moratorium would not ban medical marijuana in our town. It relates only to the storefronts and allows the Planning Board to put together performance standards to be put in place or for the town to decide whether they are going to opt in for storefronts in our community. Dwayne stated that it doesn't stop caregivers who are already currently practicing within our community. It doesn't stop people with medical marijuana cards from utilizing under the full extent of the law that is currently in place. It doesn't stop the cultivation of medical marijuana which currently exists within our community. It is narrowly focused on storefronts to allow the town the opportunity to decide 2 questions. The first one is to decide if we are going to allow storefronts in our community and the second is to decide what performance standards will be placed on those storefronts. That is all that this Moratorium is about.

Rebekah Yonan stated that she has had a couple of experience with storefronts. One of them was not a good experience but the other one was very professional. When her mother got her medical marijuana card, the closest place to go was in Biddeford called Canna Care Docs. She assumed that there would be doctors there but there were none. It was very easy for her to get a card. Across the street was the store. She and her mother went over and they had all of her current medications. She expected somebody was going to talk to her and ascertain what the best medicine would be for her mother. That is not what happened and she was not very impressed with the place. She then went to Integrate in Falmouth, which is a Medical Marijuana Clinic. There are doctors, nurse practitioners and physician assistants that work there and she received the care that she expected. This is why she has concerns on what kind of storefronts are allowed to be here in town. Aaron Barth agreed with Ms. Yonan regarding her concern. He stated that they have to rely on the State to be able to set forth parameters and standards that caregivers try to abide and follow. He stated that there are a lot of caregivers out there that aren't educated to the level that they should be educated on as far as being able to compound certain cannabinoids together to treat specific diseases. Mr. Barth stated that there are some out there that are knowledgeable and are doing a great job. He said that it is up to the State to formulate the rules and regulations that caregivers have to abide by to try and provide a quantified product to a patient. He said he thinks it is more about the money and following regulations of the State to make sure that nobody is selling black market. Mr. Barth stated that, as nurses, you have to go to school. As caregivers, they have Google to educate themselves as well as other people such as pharmaceutical professionals or doctors. He said that it is up to the caregiver to provide education for themselves. Unfortunately, at this juncture, it's such an early time in our growth, it hasn't been developed yet. He stated that it is on its way.

Mr. Barth said that the negative connotation of the newsletter was startling to them because they felt that it was starting that negative feedback to the public as to how storefronts are going to behave. Dwayne said that the result of that was because of incidents that happened within our town and that have happened State wide. The main incidence is that right now, there are no

performance standards for the town to review. We also don't understand what the ramifications of all those storefronts would bring. These things need to be studied by the town to determine where we are going to go. Those have direct implications to the health, safety and welfare of the residents in our community as well as anyone passing through our community. Until those things are determined and ascertained by our town and decided on which methodology our town wants to go. These have to be determined on both the medical marijuana side as well as the recreational marijuana side. Aaron Barth asked if they knew what platform in which these decisions are going to be made. Dwayne said that it would be the same as any other Ordinance change. Mr. Barth asked if the decision was just by the Selectmen and Dwayne said it wasn't. Dwayne stated that they go through the Planning Board, use professional planners and use law firms. He stated that it will go through many Public Hearings as well. Dwayne said that the biggest step to be made right now is for the town to decide if they want to have medical marijuana storefronts in the community. Dwayne said that up until about a month ago, the towns had zero authority to regulate medical marijuana. When the recent Legislation was passed, they gave the towns the authority to regulate medical marijuana land uses.

Selectman Galemmo stated that what they really need to decide if people want storefronts is where are we going to allow them and what do we want them to look like on the outside as well as the signage. Dwayne stated that security will be need to be talked about. He said that when you look at a place that will have a regulated drug, security will need to be looked at. Aaron Barth stated that South Berwick has a pharmacy and they have opioids in that pharmacy. Do they have security? Dwayne said that he was sure that they did but Mr. Barth did not think they did. He said they probably have security cameras. Dwayne said that any medical marijuana growth facility in our community will have security because we have performance standards that require it. Mr. Barth said that he knows that in dispensaries there are buzz doors and they are pretty much a lockdown facility. Mr. Barth said that in his facility, people need to be buzzed in to meet with him.

Chairman Hall stated that the Board is not trying to be negative or malicious. Their biggest concern was that if the town wants storefronts, is it going to be a black sign that says something like Cannabis Pharmacy or have big pot plants on them.

Kate Whalen asked how many people had come forward to discuss a storefront. Dwayne said that there had been three. Julie Fernee asked if we had any way of vetting them so we know where they are going to be. Dwayne said that the Moratorium stops the process. The Board passed a Moratorium within the 45 day time frame for the applications. The day the State passed the Law, the Board had met the day after and decided on a Moratorium. Julie Fernee asked if the town was going to be able to choose who they are going to allow to have one. Dwayne said no. Once the town has determined the performance standards and passes an Ordinance, an application will be approved as long as they follow what has been determined.

Chairman Hall stated that the first step is on Tuesday. There may be no Moratorium if the voters turn it down. Selectman Johnson, Sr. stated that if there is no Moratorium then there are no regulations. Dwayne said that our attorney believes that the storefronts are illegal under the current Legislation so they currently could not approve any.

Claudy Boy stated that Dwayne had sent the letter to the whole town and what was present tonight is how many are interested. Dwayne believes there will be a lot more people at the Town Meeting.

William E. Harvey, Jr. stepped forward and said that he retired from the Army after 20 years. He was on the wrong side of artillery, mortar, rocket and munitions being dropped. He now has PTSD. When he got out of the military, he moved to Berwick and he lost his mind. The VA had him on 11 types of medication. He was fighting people at Cumberland Farms. He was a danger to himself, to his family and people around him. The Veteran's Center in Sanford got him his medical marijuana card. He tried a lot of facilities and found Tricann, who operates in North Berwick. He stated that they are not just caregivers. They are knowledgeable people. When you go into their facility, they are not trying to sell you weed. They are trying to sell you a product that is going to actually help you. It has made all the difference in the world for him. He is down to 2 medications, his blood pressure is down and he is living healthy now. Without them, he would not have been able to complete his MBA program at UNH. He asked what Dwayne meant by the gray area. Dwayne said that the gray area is that the current law does not allow for marijuana caregivers to have storefronts for 3 more months. Mr. Harvey stated that they were already in the gray area so what was 3 more months? Selectman Johnson, Jr. said that they were not allowed at all before but in 3 months if the towns decide to opt in, they will be allowed. Selectman Galemmo said that the only question for the Board is where and what will they look like. Aaron Barth disagreed with them and said that it is not a gray area. He said that it is very well defined that caregivers are not allowed to have storefronts for 90 days since the law passed. Dwayne said that there are a lot of attorneys that would disagree with Mr. Barth and that is what causes a legal liability for the towns.

Aaron Barth stated that the town is taking a moment in time to be able to first of all, on Tuesday, allow the citizens to say if they want to impose a Moratorium or not. The Moratorium is not happening tonight but may happen on Tuesday. If the Moratorium doesn't happen, the next step would be for the town to determine what storefronts could do or not do. Selectman Galemmo stated that the Moratorium only lasts for 180 days. Dwayne said that it makes no difference because as of October 2nd, the Moratorium is no longer needed and the town can opt in under the current law. Mr. Churchill asked for Dwayne to explain that to him. Dwayne said that the new law that was just passed gives towns the authority to regulate medical marijuana land uses so cultivation, extraction, edibles and other things like this could be regulated by us. Mr. Barth asked if this would be for new business only or for established ones too. Dwayne said that it would apply to both because of how the new law reads. One of the things that they did add to the medical marijuana law is an amendment that was put in by Roger Katz is that regarding medical marijuana storefronts, towns have to opt in basically like they do for liquor. Dwayne said that you will never see a bar in North Berwick because we have opted out. We opted in for retail and for some Class A restaurants. Mr. Barth asked who makes the decision to opt in or opt out. Dwayne said that the town votes on it. When the recreational marijuana law was passed back in February, it created an opt in for towns. In order for any land use to happen for recreational marijuana towns have to opt in just like they have to opt in for alcohol. The town has to say that they will allow it within our community. It doesn't stop the use of recreational marijuana. All it does is say that the land uses that are associated with that, the towns have to opt in. Under the medical marijuana bill that was just passed, we only have to opt in for storefronts.

Mr. Barth stated that on October 2nd, there will be another Town Meeting. Dwayne said there would not be another vote. Mr. Barth asked when the vote to opt in or opt out would be. Dwayne said it probably wouldn't be until next April.

Scott Churchill asked if the town elects to have storefronts, are there mechanisms by which interested parties could propose input that might go into the creation of the regulations. Dwayne said they would. Mr. Churchill asked which body would need to be contacted about it. Selectman Galemmo stated that it would be the Planning Board and it will also come back before the Selectmen. He stated that the Selectmen decide what the voters will vote on. He said the Planning Board will come up with something, the Selectman will review it and amend it if they want to and then put it before the voters. Dwayne said that there will be plenty of opportunity for public input. Both the Planning Board and the Selectmen have to hold Public Hearings. Chairman Hall also stated that all of the Board of Selectmen and Planning Board meetings were open to the public as well.

Rick Stambaugh asked why we would treat medical marijuana different from any other pharmacy and why don't the existing Ordinances require pharmacy coverage. Dwayne said that the main reason is because the State has told us that we can't do that. When State a law, they tell the towns what they can do. The towns can only do what the State allows them to do because we are a subdivision of the State of Maine. The State of Maine has determined that it is different. So if medical marijuana does not fall under pharmacy then they are not considered pharmacy. They are considered medical marijuana caregivers and there is a multitude of land uses that go with those caregivers such as cultivation and storefronts. Mr. Stambaugh stated that instead of having a Moratorium why don't we just do an Ordinance change right now that says that medical marijuana will be treated like a pharmacy. Dwayne said that it would have to go through the same process as a zoning change. Mr. Stambaugh said that they have to go through all this process for the Moratorium just like the Ordinance change. Dwayne said that the Moratorium process is much quicker and they don't have the time to do the Ordinance change right now. Mr. Stambaugh said that he could write the Ordinance change in 10 minutes. Dwayne said that he might write an Ordinance change that he agrees with but maybe not everyone else agrees with.

Selectman Galemmo stated that there is a whole series of public hearings that they have to have at different levels. He stated that until they did this Moratorium, he wasn't 100% sure how most of the townspeople would feel about medical marijuana and recreational marijuana. He feels that people are fine with medical marijuana but then it gets down to where we will have the stores and what we want them to look like. This will just give us time to get all of this information together. He said that part of the Town Meeting next week is to get some input from the townspeople as to what they want.

Rebekah Yonan asked if the town is currently able to put together a plan for the cultivation of any marijuana grown here. Dwayne stated that recreational marijuana is legal for possession but the State has not put any regulations together as it relates to growth, manufacturing, storefronts or anything else. These regulations will probably be written sometime in May of next year. The towns can't do anything until the State puts together their regulations. He stated that medical marijuana has been on the books for a long time so there are already rules and regulations as it relates to some of the land uses that exist. However, until October 2nd, the towns have not had

much authority over the land uses. As of October 2nd, the towns have the authority to regulate these things. He said that they have been able to regulate some of it if the applicants have gone into commercial facilities. If they are in the commercial facilities, then it falls under commercial facility rules so the Planning Board is allowed to review them and place conditions on them. He stated that there are some pretty large growth facilities within our community. These have gone before the Planning Board and they have had conditions for security, smell and other things placed on them. Rebekah Yonan is concerned about the growing of marijuana. This is a plant that she believes should be in the soil and to have sun. It is her understanding that most of these are being grown in large warehouses. Dwayne stated that most of the towns that are regulating marijuana and cultivation of marijuana are going to require that cultivation only occur indoors. The main reason for this is security. Aaron Barth stated that is also because of disease. There are a lot of molds that can affect people's respiratory systems so you don't want those people inhaling or ingesting any kind of toxic molds into their systems. Ms. Yonan said that she is someone that grows a lot of food. She believes in plants being grown in soil and she does not believe in chemical fertilizers being used. She stated that there is an expense to the growing of marijuana that is crazy and does not agree with the manipulation of plant that has happened. Kellie Roberge said that there is mushroom compost that can be used that is a really good natural organic fertilizer.

Jeannie Provencher stated that she understands both of their points but she believes that it should be grown indoors. She said that the people that are using medical marijuana already have compromised immune systems. There is a difference between good agricultural practices for food supply as opposed to producing medications. Anyone that is using medical marijuana needs to know that the standards for producing it is like being a pharmacist. They need to protect the people that are buying it. Scott Churchill stated that one of the compromises that people have been making in other States on this topic is using specialized greenhouses. These allow you to supplement with light but not be dependent on it. They allow you to buffer against the external environment so that you have buffer zones before you get to the growth and keeps out some of the native molds and mildews that could fly in. They can also accommodate soil growth just as easily as water growth. This accommodates what everyone is looking for with security inside the building, minimum impact on the environment by taking advantage of the existing light and also grow in soil. Mr. Churchill stated that you do need to have very talented cultivators to produce product that is free of the pathogens that were mentioned by some of the people.

Jeff Butland stated that he would have been opposed to medical marijuana years ago, but he knows that there are cases where it does work. He said that we have now seen it mushroom so fast that it is now recreational marijuana. One of the concerns that he has as a town member is if we have a storefront where that it's being sold, it is just a little step before we sell recreational. He says that he has a sister in Colorado and they have experienced some issues there. He said that he does not know all of the ins and outs of it and he does not have the education that some of the other people have. He did take offense to this being pointed out as a negative thing and felt like he was being called a stupid person. He said to give him a little bit of respect and credibility that I can think and weigh things out. He is concerned with what storefronts will do to the town. If other towns around us do not have the storefronts, there will be increased traffic from people

coming into town. He thinks that they need to slow down a little bit and get a handle on it and see what the townspeople are really thinking about this.

Kate Whalen asked if they had talked to other town Boards about what their approach is to this situation. Dwayne stated that most of the towns in Southern Maine have added a Moratorium. He stated that Sanford have banned recreational marijuana but will be voting this week to allow medical marijuana in certain locations in their community. He stated that South Berwick, Eliot, Kittery and York are under Moratorium.

Claudy Boy said that they are not talking about marijuana as if it was dangerous like guns or alcohol. Dwayne stated that there are some concerns. Marijuana in and of itself is a drug. It should be protected from children. Typically when you have a product that generates a tremendous amount of cash, it brings in other issues as it relates to theft. There are banking issues because they are not allowed to deposit money in banks so there are large sums of cash that are in reserve. Aaron Barth stated that there are several credit unions within the State of Maine that are doing business with medical marijuana caregivers. They are able to debit transactions, cash checks and it operates just like any other business. Dwayne said that these are not banks. They are NCUA backed and not FDIC like banks are. Dwayne went on to say that there are odor issues for people that grow it.

Jeannie Provencher asked if they would be able to ship it or sell it over the internet. Dwayne said that State does not allow that. Ms. Provencher said that they should also limit how much they are allowed to do in cash sales. She stated that cash sales are pretty easy to hide compared to credit card or other forms of payment. Selectman Galemmo said that this is not something that the town would deal with. Dwayne said that the town is receiving no compensation regarding any marijuana sales.

Kate Whalen asked if there was any tax benefits for the town. Selectman Galemmo said they would only have some benefit if someone built a new building then they would have property taxes. Dwayne stated that the State had originally said that there would be a cost share. Any taxes that were assessed on marijuana for recreational and medical, there was going to be a pass through for any community that had these land uses. The State decided that they would keep it all so the towns do not share in any of the tax revenue that is generated. Dwayne said that there are still benefits to the economy. It provides commerce and people are renting areas to grow and manufacture so there are those economic benefits.

Kellie Roberge stated that they are implementing a process that will become mandatory at some point where everything is going to be barcoded and scanned through a POS sale system. This will eliminate anyone lying about cash. This is a regulation that she wants to see happen because she thinks it is very important. She also stated that she would not go to a place where she is not treated as a patient. She does not want to go to a place that has a dabbing bar or where they play ping pong and have dart boards. These are recreational places. She stated that she and her colleagues are very medicinal and there are standards that they put on themselves that aren't in anybody's regulatory standard. She knows that they are very different than a lot of others that are out there. They use their own personal experiences they have had with family members, friends and loved ones and, through their research with doing their formulations and

compounding for the past 7 years, they try and figure out what best helps a patient with their ailment and treatment. They will work with patients for months trying different things because every person is different. She stated that their company is trying to set out the standard for medical care for cannabis. It is unfortunate that there are places that don't care about that and only care about the money. Ms. Roberge said that when she was in private practice, she never made money because she spent 1½ to 2 hours with her patients. She cared about them and she wanted to find out what was helping them. She stated that she hopes that there are regulations and standards that are put on storefronts to really show the medical benefits.

Dwayne asked the Board if they wanted to get ideas from the people present about recreational marijuana.

Jeannie Provencher said she is totally against it. She said that we can't even control the use of illegal drugs in this town. She said it will cost more with our police, fire and rescue. Rebekah Yonan stated that she is not opposed to recreational marijuana. She said it has been around for a very long time. She is more concerned for the children. Dwayne said recreational marijuana is legal. The question is if we want storefronts, manufacturing facilities or cultivation facilities within our community.

Rick Stambaugh asked if we could get revenue in the town by charging a fee for allowing recreational use for sales. Dwayne said that the only thing that the State would allow is to do licensing. We could do a yearly licensing fee. For example, Sanford banned recreational but they have allowed for medical marijuana manufacturing, cultivating and limited storefronts. The charge \$1,500 per year for a licensing fee. The City of South Portland will have a licensing fee as well. They also limit the number of storefronts that can go within a community. They can limit things like how close they can be to churches and schools. The State does define parameters for these limitations.

Jeff Butland asked if the people that would be purchasing recreational marijuana be carded in any way. He wondered if they can just go into a storefront and buy it. Dwayne said that they have to be 21 or older. He said that it is like alcohol and they rely on the seller to be compliant. Jeannie Provencher asked if they can regulate where they are located such as leasing space from a medical center in town. Dwayne said that they would not have the capability to do this.

Julie Fernee said she can go to Cumby's and get a drink so why not do allow this. Chairman Hall stated that for him it is really a "catch 22". Do we want big tobacco growing it and selling it in town where we have no control over it? Ms. Fernee said that even if it is legal, she doesn't think it makes a big difference. She said that if they made cocaine legal, she would certainly not do cocaine. She feels that it is the same with marijuana. People that want to do it are already doing it. Making it legal won't change that.

Chairman Hall closed the Public Hearing at 7:56 pm.

5. Unfinished

Business:

B. Public Works: Project Updates

Dwayne said that they got the first 900 feet of Quarry Road ground and based in. They have tree cutting to get done and they have one more culvert that they will do this week. We are ready for final pavement on Eastern Avenue. They are just waiting for Libby Scott to give us a date to do it. The parking lot on Maple Street is complete and they will be starting on the one on Route 9 next. After the Route 9 parking lot done, they will start working on Bauneg Beg Hill Road to get that done before the end of the year.

C. Special Town Meeting: Moratorium Medical Marijuana Storefront Operations

Dwayne stated that the Special Town Meeting is next Tuesday, 8/14. He expects to have more of a turnout at that meeting. Selectman Galemmo said that it would be a good idea to have a draft ordinance for storefronts to present to the people at the meeting.

Reminders: Next Board of Selectmen's Meeting – Aug. 21, 2018 – 6:30 pm Municipal Building

Special Town Meeting – August 14, 2018 – 6:30 pm Community Center

6. New Business:

A. Abatements:

Dwayne stated that they had 2 abatements to review but they were for the same person. The McWain's had applied for the Homestead Exemption and the Veteran Exemption back in December of 2015. The applications were marked that they were entered into the computer but they never were. The McWain's called him last week. We did an investigation and found the abatement forms. One abatement is for FY17 in the amount of \$264.60 which is for a \$15,000 Homestead Exemption and a \$6,000 Veteran Exemption. The other abatement for FY18 in the amount of \$327.60 which is for a \$20,000 Homestead Exemption and a \$6,000 Veteran Exemption.

Selectman Galemmo motioned to accept the abatement on Map 006, Lot 057 for FY17 in the amount of \$264.60 and FY18 for the amount of \$327.60. Selectman Johnson, Sr. seconded the motion. VOTE: 4-0

B. CIP Updates: Town Hall, Server Project

Dwayne said that there are a few things that they have been working on, primarily on the server for this building. The server is now installed and running. The only thing that hasn't been moved over is our email exchange server. This will be done by the end of this week. There is a lot of data that they have to migrate over from the old server to the new server. They uploaded our files yesterday and they will be loading all of the new files on the system on Thursday. They will go live on the 8/23/18 with the sql conversion.

Dwayne stated that the new K9 unit is completed and is on the road. They have not gotten rid of the old vehicle yet because they are currently utilizing it. They have an officer that is at the Police Academy for the next 15 weeks. Instead of paying him mileage, they gave him the old one to travel with to the Academy. After he is done the Academy in December, they will look into selling that car.

Dwayne stated that the ambulance is almost done. It looks like it will be done the beginning of September. The other ambulance is still good. The new oil furnace will be going into the Transfer Station this Thursday.

Dwayne stated that the communication contract is up with Sanford at the end of this year on June 30. The other towns all need to decide if they will continue with Sanford. They had a meeting and only 2 towns showed up out of the 6. Lebanon will probably not sign back up with Sanford. They are unhappy with their coverage. Dwayne said they actually have good coverage. It is really just a philosophical difference as to operation. They want their operations channels to be monitored by dispatchers, but that is not how it works. The way it works is that you have a communication command and that person is responsible for talking for the department to dispatch. The dispatcher doesn't need to listen to every fire fighter and what they have to say. The communications officer listens to all of it and lets dispatch know what is needed. Lebanon would like it to be done differently because they believe it would be safer. He does not know where they will go. Dwayne said that they are going to move forward with negotiations with the Town of Sanford for communications. He thinks that they provide us a good service. He does believe that our bill will go up based on the contracts that Berwick and South Berwick just signed.

Dwayne stated that we replaced a server at Sanford a few years ago with the goal of moving toward a T1 line. That T1 line is now going right through our town because of South Berwick and Berwick so he would like to hop on to that line next year. It would be at a reduced cost for us if we do it on our own. It's still \$5,000 per year but it will solve a lot of problems at the Police Department level and also in this building. Right now we do everything by internet and it slows our internet speed down quite a bit. Dwayne said that the server conversion went very smooth.

C. Fire Department: Accident Engine 3

Dwayne said there was an accident with our engine. The rear compartment door was left open and they drove out of the building. They didn't get very far before damaging the building and ripped the hinges off of the vehicle. This happened at the substation. They were cleaning and doing truck checks so there was water on the floor. They were moving the truck out so they could clean the floor up. They didn't notice that one of the doors did not get closed. He met with the appraiser today and the estimate came in at about \$11,000 in damages to the truck. It will go down because the appraiser is going to change the estimate. They also have about \$1,000 to \$2,000 to the building. They already fixed the truck but we are going to have to redo some of the wood. Selectman Galembo asked if the insurance was going to cover it. Dwayne said it would except for the \$1,000 deductible on our truck and \$1,000 deductible on our building. The

biggest cost is actually the door. It is quite big and thick and they don't make the door anymore so it is a custom made door that will cost about \$4,000. The catwalk is busted and will cost about \$3,600 to replace.

D. Commitment FY19: Review Updated Values

Dwayne stated that on Page 53 of their packet is the latest numbers as of today. These will be our final numbers. In new valuation in Real Estate, we went up about \$9.5 million and lost about \$3 million in Personal Property valuation. Our Homestead Exemption went up because the State's reimbursement rates went up by about \$5 million. Our biggest increase was with our BETE which increased by about \$32 million. Now they have to think about what they want to do with a tax rate. Typically they want to stay at about 2.5% to 3%. The 3% is a tax rate of \$12.85 which is a \$.25 increase to our mil rate and would leave us with \$275,000 of an overlay. A tax rate of \$12.90 is at 3.5% leaving us an overlay of \$311,000. If we went up to \$12.85 it would be an increase of \$62.50 to the average taxpayer. If we go up to \$12.90 it is an increase of \$75 per year. It is not a huge increase.

Dwayne stated that the reason he keeps going back and forth between \$12.85 and \$12.90 is because of the school. He did not get a good feeling from the Superintendent when they met with him. He did not get a good feel about where the budget is going other than up. He is not seeing it go up a little. He is looking at it going up a lot. We typically use our overlay to make sure that we have enough money to carry our bills without borrowing any money. He thinks that we will see a huge increase in the school budget next year and the higher overlay would help temper the tax rate increase.

7. Other Business:

No other business at this time.

8. Review and Approve Warrants and Correspondence:

Warrant:	July 31, 2018	- \$ 72,129.88
Warrant:	August 7, 2018	- \$ 27,798.08

Selectman Galemмо motioned to approve the Warrant of July 31, 2018 for the amount of \$72,129.88 and the Warrant of August 7, 2018 for the amount of \$27,798.08. Selectman Johnson, Jr. seconded the motion. VOTE: 4-0

9. Adjournment:

Selectman Johnson, Jr. motioned to adjourn the meeting at 9:10 pm. Selectman Galemmo seconded the motion. VOTE: 4-0

Respectively Submitted,
Susan Niehoff, Stenographer

Original to Town Clerk

Chairman: Jonathan Hall

Selectman: Wendy Cowan

Selectman: Michael Johnson, Jr.

Selectman: Charles Galemmo

Selectman: Michael Johnson, Sr.