

North Berwick Board of Selectmen Minutes October 2, 2018

**NORTH BERWICK BOARD OF SELECTMEN MINUTES
OCTOBER 2, 2018**

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

Also Present: Dwayne Morin, Jon Morse, Matthew Qualls, Marleah Wentworth, Peter Bronder, Roger Frechette, Anne Whitten, Annette Hume, David Ballard

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

1. Pledge of Allegiance

2. Review and Approve Minutes of September 18, 2018

Dwayne stated that he made a few insignificant clarification changes.

Selectman Cowan motioned to approve the minutes of September 18, 2018 as amended. Selectman Johnson, Sr. seconded the motion. VOTE: 4-0 Abstain: 1

3. Public Input

There was no public input at this time.

5. New Business:

A. Planning Board: Discussion on Ordinance Changes for FY19; Medical Marijuana

Dwayne stated that starting on Page 19 of the Selectmen's packet, he had some information and talking points that he had put together regarding Medical Marijuana. He stated that the Selectmen had wanted the Planning Board to come in to talk about Medical Marijuana and the land uses that are associated with Medical Marijuana. He stated that they needed to talk about what, if anything, they wanted to do for the April Town Meeting. Dwayne said that there are 5 land uses that revolve around Medical Marijuana. They are cultivation, manufacturing, testing facilities, dispensaries and retail stores. Dwayne stated that he has provided them with definitions for each of these according to the State. The only one that the State does not have a definition for is Medical Marijuana Retail Store. They have one for Marijuana Retail Store. Dwayne did get a definition from our attorney to make it easier. Both Boards need to decide whether we want it in town and if we do, what standards we want for each of the land uses. Dwayne stated that he also included some information on what the Town of Sanford and South Portland have decided to do in their towns. Selectman Galemmo asked for clarification on the dispensaries. He thought that we already had them in town. Dwayne said that we have no dispensaries but we do have an Ordinance for them.

Dwayne recommended that they go through each of the definitions so they can discuss each one specifically. The first one is Cultivation. There is home cultivation and commercial cultivation to consider. Home cultivation is something that we can't prohibit but we can regulate. Regarding commercial cultivation, we do have more leeway. We can either prohibit or allow it. Selectman Galembo asked how many plants were allowed for home cultivation. Dwayne stated that the caregivers are limited to 6 plants. Selectman Johnson, Sr. asked what is regulating the caregivers that are growing in town now. Dwayne said we will be now. If they are already in town, they will be able to stay but they will have to follow the regulations that we put into place.

Selectman Cowan asked how the medical marijuana is regulated now. Dwayne said that there are no regulations right now. Annette Hume said that they are regulated by the State. Dwayne said that he disagrees with this. Ms. Hume said that they have to be a licensed caregiver. Dwayne said that the State had rules but no regulations on land uses. He said that the State regulates the medical aspect of it but the town can now regulate land uses.

Dwayne stated that the next land use is Manufacturing. Manufacturing is basically the extraction process so it is creating marijuana concentrate or marijuana extract. This is typically for CBD products. Selectman Galembo asked if this would include the making of edibles. Dwayne said that it would. Manufacturing means taking marijuana plants and infusing, blending, compounding or reducing and making another product out of that concentrate or extraction.

Selectman Johnson, Sr. said that the current caregivers do the cultivating and manufacturing and they sell it. If we decide to say no and not allow this, then what happens to them? Dwayne said that they can continue to do what they are doing because they would be grandfathered in. Dwayne stated that currently, we have operations within our town that exist. These can continue to exist no matter what we do. If we place regulations, and they fall into that category then they must become compliant with those regulations.

Dwayne stated that the next land use is the Testing Facilities. These are basically a lab. These are used to make sure that whatever they are making meets whatever requirements that they are looking to meet. These are authorized under the State to talk about potency and cannabinoid profile. They also have to be accredited based on the ISO and IEC handbooks.

The next land use is a Registered Dispensary. These are regulated by the State in terms of the number that can happen in the State of Maine. There are currently 8 Registered Dispensaries in the State of Maine. The State has opened that up to have more of them but you can only have a Registered Dispensary if the State says you can have one. The town has no say in that part but we do have a say in where it can go within our community or if we are going to allow it. We currently have laws in our books regarding dispensaries because that was the only thing that we used to be able to regulate. We have a section in our Ordinance now that discusses Registered Dispensaries and they are only allowed in the Commercial zone in our Town. We do now have the right to prohibit them if we want to.

The last land use is Retail Stores. Medical Marijuana Retail Stores is a facility that is licensed to furnish or sell medical marijuana, prepared medical marijuana or medical marijuana products to qualifying patients that meet the qualifications of the State law. Selectman Johnson, Jr. asked if

a dispensary can sell to a retail store. Dwayne said that they can't. He said that a dispensary is authorized by the State of Maine and can sell to anybody but caregivers can only sell to their patients. Selectman Glemmo said that a dispensary looks like it is a combination of several things. They cultivate, extract resins and formulate them into edibles and the can sell it to patients. With a retail store, only the caregiver's patients can go into that store and purchase the products. Caregivers can now have 30 patients instead of just 5 like they had before. Dwayne believes that they are not going to see people creating registered dispensaries too much anymore. They are going to try and create retail stores. Going through the State paperwork versus opening up a retail store is very different.

Dwayne said that they now have to decide which of these land uses they want in the community and what standards they want applied to those that they approve. He put together some questions for them to answer. The first question is, "Which land uses should be allowed?". If they answer "no" to any of them, then there is nothing more to do but if they answer "yes", then they need to set up some standards and regulations. Chairman Hall said that they need to put these on the ballot for the town to decide. He feels that people have spoken very loudly both in private votes and at the Special Town Meeting for the Moratorium, they expect things to go before them for a vote at the Town Meeting. He does not think that they would be representing the people if they just said "no" to everything. Selectman Glemmo agreed. He feels that the town is in favor of retail medical marijuana. Selectman Glemmo said that if they put the uses on separate Warrants, then they can vote on each separately. For example, they may want the retail store but not the cultivation. This way they would have a choice in all of them.

Chairman Hall said that he doesn't believe that the town would want something like having big tobacco companies come in and have acres and acres of marijuana. If they put something on the ballot that said something like we would limit it to 2,500 sf or approximately the size of a barn for cultivation, the town may agree to that. Selectman Cowan stated that she is reluctant to throwing the gates wide open to allow it all. She thinks that they need to look at what other area communities are doing. Some of them are clearly limiting some aspects of this. She is very concerned that if they don't try to make some definition here, it could come back to haunt us. We don't always state that the town is going to weigh in on everything that we are going to decide. She said that it is an important issue, but that they, as a Board, need to think about the impact on the town. Chairman Hall said that he is not necessarily saying to let the gates be wide open. He is saying that they should have some regulations put together for the town to vote on. He does not think that they should just say "no" to everything.

Dwayne stated that the only recommendation that he would make if they are going to say "yes" to a land use is that there should be regulations attached to it. The Selectmen agreed. For example, for cultivation, the City of South Portland says that it can be no larger than 10,000 sf for both indoor and outdoor grow. The City of Sanford does not limit cultivation except for on Residential and are allowed 25% of their building or no more than 120 sf. Selectman Cowan stated that these are important determinations that they are making and she feels like she has not had the opportunity to get any information from other areas to think about what kind of regulations that they will place. She has no background in this area and does not know what is feasible or what the potential impacts are. She feels like she has had no time to study this and they are now being asked to determine regulations in these areas. She feels that it is being very

rushed. Selectman Galemmo said that this is just the beginning and what they are doing is trying to figure it out. It will not all be determined at this meeting. He stated that they are just going to set a direction and after hearing what the Planning Board has to say, it will go back to them to determine the standards based on these discussions. Right now we are just deciding things like if we want cultivation. Selectman Cowan asked if they were just voting “yes” or “no” on each of these land uses or are they determining specific regulations. Dwayne stated that they are doing a little bit of both. Selectman Cowan stated that if they are doing a little bit of both, she doesn’t think that they have had the opportunity to gain enough information to determine what the regulations need to be or should be. Selectman Galemmo said that he thinks that this has been talked about quite a bit and that the town has voted on it. For example, if they look at cultivation and decide that they want it in town, they can decide that they don’t want mass growing by big corporations. They want something smaller. They could say that it has to be indoors and has to be on a lot of 6 acres. They can make all of these choices.

Matthew Qualls asked how it was different from any other crop like soy bean or something like that. Selectman Cowan stated that she believes it is because the Federal government still says it is illegal. Selectman Galemmo stated that it is something that is profitable enough and he does believe that the day is coming when the Federal government is going to allow it. Dwayne stated that parents probably don’t want their young children getting into the marijuana plants. It is a Schedule 1 drug. There are other considerations to look at. Chairman Hall stated that if you ingest marijuana that is growing, there is nothing that is going to happen to you. It is only when it is dried and processed that it becomes an issue. Mr. Qualls stated that he would not be concerned if his kids were in a field of marijuana plants. Dwayne said that the State does consider this a concern because they say that any cultivation has to be protected from children. It can only be accessed by people that have specific access to it and needs to be fenced in. Annette Hume stated that this means that it will not be visible and in our face all the time. Jon Morse said that we should not be too concerned with outdoor cultivation. He said that the quality of the marijuana that they are growing now is way above what they grew in the 1970’s because the medical marijuana is regulated. It has to be grown inside at a certain temperature and have the right amount of water. He doesn’t believe that we will see great big fields of marijuana in North Berwick. He said that there will be buildings that will go up that will be regulated with cameras, locks and other things. Dwayne stated that this is only if we set up those standards. Jon Morse said that, on top of them growing a top quality medical marijuana, he feels that it is the future. They are doing great things with medical marijuana. He agrees that they are coming into something that they don’t know anything about. He stated that it might be a good idea if Dwayne would go to area towns and see what regulations they may have. Dwayne said that he has done that and given them the information in their paperwork. He said that the 2 best ones that he has looked at are Sanford and South Portland. Most of the other towns in York County have prohibited it. He said that everyone is using South Portland as a standard because they have done a lot of investigation and have professional planners that have gone through the whole process. Sanford has also done a lot of investigation. Dwayne said that the difference between the two towns is that South Portland is allowing both recreational and medical but Sanford is only allowing medical.

Selectman Cowan asked Dwayne what he meant by the other York towns when he said that they prohibited it. Dwayne said that there is no town in York County that he knows of that has passed

any Ordinances or are actually writing any. South Berwick, York, Eliot, Kennebunk, Wells and many others have moratoriums. Matthew Qualls stated that we will be putting together a good guess of what the town might want and letting them vote on it. If they vote "no", then it ends up being a "no" for everything. Selectman Cowan asked Dwayne if he meant that the other towns are on a moratorium or have they already gone through this process that we are going through now. Dwayne said that they have not with the exception of Sanford and South Portland in this area. Selectman Cowan asked what the impetus was for us to want to do an opt-in for this which would make us stick out as a town in the area. Chairman Hall stated that the impetus for him is that the voters in our town who voted for it overwhelmingly to allow both medical and recreational marijuana. Dwayne also said that our town meeting is before anybody else's town meeting so if we are going to have anything for our voters to act on at this town meeting, we need to start now. It will take a significant amount of time to draft up all of the language. All of the other towns have their meetings in June and ours is in April which means that we have to have all of our stuff done by February. They don't have to have their stuff done until April. Unless the Board wants to wait 2 years, we will be one of the first ones out.

David Ballard asked about the vote they had. He said that it was a pretty general question. Dwayne stated that it was pretty specific but it was only for retail stores. Mr. Ballard stated that they had just had one vote so far. Chairman Hall stated that the citizen's initiatives that passed, our voters came out in record turnout elections and voted for legalizing both medical marijuana and most recently recreational marijuana. Selectman Galemmo stated that when they did the moratorium vote, it was stated to the people there that we had to do this moratorium so that we had time to figure out what kind of regulations we want, and we would have them at the next town meeting. Chairman Hall believes that the town is expecting to have something to vote on.

Jon Morse stated that if you put something on a Warrant, they will have to word it so people can understand it. Dwayne said that the attorney will be drafting the Warrants. Selectman Galemmo stated that they are going to have to do their due diligence and communicate to people so that they know what they are voting on. He said that regarding cultivation, they need to find a way to do it so it is smaller operations. He said that he doesn't know if we want 10 acre indoor hydroponic facilities in town. Selectman Galemmo said that it would be the same for manufacturing. It should be limited in size. It is mostly about creating the oils and the edibles which has to do with the delivery of the medicine to the patient. He said that if they didn't allow this it would be counterproductive to it all. He thinks that they will see a cultivation area with manufacturing right next to it.

Selectman Galemmo said that he was talking to his brother about testing facilities because he is a pharmaceutical chemist and has a PHD in Organic Chemistry. His brother said that they are probably not going to see testing facilities at each growth place because the equipment you have to have is very expensive. In California and Colorado, they send samples out to labs to test the product. He stated that if someone wanted to open a test facility in town, it might be a boost for the tax base because of the expensive equipment. It could be a very small building that is about kitchen size.

Jon Morse said that in reviewing what Dwayne put together from what Sanford and South Portland have done, he feels that 10,000 sf is a little large for North Berwick. The Board agreed.

He also feels that 25% of a building is a little much. Dwayne said that Sanford set 120 sf as the limit.

David Ballard asked how all of these will be regulated. He asked if the CEO was going to have to go from house to house to do inspections. Dwayne said that they will need to get a conditional use permit and if they are in violation of any of the conditions, then we would have to enforce the zoning process. Selectman Cowan asked if there was going to be any regular inspections done. Dwayne said that if it is something that the Board wants to do then we can include that in the regulations. For example, the City of South Portland states that their CEO can walk into any facility at any time of the day to make sure that they are in compliance. Mr. Ballard said that the feeling he has is that the town did vote for this but the people don't want it next to their house. He agrees that they definitely need to have better communication out to the people so they understand what they will be voting on.

Chairman Hall said that they definitely have to put forth some strict standards. He doesn't think that they should ban from growing outdoors. They can do screened fencing and do other things to make it secure. Mr. Morse stated that he was not making a point to ban it but he just thinks that it's not going to happen with commercial growers. Selectman Cowan stated that she is not too fond of seeing dispensaries and testing facilities in the town. Anne Whitten asked her what her difference was between a dispensary and a pharmacy. Selectman Cowan said that it would open it up to many more people. If you have a retail level, you have a provider with a list of clients. With a dispensary, people from anywhere could come in. Dwayne stated that with a caregiver, if a person walks in, they can become their patient. He said that the way that the State regulations are written, in order to have a retail store you have to be a caregiver, you have to have medical marijuana and they have to be a patient. Selectman Cowan asked if it was the same thing with a dispensary. Dwayne said that for a dispensary, if you have your medical marijuana card you can go in and get your marijuana. If you are a caregiver retail store, you have to become their patient, but you can become their patient very quickly. Selectman Cowan stated that you would most likely be dealing with larger numbers with a dispensary.

Anne Whitten stated that you have to be a patient at a dispensary. She stated that she is a patient of a dispensary and has a medical marijuana card. She gives her medical marijuana card to the dispensary. They are the only people that she can go to because they have her card. She has a card that says that she has a medical marijuana card, but the dispensary keeps her card. If she wants to leave that dispensary, she needs to get her card from them and she would no longer be their patient. She would bring her card to the next person that she wants to use and they keep the card. It is not like she can just walk into the dispensary in Biddeford and tell them that I want CBD or whatever product I want then go to another dispensary in Sanford and say that you want something there. This is not allowed. Annette Hume stated that they also cannot go from one State to another. Anne Whitten said that the dispensary in Biddeford is right across the street from the hospital. She said that there is a doctor's office where you need to get your card and the dispensary is right next to it. She recommended to the Board that they should go and park their card in the parking lot and observe the process. It would give them a good idea as to how many people walk through the door and how it operates. Selectman Cowan stated that if there are only 8 in the State and because Biddeford is not that far from us, she feels that we don't need to adopt that piece of the uses.

Jon Morse stated that it really about money. People are not going to grow marijuana and not make any money. Matthew Qualls stated that one of the questions on Dwayne's list has to do with fees. He has no problem with the Town collecting a percentage for taxes from them. Dwayne stated that they cannot do that. He said that they can set up a licensing fee and review fee but we cannot tax them.

Selectman Cowan said that currently, the people that are cultivating it can sell it out of their home. Dwayne said they can if they are a licensed caregiver. Selectman Cowan said that there is an opportunity for patients to access it at that level. Dwayne said that there currently was that opportunity. Selectman Cowan said that this means there is no lack of opportunity in this town which is already established. Selectman Galemmo asked if there was a major difference between this and a retail drug store that has opioids in it. Jon Morse stated that it is probably better because it is better for you. Anne Whitten said that we also have the right to limit how many retail stores can come into town. If we already have 3 retail stores, then the Town can make it so we only allow 3 retail stores. Selectman Johnson, Jr. said that there should probably be a certain amount of distance between them though because we don't want them all in one cluster in town. Selectman Galemmo said that he would have no problems with it be concentrated.

Dwayne stated that on Page 21, is a list of questions. He said that no matter what land use they want to push forward, they are going to want to answer all of these questions for each of them. He definitely believes that they need to put out some standards for the voters. Chairman Hall said that regarding cultivation, he would like it to be no more than 2,500 sf and he thinks that it would make sense to have it in Farm and Forest. Matthew Qualls stated that for manufacturing, they may want to have it in the Industrial zone. Selectman Galemmo stated that the equipment that they need to extract the oils is not really anything major. You could set up a lab to do that for about \$1,500.00. Mr. Qualls said that if it is just like the size of a kitchen then that would be easy to inspect. Anne Whitten said that one of the things that they need to consider is the odor. Selectman Johnson, Jr. said that the problem with an outdoor grow is that you cannot regulate the odor. Dwayne said that they can. Both the Sanford and South Portland have regulations on odor. In Sanford, they are required to have an engineer design an odor plan for every cultivation. That plan has to be submitted to the town to make sure that there are no perceivable odors that will affect any neighbors. Dwayne stated that, with all of our indoor grows in town, the Planning Board has established odor regulations for them.

Dwayne stated that the first thing they had to do is to decide which land uses of the 5 land uses do they want the town to vote on. He said that he, Roger and the Planning Board will put together some language for both Boards to look at. He is just looking for some direction and ideas of what they want so he can put something together for them to discuss further. Whatever they decide tonight is not what the end result will be. It is just a starting point. Selectman Galemmo stated that if they want to make it more direct, he will make a motion that they ask the Planning Board, Town Manager and Code Enforcement Officer explore the options for cultivation in the town. This will decide if they even need to discuss it further. The Board agreed.

Selectman Galemmo motioned to have the Planning Board, Town Manager and Code Enforcement Officer explore the options for cultivation in the town. Selectman Johnson, Sr. seconded the motion. VOTE: 5-0

Chairman Hall asked if they just want to have cultivation limited to Farm and Forest. Selectman Galemmo said that he doesn't think they want it in Residential I and II. Selectman Johnson, Sr. said that if they have it only in Farm and Forest, they won't be able to do everything there. Right now, on their site, they do everything from growing to selling. If they are in Farm and Forest, they can only grow it and dry it. He said that it will be inside a building anyway so Farm and Forest won't make a difference. He believes that the Commercial zone is the right place to allow it. Selectman Cowan said that most of the growers grow indoors so it makes sense to have it in the Commercial zones. Jon Morse stated that if they want to allow outdoor growing than they can do that in Farm and Forest. Selectman Galemmo asked if they should allow outdoor growing in Farm and Forest. Chairman Hall said that they should. Matthew Qualls asked why they wouldn't allow it in Farm and Forest. Selectman Johnson, Sr. stated that if they want to sell it, they wouldn't be able to. Chairman Hall said that some people would just grow and dry it there then sell it in a building in the Commercial zone. Selectman Cowan believes that, especially in this climate, people that are growing it for medical and money making purposes will grow it indoors. She stated that they can still have their 6 plants in Farm and Forest. Selectman Galemmo said that if he was going to go into the medical marijuana business, he would not want to deal with growing it. He would buy it off of a grower, get the product in, extract the oils and make the edibles out of it. He would just basically need a kitchen area. Chairman Hall stated that this is why they should allow outdoor growing in Farm and Forest.

Selectman Galemmo said that they also have to consider the difference between the home growth and commercial growth. He has just been talking about the commercial growth at this point. He said that if home growing is just 6 plants and it is in your residence, it is a home grow. Matthew Qualls said that they just need to limit things by the space. Dwayne said that they definitely want to separate home and commercial growth. There should be separate regulations for each of them. Selectman Galemmo said that they can probably be a little bit more flexible with a home growth. Dwayne stated that a home caregiver can cultivate up to 30 mature marijuana plants and 60 immature marijuana plants. Currently they can only have 6 plants but when the new law goes into effect in the next few days, they will be allowed the 30 and 60. David Ballard stated that a caregiver is not a doctor or medical person and that it is not that difficult to become a caregiver. Anne Whitten said that they have to apply for a license through the State of Maine and they cannot be a felon. Annette Hume stated that the State will do inspections on the licensed caregivers as well. Dwayne said that they do not. He said that they can but they don't. There is only one person in the whole State of Maine that is doing the inspections.

Roger Frechette said that if they have that many plants, will 2,500 sf be big enough. Chairman Hall said that it probably wouldn't but we can still decide that we don't want anything bigger than that. He does not really want to see big metal buildings going up everywhere. Jon Morse said that there is a building in Berwick on Route 9 and there is one on the Wells dump road. If you drive by these, you would never know what it was used for. Those buildings are probably about 40 x 120 in size.

Selectman Galemmo stated that regarding cultivation, they want to make it so huge corporations will not be able to come in and set up massive growths. They need to also find a separation between commercial and home growths. Matthew Qualls asked how they were going to define a commercial growth. Are they going to do something like growing produce where it is considered commercial if you sell more than \$10,000.00? Selectman Galemmo said that they can also define it by the size. If it is so many square feet it is considered home and anything above that to a maximum of another limit is considered commercial. This would probably be the easiest way to deal with it. Anne Whitten stated that wouldn't anybody that is growing for profit be considered commercial and anyone growing for personal use be considered home. Selectman Galemmo stated that they would have to find some way to differentiate and that the size limitation would probably be the easiest way.

Chairman Hall asked what zones they want cultivation to be allowed in. Selectman Galemmo stated that he would be in favor of allowing the cultivation in Industrial, Commercial and Farm and Forest. However, they would not allow any of the other uses in Farm and Forest. David Ballard said that he would also want them to consider limiting how close it will be in a Residential zone. Selectman Cowan agreed that there should be a buffer zone. Dwayne asked the Board if they wanted to have any separation from sensitive areas such as churches, schools or residences. Chairman Hall said that the tricky one for him is the church. He said you can walk right out of the church next door and go across the street and get alcohol. He doesn't understand what the difference would be with having a retail store near a church. Dwayne said that almost every town that has a rule in place always protects the churches. Chairman Hall asked what the protection was for hard alcohol when it comes to churches. Dwayne said that it is based on door to door. They agreed to do 1,000 feet from schools, parks and churches. Dwayne asked if they wanted to require sprinklers for indoor growths. The Board all said that they did.

Selectman Galemmo stated that the manufacturing use should just be in the Commercial and Industrial zones. Everyone else agreed. Matthew Qualls asked if they were talking about manufacturing for the caregivers growing at home. Dwayne stated that manufacturing is typically an industrial use. Even though the manufacturing can be done within your home, you are talking about dealing with a lot of chemicals. He said that he doesn't know if they want to allow home manufacturing operations in a community. It is more appropriate for it to be in the Commercial and Industrial zones. He would recommend that they just have the same setbacks that are already in the Commercial and Industrial zones.

Chairman Hall asked Dwayne to talk a little bit about the signage standards. Dwayne said that there are 2 different things that they are going to be looking at regarding signage. The State law is very clear when it comes to advertising. No advertising is allowed within 1,000 feet of any school. The towns can reduce that to 500 feet. This means that they can't go out and do mass advertising. The other part is the signage. If we say that the setbacks are 1,000 feet, they cannot have any signage within 1,000 feet. Dwayne said that in South Portland, they put in that you cannot have the word marijuana on your sign unless it is preceded by the word medical.

Selectman Galemmo asked how the Board felt about testing facilities. Selectman Johnson, Jr. said he doesn't mind if they would be in the Industrial zone and the Commercial zone. Annette Hume said that it would be great to have the testing because then you would keep the community

safer. Selectman Galemmo said that the testing lab will be taking samples in from all over, testing them and then sending them back a report with the potency. Matthew Qualls said that he would be worried about traffic coming in. Selectman Cowan agreed. She said that if we become a testing facility location and other towns are not on board with that, then we will become the mecca. Selectman Galemmo said that it won't be the patients that will be going to the testing facility. It will be the manufacturers that will be shipping the samples to them. Jon Morse said that it would be just like having your water tested. Dwayne said that even if we allow testing facilities, they will still need to be certified by the State. There is a whole other area of review. Selectman Galemmo said that he doesn't think that we would get one in town anyway. He thinks that they will be found more in places like Portland. It is a lab so you will have people with advanced degrees doing the testing. They will want to be in a more centralized location.

Dwayne said that the next item is regarding dispensaries. He stated that we already have rules regarding dispensaries within our community. The first question is if we want to do away with allowing dispensaries within our communities? If we want to continue to allow dispensaries in our community, do we want to change any of the current zoning standards that we have? Selectman Galemmo asked what the current standards were. Dwayne said that they are only allowed in the Village Center District. Selectman Cowan asked why we need a dispensary in the town when we are allowing it to be grown and sold. Dwayne said that a dispensary will never be built in this town. You have to go through the State of Maine and have always put them in a city. Selectman Cowan said that she would rather not allow them at all. Selectman Galemmo said that if they put on the ballot that we are going to not allow registered dispensaries, it will fail. People will vote against it. Dwayne said that we would need to amend the current Ordinance that we have because we do not comply with State law. Selectman Galemmo said that we limit it to 1 dispensary which is never going to happen, why make a fuss out of it.

Anne Whitten is wondering why this has brought up such conversation. We have been wanting a pharmacy to come into town that sells all this stuff to all these people that can buy it and give it to our children. It just seems that the reason why it is marijuana is that all of the stigma that has come from the past regarding marijuana. It seems like a lot of people have fear of it. It's been here forever. She's wondering if it is because of fear that all of these things are coming up. Dwayne said that he thinks it's because the State has just come out and said that we have to do it. He said that the only reason that it is now is because before the State said that we couldn't do anything. Up until 2 years ago, medical marijuana was illegal in the State of Maine. Up until a year ago, recreational marijuana was illegal in the State. Now the State has said that they are going to allow it and they threw everything into the laps of the towns and said that we have to take care of it. Annette Hume said that this is why the townspeople need to vote on it. We should also have the Police Department and medical personnel involved in these talks. Selectman Cowan said that they have to be careful of how they approach it.

Anne Whitten was a little concerned with a comment that Selectman Cowan said about not wanting to collect all of these marijuana people. She doesn't understand because it's medical marijuana. Selectman Cowan said that it is technically still considered to be a drug and not just a medicine. Right now the Federal Government still considers it to be illegal so it puts us in a difficult position. She said there are ramifications and we need to do our due diligence when dealing with it. Matthew Qualls said that one of the things that they need to do is to educate

everyone. We need to explain to everyone what these things are when it comes to medical marijuana.

Anne Whitten said that she doesn't feel that it is up to the 10 people on the 2 Boards to decide what should be allowed or not. Dwayne said that it is how we are set up. If the citizens decide they want this to happen, they can petition. Dwayne said that as a member of the Board of Selectmen and Planning Board, it is their responsibility to do what is right for the community. He said that everybody is going to have a different opinion of what is right for the community. That is why there are 5 people. Anne Whitten said that she doesn't think that it is her right to tell people that they can't have it when it is something that they originally voted on to have. The town already voted on the dispensaries in the past. Dwayne said that the town was actually not allowed to prohibit them. We had to allow them and add standards to them.

Dwayne said that the next use to consider is the Retail Stores. He needs to know if they want to allow them. Selectman Galemmo stated that he feels we should allow them but maybe limit how many we have as well as which zones. Selectman Cowan asked how many Commercial zones we have. Dwayne said that we have three. Anne Whitten asked Dwayne what the difference was between a medical marijuana store and a dispensary except when it comes to the selling of the marijuana. Dwayne said that with a registered dispensary you have to get a license from the State. With a retail medical marijuana store, a caregiver can start one up and don't need a license from the State of Maine. Dwayne also said that a dispensary can have cultivation but a retail store cannot. Selectman Galemmo said that it seems that a dispensary can do everything from cultivating, manufacturing and sales.

Chairman Hall asked if they wanted to put the Retail Store use before the people. Selectman Cowan stated that she was opposed to having retail stores. Annette Hume agreed. Chairman Hall said that he was fine with not putting it before the voters but they should be prepared to have petitions brought forth. Selectman Johnson, Jr. asked if a petition went through could the Board add any conditions to it after? Dwayne said that if the citizens put a petition together, they need to say in their petition what they want the town to vote on. It will be voted on up and down. The will not be able to add anything to it. Dwayne said that if they decide to not put the retail stores on the ballot and a petition comes in that has 222 signatures on it which says, "We will allow retail medical marijuana stores in all zones in our town.". It would go to vote and if it passes it becomes the law of the land. No standards or anything could be added on. The only thing they could do at a later date is add standards but this would allow for a period of time where it would be open for anything in any zones. He said that there would be stores opening up the next day. Everyone that opens a store before the changes would be approved would be grandfathered in for everything. Chairman Galemmo said that they could put it on and limit how many we would allow and they could set up standards for it. If people vote it down than that's it. If they vote it in, there is just the number that they limited it to. Selectman Cowan said that the problem with that is that it makes it look like we are encouraging this operation. Selectman Galemmo said that they are encouraging the use of medical marijuana and not recreational marijuana.

Chairman Hall said that he thinks that it would be dangerous to not have it on the ballot because if they get a petition and it passes, we can't do much about it.

Chairman Hall asked Dwayne about the question of edible sales standards on his list of questions. Dwayne said that if we are going to have retail stores are we going to allow edible sales. The State says what has to be on label on the package. The State also says what the edible can be and cannot be. It can't be in the shape of a human, a fruit or an animal. The towns can say that we will allow retail sales but that we will not allow edible sales in the stores. We can even go further and say that we allow retail stores but we are not going to allow candy edibles. Matthew Qualls said that he is concerned with the labeling that the State has. Dwayne said that people find that the candy edibles are aimed at kids and you don't want that to happen. Selectman Galemmo said that adults have to be responsible. There are a lot of prescription pills that come in many different colors. Selectman Galemmo said that edibles are such a common thing and doesn't have an issue with it. Chairman Hall said that he thinks that it is important for people that have illnesses like asthma that can't smoke the marijuana.

Chairman Hall would like to know if they can do just black and white signs with no pot leaves on them for their signage. Dwayne said that he will research it.

The Board agreed to no onsite consumption, no drive-thru, and no delivery. Chairman Galemmo asked what would a person do if they are a senior citizen or are disabled. Anne Whitten said that when you go into a medical dispensary, you can assign one person to pick up your medicine. The Board agreed to not allow mobile operations such as Farmers Markets or kiosks. Regarding cultivation, Dwayne asked about the use of pesticide and herbicides. He said that South Portland has gone to very restrictive and the herbicides and pesticides have to meet a Federal organic standard. The Board agreed to this.

Dwayne said that they needed to discuss fees. He said that Sanford charges \$1,500.00 per year for production fees which would be a cultivation, manufacturing or testing facility. They do not show anything for retail stores. Selectman Galemmo stated that they should gear the fees to how much time will be involved by our CEO for inspections. Dwayne said that that will be based on how many complaints that they get. Selectman Galemmo said that he means that if they require 2 inspections a year then that would require so much of his time and they should make sure that this amount is recouped. Jon Morse stated that once the business is started what exactly will Roger have to go and inspect? Dwayne said that he will need to make sure that they are complying with everything. Selectman Galemmo said that he could check and make sure that there ventilation is working properly. Dwayne said that Roger has gone to the facilities that are in town already many times. If they get a complaint about the odor, he goes in and makes sure the ventilation is working correctly. Selectman Galemmo said that they could use this historical data to help build a fee. It would be an annual fee.

Dwayne said that there is another change that they will be doing. It is a change to the Street Ordinance that he will present for the Board to consider. It is just a clarification. When we created the Street Ordinance we didn't differentiate between Private Drive and Private Way.

4. Unfinished Business:

A. Public Works: Project Updates, Plow for Loader

Dwayne said that most of our paving is done with the exception of Bauneg Beg Hill Road. If everything goes right, they will be doing our trench patches at the end of this week. The goal is to get Bauneg Beg Hill Road completed by the end of this month. He said that it looks like it will be close with the budget and we should be okay. If we do go over, it will be by just a small number. Selectman Johnson, Jr. asked if they were going to do the shoulders on Quarry Road. Dwayne said that they will be doing shoulders on everything. Right now, our shoulder truck is in the shop and we will be spending \$4,000.00 to fix it. It went into the shop for brakes but we had to put a new radiator in and a new manifold gasket. The truck should be back next week and we will do the roads then.

Dwayne said that the Project Canopy is supposed to be done by the end of this month, but we are not going to make it. He talked to Project Canopy and they will allow us to extend. He needs to write a letter to them and he will try to extend it out to July of next year. The Boy Scout project has been going on and he signed the paperwork last Thursday. He will start to do his fundraising. They will deliver the wood even though they are not fully paid and he will start the project in the middle of the month. As soon as the leaves are off the trees, he will have the guys go in and so some of the clearing and then they will finish it up in the spring.

Dwayne said that they budgeted \$10,000.00 for a plow for the loader this year. He said that we typically buy our plows from Howard Fairfield. When we got the updated quote from them when we went to buy it, the price went from \$10,000.00 to \$10,800.00. He contacted them about the increase and asked them for other options. He also told Mike to get prices from other companies. When they got the pricing from other companies, they found that Howard Fairfield may not be the best deal. The best deal is actually Viking Cives out of Lewiston/Auburn. We can have basically the same blade that Howard Fairfield had but they are charging us \$9,600.00 but we can get it for \$7,800.00. His recommendation is to authorize the purchase of a new loader plow from Viking Cives for \$7,900.00. They will add the rubber deflector and the better carbide blades for \$375.00. What they would like to do with the balance of the \$10,000.00, is to perform some repairs on the old plow. We want to repair some of the metal work which would cost \$1,200.00 but it would give us an extra plow. We don't have an extra reversible plow right now. Fixing the old one would allow us to keep it in case something happened.

Selectman Galemмо motioned to approve the purchase of the loader plow for about \$7,900.00 and repair the old plow for no more than \$1,200.00. Selectman Cowan seconded the motion.
VOTE: 5-0

Reminders: Next Board of Selectmen's Meeting – Oct. 16, 2018-6:3- pm Municipal Building
October 11, 2018 – 6:30 pm Three town meeting – Noble High School

5. New Business:

B. Parks and Rec: Colleen Fahy Application for Commission

Dwayne said that he has an application from Colleen Fahy to become a member of the Parks and Rec. He said that she submitted the application in June but she wanted to go to some meetings first. She now feels that it is something that she would like to do. He would like her to come to the October 16, 2018 meeting to meet the Board. The Board agreed.

6. Other Business:

Dwayne stated that York County is holding a Spirit of America Foundation tribute on November 7, 2018. All of the Spirit of America recipients in York County are invited to attend. All of the kids that we gave the awards to will be recognized again at this meeting.

Dwayne said that on November 11th, the Veterans will be having a ceremony to dedicate the WWI monument that they built at the Veterans Cemetery in Sanford.

7. Review and Approve Warrants and Correspondence:

Warrant:	September 25, 2018	- \$	0.00
Warrant:	October 2, 2018	- \$	104,149.22

Selectman Galemmo motioned to approve the Warrant of October 2, 2018 for the amount of \$104,149.22. Selectman Johnson, Jr. seconded the motion. VOTE 5-0

8. Adjournment:

Selectman Galemmo motioned to adjourn the meeting at 9:25 pm. Selectman Johnson, Jr. seconded the motion. VOTE: 5-0

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.