

North Berwick Board of Selectmen Minutes October 16, 2018

**NORTH BERWICK BOARD OF SELECTMEN MINUTES
OCTOBER 16, 2018**

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

Also Present: Dwayne Morin, Linda Dutch

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

1. Pledge of Allegiance

2. Review and Approve Minutes of October 2, 2018

Chairman Hall stated that on Page 4, the 10th sentence of the 2nd paragraph currently reads, "...separate Warrants, then they people...". It should read, "...separate Warrants, then the people...". Also on Page 5, the 1st sentence of the 1st paragraph currently reads, "...they are doing is trying to figure out". It should read, "...they are doing is trying to figure it out". He also stated that on Page 6, the 1st sentence of the 1st paragraph currently reads, "...any Ordinances or actually writing any.". It should read, "...any Ordinances or are actually writing any.".

Selectman Glemmo motioned to approve the minutes of October 2, 2018 as amended. Selectman Johnson, Jr. seconded the motion. VOTE: 5-0

3. Public Input

Linda Dutch stated that she was here about the speed limit on Route 9 again. She has decided that she would like a letter to be sent to the State to change the speed limit. She stated that it is the only stretch of road in that area that is 50 mph and they are coming down the hill very fast. She said that the speed limit turns to 40 mph right before getting to Hannaford. She said that if you go all the way to Berwick there is nothing that is 50 mph. It is all 45, 40 or 35 mph.

Chairman Hall asked if the Police Department had looked into this yet. Dwayne said that the Board did not vote on any action being taken at the last meeting. He said that Ms. Dutch had decided not to pursue it so the Board did not vote to take any action on it. Ms. Dutch stated that she would now like to pursue it and the State told her that the request had to come from the town. Selectman Johnson, Jr. asked what the next step would be. Dwayne said that they would send a request to the Police Department for them to review and see if it is something that they would recommend. If they do recommend it, then the Board would ask him to pen a letter to the State asking for the speed limit to be lowered to 45 mph where it is currently 50 mph on Route 9. Selectman Cowan asked how long the section that was 50 mph is. Dwayne said that it is probably about a mile.

Selectman Cowan motioned to have the Police Department to review the request to change the speed limit from 50 mph to 45 mph on Route 9. Selectman Johnson, Sr. seconded the motion.
VOTE: 5-0

4. Unfinished Business:

A. Public Works: Project Updates

Dwayne stated that they did the shim coat on Bauneg Beg Hill Road on Friday. They hope to put the surface on it tomorrow. He said that the shim cost came in at about what they thought it would be in terms of tonnage numbers. He is still thinks that they will be a little over budget but he doesn't think it will be a significant number. Chairman Hall asked if the shim coat was the whole length or just on the corner. Dwayne said that it was from Oak Woods Road to Hammond Road. Dwayne said that they should be getting our truck back tomorrow so they can start on the shoulders on Quarry Road, Eastern Avenue, Diamond Hill Road and Bauneg Beg Hill Road. They want to get the shoulders done before the winter sets in. Dwayne stated that they will be starting to put up the winter sand tomorrow.

Dwayne stated that they have made the request to Project Canopy to extend our grant period to June 30th. He said that it appears like they will grant the request. He stated that the boy scouts are starting on their projects of clearing the trails and putting the bog walks in. The goal is for the guys to get out there in the spring and finish up all of the trails since we have no road projects for the spring time. Dwayne stated that they have been working on the kiosk sign for the trails. He pulled up a copy on the computer to show them what it will look like. Selectman Johnson, Sr. asked about how many miles the trail was. Dwayne said that it was about a 3 mile hike. He stated that the goal was to hook it up to another trail eventually. Selectman Cowan suggested that they add in the amount of miles in each section as well as the feet. She feels that this will let people understand the distance better.

5. New Business:

A. Parks and Rec: Coleen Fahy Application for Commission

Dwayne stated that Coleen Fahy was not able to be here tonight because she was called in to work. He let her know what the available dates were in November but he has not heard back from her yet.

B. Commitment FY19: Review MVR Report; Abatement Request

Dwayne stated that, every year, they have to send in the Municipal Valuation Return. It is a summary of everything that we have for property within our community. This is the form that triggers our reimbursements for things like Homestead, BETE, Veterans and Tree Growth. The State needs to receive it by November 1st. Selectman Cowan asked how many were eligible for that exemption. Dwayne stated that they have no idea because we don't track Homestead. The only time we know is when somebody submits an application. Selectman Galemme asked what the percentage rate was that the State reimburses us. Dwayne stated that it is 62.5% and this year

we will get about \$173,000. Dwayne stated that our big reimbursement is the BETE reimbursement which is \$1.7 million. The State will cut that check to us around the end of December.

Selectman Galemmo stated that he thought that Revenue Sharing was included in this. Dwayne said that this was a totally different thing in terms of how it is calculated. Chairman Hall asked how it was calculated. Dwayne said that, by Law, it is supposed to be by the percent of all sales tax revenue that is generated or received by the State of Maine. It has been knocked down to 2%. Chairman Hall asked how it gets disbursed to the towns. Dwayne said that it is based on your population and valuation. There is a very long calculation that is conducted and then your town is given a number which is a percentage of the overall total. Selectman Johnson, Jr. said that we lose out because we have a high valuation and a low population. Dwayne stated that we are getting Revenue Sharing of about \$140,000 per year. If you look at South Berwick, Lebanon and Berwick they are in the \$300,000 area.

Selectman Cowan asked if they were scheduled to do a town wide reassessment of properties at some point. Dwayne said that they do not currently have a plan to do so because we are well within the range. We are currently at 100%. Dwayne stated that as the market gets much stronger within our area, he thinks that we will see our numbers drop from 100%. He wouldn't be surprised if next year we are in the mid 90's. The values that we see are properties selling for are consistently more than what we have them valued at. He stated that there are 2 numbers that they look at. They look at the percentage of fair market value but they also look at the quality rating. If the percentage goes below 79% and the quality rating goes above 20%, then this would be a call to do a revaluation. He said that our quality rating is at 8% which is fantastic and last year we were marked at 100%. Dwayne said that our building numbers are pretty consistent but our land numbers are harder to ascertain.

Selectman Galemmo motioned to approve the Municipal Valuation Return. Selectman Johnson, Sr. seconded the motion. VOTE: 5-0

Dwayne stated that they had an abatement to review. He said that it was a computer error. The Homestead and Veteran's Exemptions on Thomas & Kathleen Cote's property on Oak Woods Road was accidentally removed from the computer. The Cote's had put it in a Trust but the Trust is still in their name so they are still available to get the Homestead and Veteran's Exemptions. An abatement is in order for \$335.40 for Tax Account #1821.

Selectman Cowan motioned to approve the abatement for Tax Account #1821 for the amount of \$335.40. Selectman Galemmo seconded the motion. VOTE: 5-0

C. Town Meeting FY20: Review Schedule for FY20; Discuss Budget Items

Dwayne stated that it was the time of year to set the Town Meeting date for the Fiscal Year 2020. He said that they usually set it for the first Saturday in April and this year it is April 6, 2019. On Page 52 of the Selectmen's packet, is the timeline for the budget process for the Board to consider for approval.

Selectman Galemmo motioned to approve the budget process timeline and for the Town Meeting to be on April 6, 2019. Selectman Johnson, Sr. seconded the motion. VOTE: 5-0

Dwayne stated that he had also included the CIP for the 2020 year. He asked them to think about items that they would like him to consider in the budget and let him know. He will keep it as an ongoing item on the agenda. He said that they are only looking at a couple of big things for next year. They are getting a Police Cruiser, Public Works One Ton and the Wheeler for the Public Works. Selectman Cowan asked if the police cruiser was going to be another SUV. Dwayne said that it was. They are moving more towards SUV's. When they look at maintenance costs on SUV's compared to the cruisers, they pale in comparison. It is basically just oil changes and tires. The oldest one is 3 years old now and he said it runs like it is brand new. They are built better. Selectman Cowan asked what the make of the SUV was. Dwayne said that they are Ford Explorers. He stated that at about 75,000 miles, the cruisers start breaking down and at 125,000 they really start breaking down more. He said that the oldest SUV they have right now has over 125,000 miles on it and all they have done on it is tires and oil changes. Selectman Johnson, Sr. asked if the gas mileage was worse. Dwayne said that they haven't seen their gas costs increase at all. The only difference in gas mileage is only about 1 or 2 miles per gallon even on the sticker. Dwayne said that the actual cost between an SUV and a cruiser is only a difference of about \$1,600. When you look at it over the course of the lifetime of the SUV it is a better deal. He also thinks they will get a better trade in or resale value when we turn them over.

Chairman Hall asked if the \$50,000 for the Fire Station addition would bring the total up to \$150,000 in the account. Dwayne said that it would. He said that the Fire Department will be coming in at the 2nd meeting in November to expend some of that money. They are looking to spend about \$22,500 for engineering and site work. Dwayne said that they will also still be paying off the ambulance, which we took possession of and should be in service by the end of the month.

Dwayne stated that the roads that they are looking at working on next year is the starting of the Valley and Ford Quint Road project. This is a 3 year project on each of these. They will start putting money aside for back Beech Ridge Road and will do the 2nd half of Bauneg Beg Hill Road. The Valley and Ford Quint roads are significant roads. They will be shim and overlay and because they are such long distances of road, there is no way we can do it in one year.

D. November Election: Review Draft Newsletter, Appoint Ballot Clerks

Selectman Cowan had a suggestion in regards to the Newsletter. On Page 65 of the packet, the headline that reads, "Tax Rate Increases to \$12.90". She thinks it should use the word Established instead of Increases. She stated that they have been very diligent about maintaining the tax rate but by using the word "increase" it seems to be more negative. Selectman Cowan also stated that it should just read, "Tax Rate Established". It may make the people read the section to see what the rate will actually be.

Dwayne stated that the first few pages of the Newsletter is the election guide. He then has a Memoriam to Hoki, the K-9 dog. He went on to discuss some budget information and put in some information about the Medical Marijuana Retail Store Moratorium. He added the photos

of the new ambulance and police cruiser, information about the highway projects that were done, information about winter plowing and information about upcoming Parks and Recreation Fall events. Also on the pack page, he added a section called Get Your Can to the Polls. This is something that Assessing Departments across the State of Maine have started. All of the Assessors in the State of Maine are trying to encourage people to bring non-perishable items to the polls. Our Food Pantry will be at our polls with a truck or van so we can stuff the van with food items.

Dwayne said that the newsletter will be sent to the printer on Friday.

Dwayne also said that they need to appoint Ballot Clerks for the upcoming November election. Chris Dudley is recommending that they appoint Susan Ouellette, Susan Caler, Sharon Litvinchuk, Laura Eves, Lisa Corcoran, Karen Cordier, Joanne Foster, Gregg Drew, Michael Johnson, Jr., Gretchen West, Shirley Patstone, Linda Pedersen and Nancy Dennett.

Selectman Galemmo motioned to appoint the above mentioned people to be Ballot Clerks at the November 6, 2018 election. Selectman Johnson, Sr. seconded the motion. VOTE: 4-0 Abstain: 1

6. Other Business:

Selectman Galemmo asked about the huge Brakey political signs. He said that there is one on Elm Street and one on Route 9 headed towards Wells. He said that they are 4x8 and are 2 sided. She said that there is also one for Hicks at the end of Randall Road that is large. Dwayne said that he will have Roger Frechette look into it tomorrow.

Selectman Cowan said that the lighting on the new sign out in front of the building is terrible. She asked if it would be possible to put a light in the ground that would shine up on it. Dwayne said that the problem with that is that the lawnmower would take it apart. Also in the winter time, they would have to have someone go out all the time to shovel it out. Selectman Cowan asked if there was any other type of light that they could use to light the sign better. Dwayne said that he looked at many types of lighting for it. He said that the way the sign is constructed, it is not constructed for light. He stated that they can put lights on it but he thinks it will look worse. Selectman Johnson, Sr. asked how high up the sign was. Dwayne said that it is about 4 feet above the ground. Selectman Johnson, Sr. asked if they had something out there like a planter type thing that could have a LED bullet light attached to it. Dwayne said that they would have something away from that sign that would look up to the sign. They couldn't put it directly under the sign because when they mow the lawn, they go directly under the sign. Dwayne stated that he had looked to have something on the sign like a gooseneck lights but he couldn't find any white ones. Selectman Johnson, Sr. said that you can make it out of half inch conduit, mount it on a box and you need to bend it. He asked Dwayne if it was a flat top on the sign and Dwayne said that it wasn't. He said they will need to put something on top to attach lights to. They will also have to figure out what to do with the wires so they are hidden. They would have to use conduit and come off the box that is at the base of the sign. It would have to go up the back of the sign and go over the top. They would need 2 lights that would shine down on the sign.

4. Unfinished Business:

B. Zoning Ordinance: Discussion on Ordinance Changes for FY19; Medical Marijuana

Dwayne stated that starting on Page 17 of their packet, is the paperwork regarding the zoning for Medical Marijuana. He said that he took the information from the minutes where they discussed it with the Planning Board and all the notes that he took from that meeting. He tried to capture everything that they wanted to cover but he knows that some of it may change as time goes on. He wanted the Selectmen to review it before he sends it off to the Planning Board to work with. Selectman Galemmo said that he read through it and it does seem to cover everything.

Dwayne said that on Page 17, it shows which zones that each of the uses would be allowed in. Home Cultivation would be allowed on all zones. Medical Marijuana Commercial Cultivation would be allowed in Village Center, Farm & Forest, Commercial District, Commercial District II and Industrial zones. Medical Marijuana Retail Store, Medical Marijuana Testing Facilities and Medical Marijuana Manufacturing Facilities will be allowed in Village Center, Commercial District, Commercial District II and Industrial zones. Medical Marijuana Dispensaries will be allowed in the Village Center only.

Dwayne stated that the next couple pages are just definitions. These definitions are from the State of Maine Law. Everything references 22 M.R.S.A 2422. He did this so we keep things consistent so our Ordinance and the State Ordinance will be the same.

Dwayne stated that Page 21 is in reference to Dispensaries. He said that we already have an Ordinance regarding Dispensaries. This is only an amendment to bring it into compliance with the new State law. Everything that is crossed out will be eliminated. He said that before we had it as Dispensaries and cultivation but we will now separate them out. The setback was changed to 1000 feet because that is what the Board had discussed. Selectman Cowan asked if they had discussed the distance from a daycare. Dwayne did not think that they did. Selectman Cowan feels that anything having to do with children should be 1000 feet. Dwayne said that he will change it. Selectman Galemmo asked what would happen if a dispensary is open and then a daycare applies but is within a 1000 feet. Dwayne said that the daycare is out of luck. Dwayne said that the daycare could go there but they need to know that they are within 1000 feet. He also added the following:

J. If there is both Medical Marijuana commercial cultivation and dispensation of medical marijuana occurring on the same site, the cultivation area shall not be greater than 25% of the total floor area of the portion of the building used for dispensation of medical marijuana.

L. On-site consumption of medical marijuana. The consumption, ingestion or inhalation of medical marijuana on or within the premises of a medical marijuana dispensary or cultivation facility is prohibited. For purposes of this subsection, the term "premises" includes the actual building, as well as any accessory structures, parking lot or parking areas, or other surroundings within 200 feet of the medical marijuana dispensary's entrance.

Chairman Hall said that under Section H, it says that it needs to be 1000 feet from parks. He asked if they wanted to keep it at this distance. Selectman Cowan said that she had no problem with that. Chairman Hall asked if they wanted something in the Village or not. Dwayne said that it is already allowed in the Village right now. Chairman Hall asked where in the Village it would go. He said that they have a church so 500 feet from line to line is not going to work and there is the playground so 1000 feet won't work. Dwayne said that the Village consists of anything from Portland Street to Route 4. Chairman Hall asked Dwayne if he saw that a dispensary could be on Portland Street. Dwayne said he does not foresee ever seeing a dispensary in town. Chairman Hall said that he was confusing Retail Stores with Dispensaries.

Dwayne said that what he did is he wrote everything all out and then he laid them all out on his desk. He found that many of the conditions applied to all of them so he did specific conditions for each of them and then he did a generic one for all of them. He did do something a little different for Cultivation for something that they did not talk about but he wants them to be considerate of it. He said that they talked about home cultivation for medical marijuana but you can home cultivate for marijuana too. He wrote the standards for both home and medical because there is nothing that prevents people from cultivating but it does allow us to regulate it. He basically took the same standards that Sanford had and used them for our conditions. He stated that Cultivation is allowed in all zones. The person has to own the home. If they don't own it, they have to get permission from the owner. It has to be an enclosed locked facility that can be inside or outside. A quarter of the square foot of the dwelling or no bigger than 120 square feet.

Chairman Hall asked about Section C regarding gases. Dwayne said that Sanford had this in there because they found that people were using gases and it becomes very dangerous. Chairman Hall said that he was thinking about heating. If someone is growing something indoors in the winter is that going to fall under this. Dwayne said that it would not. This has to do with pumping Sulphur Dioxide into the air.

Selectman Cowan stated that under Section A under General standards he may want to change where it says "his or her primary residence". She said that with the new climate of gender neutrality, some people may be sensitive about it. He may want to use the word "their" instead.

Dwayne said that they will need screening for outdoor cultivation. If the plants get too high, the Code Enforcement Officer would notify them that they have 10 days to become compliant. They cannot have any commercial sale of marijuana that is grown for their own personal use. They have to be compliant with the health and safety codes which will be more for the electricity than anything else. They will need to use the Federal FIFRA standards for chemicals and pesticides which is the non-synthetic insecticides, fungicides and rodenticides.

Regarding odor management, he used a generic odor management for homes. It reads, "Any primary residence, outbuilding, garage, or other structure used for cultivation shall have proper ventilation to prevent mold damage and to prevent odors or particles from becoming a nuisance to surrounding properties or the public." He said that when they get to the commercial, it is much stricter. Waste disposal is the same that we use for everything else. All of these have been regarding Home Cultivation and would apply to both medical marijuana and recreational

marijuana. Chairman Hall asked if they were going to also be voting on recreational marijuana in April. Dwayne said they weren't. They are only voting on home cultivation because the towns do not have the right to restrict home cultivation. The only thing we can do is regulate it. Chairman Hall said that, at some point, they are going to have to explain to people that this does include recreational marijuana as well as the medical marijuana. Selectman Galemmo said that it will be opposite everything else where if they vote it down then there is no regulation. With the other uses, if they vote it down, it doesn't happen.

Dwayne said that Commercial cultivation will be anything over 120 sf up to 2500 sf. Selectman Johnson, Jr. asked if it included both indoor and outdoor cultivation. Dwayne said that it did. It has to be in an enclosed locked facility and needs to be screened if it is outdoors. He added a colocation conditions. Caregivers are prohibited from collocating cultivation facilities in the same property/building to increase canopy size limitations. This means that they can't get together and say that they can do 5000 sf instead of the 2500 sf.

Chairman Hall asked Dwayne if he had included anything about how far away they need to be from the road that is different from what we already have in our zone. Dwayne said that he didn't because they never discussed that. Chairman Hall said that he would like to see more of a setback for outdoor grows. Dwayne said that it has to be screened and enclosed. He said that they are going to go into existing buildings. Chairman Hall asked if they wanted to grow outdoors. Dwayne said that there are no setbacks for outdoor growth. You can grow right up to your property line. Chairman Hall stated that they could do some setbacks and Dwayne said that they could. Chairman Hall would like to see a setback away from the road. Selectman Galemmo thought that they weren't going to have any outdoor growth outside of Farm and Forest. Dwayne said that they wanted both. Selectman Galemmo said they wanted it in both zones but he wanted it just in Farm and Forest for outdoor growth. Chairman Hall said that he would be fine with that but other people said it should be everywhere. Selectman Galemmo said that if it is in Village Center or Commercial they wouldn't be able to do it. Chairman Hall said that there are some places that are not Farm and Forest like Maple Street that are large enough to have outdoor growths. Dwayne said that they can state that commercial growths can only be grown indoors. The Board agreed. Chairman Hall said that they should also add a 100 foot setback off the road in Farm and Forest. Dwayne asked if they wanted to do setbacks from the sides and rear as well. Chairman Hall said that they should keep it consistent and have it at 75 feet. Dwayne will add it. Dwayne stated that the sections regarding chemicals and pesticides and gases are the same. He said that there are a whole bunch of general standards that they will talk about later.

Dwayne said that regarding Testing Facilities, they are allowed in Commercial, Commercial II, Village Center and Industrial Zone. One of the things that he put in is that they cannot be collated with any other medical marijuana establishments. This is actually a State law. They have to have ventilation systems to stop noxious gases and fumes. There will be no setbacks from sensitive uses. We will utilize the setbacks in the Zoning District. Selectman Cowan asked what this meant. Dwayne said that there would be no setback from churches, parks or schools. Chairman Hall asked if the State said they needed to be 1000 feet from schools and Dwayne said that they did not. Selectman Cowan feels that they need to be consistent with the other uses. Selectman Johnson, Sr. said that they are not going to be mass producing it there. They will get

samples, test them and send out the results. Dwayne said that it is more like a lab. Selectman Johnson, Sr. stated that they are not allowed to sell there. Selectman Glemmo doesn't feel that they need to be away from churches or schools because it is just a lab.

Dwayne said that they probably want to have setbacks regarding the Manufacturing Facilities. It currently states no setbacks just like it did for the Testing Facilities. He will change it so that they will require setbacks.

Dwayne stated that the next section was regarding the Retail Medical Marijuana store. He said that they had discussed having no more than one store allowed in town. He talked to the attorney and they came up with a lottery system. It is the same system that Hallowell is using. We will allow one license to be issued. We will advertise and tell people when they need to submit their application. We will then review the applications. Dwayne stated that it would be a cursory review with no substantive review. We are just seeing that they have a site, a plot plan and they think that they want to do it there. We don't want to do a substantive review because they still need to get Planning Board approval. The Lottery would come to the Board of Selectmen first and they would pick a name out of a hat. Whoever is picked has to go before the Planning Board. The Planning Board goes through the process and they decide that the winner cannot do the store at the location they picked. It would come back before the Selectmen and they would pick another name out of the hat. That person goes through the Planning Board process and is awarded the license. Once this person is done with the store, it starts the whole lottery process again. It is not automatically transferrable to anybody else. Chairman Hall stated that they could then not pass it down to their children and Dwayne said that was correct. The person will have to go through a yearly licensing as well.

Dwayne said that the stores will not be allowed to have a drive-through or do home delivery. They need to have a secured sales area. All medical marijuana, prepared medical marijuana or medical marijuana products have to be stored in a secured area accessible only to store employees. They can't just leave it lying around on a table. Needs to be in a locked case. Dwayne said that he did ask about age limitations. He said that the owner of the store shall include in their operations manual a process that prohibits persons under the age of 18, unless accompanied by their Parent or Legal Guardian or have a Medical Marijuana Qualifying Patient's Card, from entering the Medical Marijuana Retail Store. Selectman Cowan asked how they were going to enforce that. Dwayne said that it will be very difficult. However as long as we have it in writing, if they violate it then they can lose their license.

Dwayne also included that no cultivation allowed in conjunction with the Medical Marijuana store. This is a State law. They can cultivate someplace else but not on site. He also included that it cannot be co-located with any other medical marijuana establishment.

Dwayne said that he thinks he captioned everything that they wanted. He said that these were specific standards for each of the uses. Now they need to review the general standards. He stated that some of these are duplicate but he just wanted to make sure that it was stressed. He said that these are for all medical marijuana establishments unless it states in another part that it doesn't apply. Selectman Glemmo said that if he wants to open a medical marijuana store under an LLC, would his license from the State be for the LLC? Dwayne said there is no State

license for the store, only for the caregiver. Dwayne said that, technically an LLC couldn't do it because they are not a caregiver so it is going to be in people's individual names. This isn't recreational so it will be in people's names. This means that the transfer is very clear because a caregiver cannot transfer it to somebody else.

Dwayne said that if they do not own their own property, they have to get written permission from the property owner. It needs to be a locked facility but it is not applicable to outdoor commercial cultivation. They need the following security and oversights: alarm systems, security lighting, video surveillance to operate 24 hours a day 7 days a week and kept for 30 days, a locking safe and deadbolt locks on the doors and locks on the windows. They have to be in compliance with the health and safety codes of the town. Waste disposal are the same as what was in the other ones.

The next section is regarding the setbacks from sensitive uses. They need to be 1000 feet from any existing public or private school, child care providers, park, playground and/or church. Selectman Glemmo said that this is a little different. Dwayne said that the other one was for a dispensary. This is for all other establishments. Selectman Johnson, Jr. thought that they had decided on a distance of 500 feet. Dwayne said that they said that they had said 1000 feet. Selectman Johnson, Jr. thought they said it was 1000 feet from the school but 500 feet from the park and church. Chairman Hall said that he thinks the store should be different. He would like it to be less. Selectman Cowan said that she can't agree on the park. She said that people take their kids to the park and shouldn't have that nearby. Selectman Glemmo said that the place that someone is looking at is the old bank down the street. He asked how far it was from any of these places. Dwayne said that it wouldn't meet the 1000 feet from the church because it is a little over 300 feet from the church. It wouldn't meet the parks because the Canal Street Park is about 500 feet away. Dwayne said that they can't go less than 500 feet for schools but they can do anything else for the other areas. Selectman Cowan can't agree with less than 500 feet for anything. She certainly does not want it by a park where parents bring their children. She said that most daycares have outdoor playgrounds. She stated that parks are not inhabited by adults only. Selectman Glemmo said that the people going into these stores are sick people that are going to get medicine. They are going to take it home. Chairman Hall thinks that the citizens want them to create something that they can vote on. Selectman Cowan said that they are not disallowing it. Chairman Hall said that they are not allowing it as a place downtown. Selectman Cowan said she wouldn't make the assumption that people want a place downtown. Chairman Hall said that he is not making the assumption but he feels that they should be allowed to vote on it. He said that right now they have to go elsewhere to do something. Selectman Cowan said that she believes that the reason they exist as a Board is to set up the parameters on some of these issues. She thinks that they need to be consistent. If we don't want it where kids will be playing such as parks and daycare, they need to be consistent on the standards. Selectman Glemmo said that if it is the way it is so that it can't be at that bank, then it will end up on Madison Street amongst people's homes or on Portland Street. Selectman Cowan said that they shouldn't be describing an Ordinance based on trying to favor a building. Chairman Hall said that he is not doing it to favor a building. Selectman Cowan said that that is the way it sounds and she is uncomfortable designing an Ordinance to favor a specific place. Selectman Glemmo asked if they want to see the stores in downtown or among all of the single family homes. Selectman Cowan said that it doesn't need to be among single family homes. Selectman Glemmo stated

that the way it is written now, in the Village area, it would be the only place it could be because of the park and the church. We would be automatically disqualifying the entire downtown area and could only go at one end of Madison Street or one end of Portland Street. Selectman Galemmo does not think it is a good idea to have it among the homes.

Chairman Hall said that the people could say no to retail stores and that would be fine with him but to say that they are going to allow a store on one side of Madison Street or one side of Portland Street is not a great idea. Selectman Galemmo said that it would be creating an Ordinance that isn't going to pass and not give people a real choice. Selectman Cowan asked if we were including retail stores in all the Commercial zones and Dwayne said they were. She stated that it would not limit it to just the area in town. Dwayne said it would include all of Route 4. Selectman Cowan said that there could be a retail store in that area. She said that she is not advocating to put a retail store right in the center of the town. She said that they allow it in a Commercial zone and that is the place for it to be. There's plenty of room where it will not impact individual homeowners or parks where kids are playing.

Dwayne asked the Selectman what they wanted the numbers to be. Selectman Cowan said that it should be 500 feet from parks and 1000 feet from schools and daycares. Dwayne said that he would just leave some blanks for now. The Planning Board will be discussing it as well and they may have other ideas.

Dwayne stated that they will need to obtain an Annual License. They have to create an Operations Manual and a Safety Plan. The idea behind these is to say how they are going things. This needs to be submitted when they go before the Planning Board. They need to create an Odor Control Plan. He took all of this information from Sanford because they have the most comprehensive plan. No on-site consumption is allowed.

Dwayne said that he spoke with the attorney regarding some signage changes. She will review what he has included in this draft. It states that all signage or advertising will not use the word "marijuana" or "cannabis" unless it is preceded by "medical". No symbols, phrases or words on the windows. Chairman Hall asked if they could request that it only be in black and white. Dwayne said that they can add it and have the attorney review it. Selectman Cowan asked what the standards were regarding people painting things on their windows. Dwayne said that this is a problem with our Sign Ordinance. It does not talk about window signage. She would like to include something about window signage so we don't have people painting all kinds of things in their windows. Selectman Galemmo stated that this is not recreational. It is medical so he thinks it would discourage people if they had some garish, ostentatious storefront.

Dwayne stated that he added something about inspections. The Code Enforcement Officer can inspect anything. Failure to allow the Code Enforcement Officer from inspection is reason for revocation of license. He also stated that if there are other laws, whatever is stricter applies.

Dwayne stated that the next several pages are regarding licensing standards for the towns. He said that he put the fee as \$500 for now. The way that he determined that is that every year, they have to get a license so they need to have a Public Hearing. The cost of a Public Hearing is \$250.00 to advertise for it. He figured on probably 2 inspections by the CEO which would run

about \$200.00 and he added an extra \$50 to cover paperwork. Chairman Hall asked if the inspections would be fairly quick. Dwayne said it probably would be. Selectman Cowan asked what the parameters were on figuring out what the fee should be. Dwayne said that it just needs to be reasonable and fair. Selectman Cowan asked how it is determined to be reasonable and fair. Dwayne said that we determine it and the only time it gets challenged is if it gets challenged in court. We need to back it up with our costs. Selectman Galemmo said that they could probably bump it up to \$750 in anticipation of complaints. The Board agreed to change the charge to \$1000. Dwayne said that they would have to come in to get a license every year just like the liquor license or junkyard permits.

Dwayne said that he tried to capture everything that they had talked about. He didn't want to send it to the Planning Board without having the Selectmen review and see if he captured what he needed to. Selectman Galemmo said that the hardest part of all of this is trying to separate it so that they are voting on each item. Dwayne said that he thinks they are going to actually 7 votes. They will have to vote on the General Standards regardless of what we open up. Then they will have each one set up.

6. Other Business:

Dwayne stated that MMA needs a LPC person from our area. Dwayne asked the Board if they would have a problem with him being that person. The Board said they were fine with it. It will mean that he will be out of the office 1 day per month because he will be in Augusta. Dwayne stated that it will give us some insight as to what is going on.

7. Review and Approve Warrants and Correspondence:

Warrant:	October 9, 2018	- \$	0.00
Warrant:	October 16, 2018	- \$	1,284,563.29

Selectman Galemmo motioned to approve the Warrant of October 16, 2018 for the amount of \$1,284,563.29. Selectman Johnson, Jr. seconded the motion. VOTE: 5-0

8. Adjournment:

Selectman Glemmo motioned to adjourn the meeting at 8:40 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 Glemmo

Selectman: Michael Johnson, Sr.

