



**BOARD OF SELECTMEN
Minutes**

July 19, 2018

6:00pm - Workshop

6:30pm – Regular Meeting

Broadcast Studio
423 Webbs Mills Road

Resolution: We, the Raymond Board of Selectmen, recognize our individual and collective responsibilities as leaders and representatives of our community. To this end, we pledge to conduct ourselves in a manner befitting these roles and duties. We pledge and encourage others to "Be the Influence" and to recognize that decisions matter.

Select Board members in attendance: Rolf Olsen, Teresa Sadak, Samuel Gifford, Lawrence Taylor, and Marshall Bullock

Select Board members absent: none

Town Staff in attendance:

Don Willard – Town Manager
Scott Dvorak – Code Enforcement Officer
Sue Look – Town Clerk

6:00pm – WORKSHOP

1) **Called to order** at 6:00pm by Chairman Sadak

2) **Discuss Possible Moratorium on Adult Use (Retail) Marijuana** – Phil Saucier, Bernstein Shur

Mr Saucier – Tonight we will actually be discussing Registered Caregiver Retail Stores, not Adult Use. We have 2 laws now (Adult Use & Medical) that have been recently rewritten by the legislature.

Adult Use (formally called recreational use) is now by "opt in" only (they are not allowed unless we do something to allow it) and would be a change to our ordinances requiring a Town Meeting vote. If you do not want them, you do nothing.

Selectman Bullock – If someone wanted to "opt in" how would they do it?

Mr Saucier – It would need to be an amendment to your ordinances which requires a Town Meeting vote. The Select Board could put it forth or it could be presented to the Select Board via petition and would need to be approved at a Town Meeting vote.

Medical Use – Registered Caregiver Retail Stores (formally called medical) can now be regulated by municipalities. Caregivers need to register with the State, not with the Town. This is a State licensed issue.

Chairman Sadak – How do we regulate this if they do not file with the Town? We don't know how many or who they are.

Mr Saucier – What the Town can do is along the line of Land Use changes. We can not

ban, nor can we limit the number, but we can regulate the store fronts, etc. If they already exist or are already approved, then they are grandfathered. After the new law changes go into effect (90 days after the Legislature adjourns – probably late October or early November) these retail stores will be “opt in”. For now we are between the original law and the changes.

Chairman Sadak – What if they are pending?

Mr Saucier – Pending is a different category. Pending applications do not have grandfathering effect. Moratorium and ordinances can be made retroactive – meaning that the moratorium or ordinance can be applied retroactively to any pending application.

Selectman Bullock – What about a store that wants to bring marijuana in as an additional product line?

Mr Saucier – I think you can take the position that that is not allowed due to the new State definition. Though that change has not gone into effect yet. The moratorium makes this clear and should not be able to be appealed. The moratorium allows the Town to get ordinances in place to regulate if the establishments are wanted.

Chairman Sadak – Can you speak to stores for medical marijuana who want to switch over to Adult Use?

Mr Saucier – They can not be in the same building. Also, retail is “opt in” and they will not be able to unless the Town votes to allow it.

Chairman Sadak – How are they testing for that when someone is pulled over.

Mr Saucier – It is much more difficult. Marijuana does not leave your system quickly, but testing positive is not necessarily operating impaired. The legislature is still working on that.

Selectman Olsen – Since it would be added to the Land Use Ordinance, the Select Board would approve to be sent to the Planning Board.

CEO Dvorak – When is an application considered approved? I consider it complete if they have provided all information I need to make a decision to approve or not.

Mr Saucier – Right.

Selectman Olsen – The moratorium addresses pending applications.

CEO Dvorak – There is nothing pending. There is one who is already licensed by the State as a caregiver. His is complete and issued.

Mr Saucier – The “take away” for municipalities is it is going to be opt in and you are going to be in control of the process. The purpose of a moratorium is to give you a pause to say, “Look, our Land Use Ordinances are not sufficient to deal with these and we want to take a look at it, we may or may not allow them and we may want regulations.” The wording of the moratorium has been sent to Sue and Don and has been updated with the correct dates. Adult use is not allowed at this point, it is opt in. You can only have 2 caregivers in a store. They have changed it to so many plants per patient instead of limiting the number of patients. They rotate the last patient – when the patient goes out the door they are no longer a patient. They can operate 1 retail store for each caregiver if the municipality opts in.

3) Closed Workshop at 6:29pm by Selectman Sadak

6:30pm – REGULAR MEETING

1) **Called to order** at 6:30pm by Chairman Sadak

2) Minutes of previous meetings

a) June 19, 2018 – Regular meeting

Motion to approve as presented by Selectman Taylor. Seconded by Selectman Bullock.

Unanimously approved.

3) New Business

a) Discussion on Possibility of Holding a Special Town Meeting to Vote on Moratoria on Registered Caregiver Retail Stores and on Mobile Homes in the Limited Residential/Recreational 1 (LRR1) and Limited Residential/Recreational 2 (LRR2) Shoreland Zoning Districts (Pursuant to 30-A MRSA § 4356) – Select Board

A Special Town Meeting is required for the Town of Raymond to enact a moratorium. This would be an Open Town Meeting with a show of cards or, if called for, a written ballot vote. The purpose of the moratorium is to allow the Town of Raymond to develop ordinance changes to govern marijuana activities after the State Laws go into effect later this Fall and to better define what type of housing is permissible in our various zones.

The one member of the public expressed approval of the moratoria.

b) Approve Warrant for Possible Special Town Meeting on July 31, 2018 to Vote on a Moratoria on Registered Caregiver Retail Stores and Mobile Homes in the Limited Residential/Recreational 1 (LRR1) and Limited Residential/Recreational 2 (LRR2) Shoreland Zoning Districts – Sue Look, Town Clerk

Motion to approve warrant article as presented for Registered Caregiver Retail Stores by Selectman Taylor. Seconded by Selectman Olsen.

Unanimously approved.

Motion to approve warrant article as presented for Mobile Homes by Selectman Taylor. Seconded by Selectman Bullock.

Unanimously approved.

c) Consider Extension of Peddler's License – Jose Chavez, A La Mexicana

The Select Board has in the ePacket an email from Laurie and Bob Mason outlining the status of the new diner.

Selectman Olsen – If you check back through the minutes you will find that we gave the Town Manager the authority to extend the Peddler's License as needed.

Chairman Sadak – I do not want to stop them from doing business and I know there have been problems with the building.

CEO Dvorak – They have had several issues. When it arrived there were issues with

mold which has had to be abated. They have gone through a couple of supervisors on the job and now the owners are doing it themselves. The fences, ramp and deck are going up. They expected to be up and running before Summer hit.

Motion to grant authority to the Town Manager to grant extensions to A La Mexicana's Peddler's License until the building is ready for occupancy by Selectman Olsen. Seconded by Selectman Taylor.

Unanimously approved.

d) Approve Warrant for August 14, 2018 Special Town Meeting Election Whether or Not to Begin Withdrawal from RSU #14 – Sue Look, Town Clerk

Motion to approve as presented by Selectman Taylor. Seconded by Selectman Bullock.

Chairman Sadak – This is the warrant article:

ARTICLE 2: Vote by secret ballot the question: Do you favor filing a petition for withdrawal with the Board of Education, authorizing the withdrawal committee to expend \$50,000 over 2 years and authorizing the Select Board to issue notes in the name of the Town of Raymond or otherwise pledge the credit of the Town of Raymond in an amount not to exceed \$50,000 over 2 years for this purpose?

This starts the process to withdraw. July 31st there is a Public Hearing for this warrant.

There will also be a Special Town Meeting on July 31st to vote at open Town Meeting to vote on the moratoria.

Unanimously approved.

4) Public Comment

None

5) Selectman Comment

Teresa – RSU Withdrawal – I can not get onto the RSU 14 website due to maintenance. You can find information on our website www.raymondmaine.org.

6) Town Manager's Report and Communications

First I would like to recognize our Town Clerk who has qualified to be recertified as a Maine Town Clerk.

a) Confirm Dates for Upcoming Special Meetings

- July 31, 2018 – Special Town Meeting to Vote on a Moratorium on Registered Caregiver Retail Stores and a Moratorium on Mobile Homes in the Limited Residential/Recreational 1 (LRR1) and Limited Residential/Recreational 2 (LRR2) Shoreland Zoning Districts
- July 31, 2018 – Public Hearing for RSU #14 Withdrawal Vote on August 14th
- August 14, 2018 – Special Town Meeting Election for RSU #14 Withdrawal Vote

b) Confirm Dates for Upcoming Regular Meetings

- August 21, 2018
- September 11, 2018

7) **Treasurer's Warrant** – none presented

8) **Executive Sessions**

- a) Town Manager's Annual Performance Review (Pursuant to MRSA 1 §405 (6)(A))

Motion to enter executive session at 6:50pm as listed above by Selectman Taylor. Seconded by Selectman Gifford.

Unanimously approved.

Motion to leave executive session by Selectman Olsen. Seconded by Selectman Taylor.

Unanimously approved.

Motion to extend the Town Manager's contract by 1 year and grant the increase as discussed by Selectman Olsen. Seconded by Selectman Taylor.

Unanimously approved.

9) **Adjournment**

Motion to adjourn at 7:19pmpm by Selectman Taylor. Seconded by Selectman Gifford.

Unanimously approved.

Respectfully submitted,

Susan L Look, Town Clerk