

SELECTMEN'S MEETING

May 8, 2018

1. APPROVAL OF AGENDA

Ed Walsh made a motion to approve the agenda, seconded by Kimberly Stacey-Horn. All were in favor, the agenda was approved.

2. MINUTES OF LAST MEETING:

Minutes of last meeting will be tabled.

Jill Kramer, Bourque & Clegg Re: Changes in Marijuana Law

The way the current ordinance is written is no longer valid based on the recently changed law. It references the wrong statutes. Ms. Kramer explained what the changes in the marijuana law were, and why our ordinance it is written incorrect, as well as our options.

Maine legislature over rode the Governor's veto last week and enacted new marijuana legislation entitled, "Don't use Marijuana, Marijuana Legalization Act" (28B MRS Section 101). The title section 7 (the portion that Acton based it's ordinance on) was repealed. The new 28B section was totally reworked to eliminate marijuana social clubs and add retail establishments such as nurseries and testing facilities are allowed. A lot of the same things in Title 7 are still there.

Major changes to the new statute are as follows:

- Makes it clear that municipalities must opt in, to allow any kind of marijuana retail establishments. Not just stores but cultivation facilities, testing facilities, nurseries, and other things like that. The town can opt into one, all or none of those. If the town decided to not do anything, they are automatically banned. Even if an ordinance is enacted, the applicants must also make application to have these establishments and if the town does nothing with them, then they are deemed as denied. So there are several levels of protection built in for the municipalities. The town needs to allow it and then extra allow it. So, before anyone can do anything with regards to marijuana growth or sales in town related to marijuana sales.
- A second component the municipalities can weigh in on and that is the home cultivation provision. This basically allows anyone over the age of 21 to grow up to 3 adult plants, 12 immature plants and any number of seedlings either on a parcel of land where they are domiciled, a parcel of land they are not domiciled on but they own, or a parcel land which is owned by someone else and they have permission to grow there. The 3 plants are attached to the individual, so I can't have 3 plants on my land, 3 plants on another piece of land I own and 3 plants on a piece of land I have permission to grow on at the same time. The way the statute is written allows for those 3 options of where they want to grow their plants, however, the town has some extra say here. The municipalities are allowed to limit where the plants go to on the parcel which the person is domiciled. The ordinance would indicate these parameters.

So, the proposed ordinance as written is outdated. The statute it references has been repealed and it is not enforceable. Common understanding here is this is a ban on marijuana is unnecessary because they are not allowed until they are allowed.

Jerry Nulton of the Marijuana Committee approached the podium to speak on this new change. He understands that social/community growths is an unlicensed growth and the town can do nothing about it effective today and it should be acted on quickly. They were warned about this. As far as the ban goes, its not necessary to have this ban, but he thinks it is to our advantage that the town go on record and voice what they want. The town voted roughly 56 to 44 on legalizing to make sure their kids weren't being criminalized. Going on record makes a lot of sense but at the same time I think we should limit personal grow to on

domiciled parcels. Another item to note that its different from the original legislation (as predicted), there is zero tax revenue for the town and no benefit of tax relief to the town.

The Town Administrator, Jennifer Roux asked if the ordinance could be amended with the recommended changes at this point. Ms. Kramer will look into this in the next few days.

Mr. Nass approached the podium with his reminders:

- All towns around us has a ban on recreational marijuana activity. He suggests, even if citations are incorrect, we should still vote on this.
- Another message he gleans from all the work done is that there are a lot of organizations looking for loop holes in this legislation. We now have an opportunity to make a statement and we should still vote on it.
- Mr. Nass also indicated that this should remain a normal public hearing even if there are changes. Mrs. Roux indicated you can make minor changes, but they need to be relevant to the question.

Mrs. Roux is recommending to the Board that they publicly announce and hold a meeting Friday, May 11th at 4 pm or whenever convenient because absentee ballots need to go out May 12th and an answer is needed.

Ms. Kramer will get answers to these questions back to the Board before a decision is made.

Jerry spoke again regarding personal growth, by making money off of the process, it becomes relevant for retail aspects.

Special meeting set for Friday, May 11 at 4 pm.

3. DEPARTMENT HEAD / COMMITTEE CHAIR UPDATES:

A. Forest/Conservation - Hebo Hybo

Carl Davis update. All were sent a letter. Received 8 letters back and 3 phone calls. Three of the letters returned letters did not want any use in terms of a recreational trail; 5 of those letters wanted more information. Of the phone calls, 1 call indicated they were in favor and the other 2 wanted more information. As of now, the plan is to have a meeting within the next couple of months with the land owners and get ideas from there of what their thoughts are as well give out more information.

Lois Michaud would like to have any information concerning changes, upgrades and/or shared to those on Hebo Hybo so that she can present it to the people that have Maple Grove as they will be meeting in June. Also, she would like a 2 week notice prior to any meetings because a 24-hour notice is just not enough time. Mrs. Roux announced that she has turned over all documents pertaining to Hebo Hybo Road that the Town has.

Next item is the cemetery on Hobbs Farm. Three River's Land Trust sent a letter which he read to all present. They wanted to withdraw from being caretaker of said cemetery and reassign responsibility to the Cemetery committee. The Board would need to appoint a new caretaker. Discussion ensued on financial responsibilities of this care. Stones are \$1,000 apiece per stone. Ms. Michaud indicated she does not have the budget for it. Mr. Davis and Ms. Michaud both indicated a lot of work has been done on that cemetery, but currently they don't have enough volunteers to do all the work. Ms. Roux asked if it is imperative to repair stones in the first year. Ms. Michaud indicated that these are generally first priority. Discussion ensued on who's property the cemetery

was located on. Then, the next biggest problem is the trees on the property. Tabling until next week until more information surrounding ownership can be resolved.

B. Check Presentation to Southern Maine Veteran's Memorial Cemetery Association 5013c donation after April taxes. Check presented and pictures taken with Jim Batchelder. Jim also updated everyone on their current 4 major projects/events: Memorial Walkway project, Memorial Day Ceremonies at Committal Shelter at 1 pm, POW/MIA Memorial placing of Vietnam War Veteran's tablet; and on Veteran's Day there will be a 100 Year Anniversary Celebration of Armistice Day at WWI Monument being built.

C. Road Committee, Cindy Hart
RSMS Review. Discussion ensued regarding date of training and information to be shared on website. Next discussions ensued time commitments and process to document information received in going over road survey data. Scheduled for the 15th. Request was made holding the mapping information downstairs; the Board of Selectmen agreed that would not happen, it will be upstairs. The Town Administrator was concerned on the who, what and where's of the program residence and the retention of the information and how it would be stored on the Town Server. She indicated she would need direct instruction from the Board on what this is going to be and the extent of the responsibilities of the her and the town, especially regarding accessing the computer. Board supports this program and Mrs. Roux needs to be the key computer operator as others can not access our systems. Class is 3 hours long. Training will be May 15th from Noon to 3 pm.

D. Flat Ground Road
Survey results are in. Out of 32 property owners, 23 survey letters were returned, 9 were not. Out of the 23 received, all 23 were positive. The Board agreed that it was clear the article should stay on the warrant as scheduled.

4. OLD BUSINESS:

A. Atlantic Broad Band Agreement

Mrs. Roux sent an email to Atlantic Broad Band with changes recommended by the attorney which was acknowledged. We will hold on old business until their response to changes is received.

B. Purchasing Policy

Treasurer provided purchasing policy last week. Suggested changes were adjusted. Selectmen Ed Walsh asked that this be tabled one more week so he could further review the changes. This will be tabled 1 week.

C. Annual Town Meeting, Warrant Recommendations

- Article 77 was added regarding addition of flag pole and lighting;
- Warrants – recommendations to date have been added to warrant. Ed wanted to talk on Article 34 and the only other article that might need discussion are some of the road issues.
*Articles 26A – 33 were reviewed. Ed Walsh made a motion to recommend articles 26 through 33 as written, seconded by Kimberly Stacey-Horn. All were in favor, the motions carried.
*Article 34 – Mr. Walsh indicated that the Fire Chief with all his discussions, started out at \$80,000 and to take it to \$70,000 he would take a hit to his budget. If it can be put up closer to \$75,000 it will take a lesser hit to outfit it. Anything over the \$75,000 will be a hit to his budget, so this was brought back to discuss. After discussions, the Board Members felt it can be held at the \$70,000. Kimberly Stacey-Horn made a motion to recommend article 34 as written, Ed Walsh seconded it. All were in favor, the motion carried.

*The Town Administrator indicated the next set of warrant articles were the road articles. She wanted to know if the Board had any reservations or concerns with these articles since there were discussions around them, especially Article 42. Ms. Miller indicated they could vote on Articles 35, 36, and 37. Elise Miller made a motion to accept Articles 35, 36 and 37 as written, seconded by Kimberly Stacey-Horn. All were in favor, the motions carried.

*Article 38 – These lines were increased by 20% as they were due to be increased. Ed Walsh made a motion to accept article 38 as written, seconded by Kimberly Stacey-Horn. All were in favor, the motions carried.

*Article 39 – None of the numbers increased; Article 40 had no changes. Ed Walsh made a motion to approve articles 39 and 40 as written, seconded by Kimberly Stacey-Horn. All were in favor, the motions carried.

* The remaining Articles will be reviewed next week.

D. Downstairs Office

Tabled until next week; still working on budget lines.

E. Candidate's Night

Date change. New date is Wednesday, May 23rd at 7:30pm. Hoping to follow special town meeting at 7 pm. A copy of the flyer is available.

F. Odyssey of the Mind

Goal was \$12,000. They have currently raised \$11, 088 dollars. May 11th Spaghetti dinner will hopefully put them over the edge. Extra funds will rollover to next year's team.

5. NEW BUSINESS:

A. Special Town Meeting Recommendations/Warrant

Recommendation needed on overdraft warrant to approve as written or not. Ed Walsh made a motion to approve as written, seconded by Kimberly Stacey-Horn. All were in favor, motion carried. Will present Friday to be signed.

B. Non Zero Tax Balances

2017 taxes are printed out. There are 18 accounts with <\$1.00 and 19 accounts with <\$5.00 balances. Looking for instruction on what you want to authorize to be written off and what you want letters sent to before we start the lien process. Mrs. Roux recommended we write of <\$1.00 and send a reminder letter the rest.

6. PUBLIC COMMENT:

None

7. ANNOUNCEMENTS:

BOS Office Hours First, Second and Third Thursday of Each Month 7:00 to 8:00 pm

05/11/2018 Spaghetti Dinner, 5:30 to 7 pm, \$5 donation, to support Odyssey of the Mind Team

05/15/2018 Public Hearing on Marijuana Ordinance, 7 pm

05/17/2018 Acton Planning Board Public Hearing, 7 pm

05/23/2018 Candidates Night, 7:30 pm

05/23/2018 Library hosting presentation on Loons, Wakefield House, 2 to 4 pm

8. UPCOMING MEETINGS:

05/15/2018 BOS, 5 pm
05/14/2018 Forest/Conservation Committee Meeting, 7pm
05/15/2018 Marijuana Public Hearing, 7 pm
05/17/2018 Planning Board, 7 pm
05/17/2018 Recreational Committee Meeting, 7 pm
05/22/2018 BOS, 5 pm
05/24/2018 Cemetery Committee Meeting, 5 pm
05/29/2018 BOS, 5 pm

9. MEMBERS PRESENT:

Ed Walsh, Selectmen, Elise Miller, Selectmen, Kimberly Stacey-Horn, Selectmen,
and Jennifer Roux, Town Administrator

10. OTHERS PRESENT:

Jim Batchelder, Carl Davis, Cindy Hart, Jill Kramer, Lois Michaud, Richard Nass, and Jerry Nulton