

Carrabassett Valley Selectmen's Meeting

5:00 p.m. Monday November 5th, 2018 at the Library

Agenda:

Review and sign 2018 Payroll Warrants:

Review and sign 2018 Town Expenditure Warrants:

- 1. MINUTES FROM PREVIOUS MEETING:** (October 22nd, 2018 attached).

- 2. PROPOSAL FROM THE HEALTHY COMMUNITY COALITION:** Peggy Willihan representing Healthy Community Coalition (non-profit affiliated with Franklin Memorial) will be present to meet again with the Selectmen concerning a: 'Tobacco-Free Community Recreation Policy' for Carrabassett Valley. This policy identifies "tobacco-free public areas". Peggy has been working with our Recreation Director, Deb Bowker, in identifying these public areas of Carrabassett Valley that a proposed policy would affect. She has also met with representatives of Sugarloaf The policy is written to serve as a self-enforcing agreement. A copy of the proposed policy is attached.

- 3. APPOINTMENT OF CHRIS PARKS AS LICENSED PLUMBING INSPECTOR AND BILL GILMORE AS DEPUTY PLUMBING INSPECTOR:** Chris is now licensed and is in a position to take over this role (and Bill is using vacation time for part of November and this would provide the Town with a needed inspector during this time).

- 4. DOOR REPLACEMENT AND INSTALLATION OF A REMOVABLE FRAMED "WIND BLOCK" FOR THE TOWN OFFICE DOOR:** We would like to replace the aged Town Office door with a heavy duty commercial fully handicapped accessible door and to build a removable "wind block" on one side of the door entrance. The total cost for both projects (to be completed at once) is approximately \$3,500 (this type of door is expensive). Currently, there is \$19,961 in the Town Buildings Repairs and Improvements account.

- 5. 6:00 P.M. PUBLIC HEARING TO RECEIVE PUBLIC COMMENTS CONCERNING A PROPOSED ORDINANCE ENTITLED 'MUNICIPALITY OF CARRABASSETT VALLEY MORATORIUM ORDINANCE REGARDING MEDICAL MARIJUANA RETAIL STORES, DISPENSARIES, COMMERCIAL CULTIVATION FACILITIES, TESTING FACILITIES AND MANUFACTURING FACILITIES':** A copy of the Ordinance is attached.

Immediately following this public hearing, the Board of Selectmen may sign a Certified Copy of this Ordinance and vote to hold a Special Town Meeting at 6:00 p.m. at the Library on November 19th, 2018, in which, this Ordinance will be voted upon.

6. APPROVAL OF A SPECIAL TOWN MEETING WARRANT TO REQUEST VOTER APPROVAL OF THE ABOVE MORATORIUM ORDINANCE: If the Board approves, Special Town Meeting could be scheduled for November 19th. A proposed Town meeting warrant is attached which, if approved by the Board, would need to be signed.

7. INFORMATIONAL:

- If the Board agrees to a special Town Meeting on November 19th we would like to schedule a Selectmen's meeting prior to this at which time we anticipate that the Information Center Expansion Committee may be in a position to meet with the Selectmen concerning a possible expansion project for the building that may include a 22' x 20' expansion, additional renovations to the building and installing a well and septic system.
- A pre-construction meeting with the contractor, Gary Pomeroy Logging, Inc., for the Airport Clearing Project has been scheduled for November 16th. We anticipate meeting with some property owners the next morning. The project is expected to start approximately December 1st.

and the Outdoor Center. Jay Reynolds said that he feels it's a policy that everyone is favor of, and it's difficult to expect 100% participation. Jay Reynolds would like to see the signs indicate "smoke free", rather than just "tobacco free". For the sake of taking one step at a time, comments will be relayed to Peggy Willihan and Deb Bowker to be brought back to a future Selectmen's meeting. Peggy said the funding for this program is through a federal and state grant, and Maine had a fair amount of money come in for the tobacco-free initiative.

Dave Cota discussed a proposal for the Community Center for GIS to create mapping for all mountain bike, Nordic and snowshoe trails in Carrabassett Valley. Savannah (with Maine Huts & Trails) is a trained GIS technician and explained that this technology is used for map-making. It's used in municipalities worldwide, and there's now an opportunity to harness this for the Town's benefit. Tim Flight reported that the trail signage committee has reviewed a draft and are close to agreeing on something. The GIS mapping will help to determine how many signs are needed. Part of the collection of data would look at other things, such as counting and documenting the location of bridges. As Tim understands it, the Bike Club has agreed to pay for this, and it will be available to other contributing entities. Dave Cota said he would like to have some clarification on this from the Club. Savannah explained how the Community Center for GIS program works, noting that it's a region-wide effort. She thinks that a presentation needs to be put together for all the parties who may be beneficiaries of the program. Dave would like to get more clarification on this and come back to the Selectmen. Bob Luce said he would feel more comfortable having the town own the mapping technology, as a more neutral entity, with the intent to benefit all of the respective parties. The signage program alone will be in the range of the \$25,000 to \$40,000 (focus on the Outdoor Center). Dave will speak with the Bike Club and come back to the Selectmen, since the hope is to have all trails incorporated into this system.

There was further discussion concerning the potential purchase of the 250-acre "Ted Jones lot". Dave has requested that the Town's forest management consultant (AFM) conduct a preliminary inventory of the property and come back with their findings. Dave will provide information in the Town newsletter. The potential for forestry income may be important information to provide to the Town for their decision-making purposes. Lloyd asked Dave to provide some description of the location of the lot for the newsletter's purposes. Savannah will assist with something to be included on this particular page. Dave said the newsletter goes to the printer this week and will be finished within a month and indicated that based on space available in the newsletter he will see if an inclusion of a map is possible. Dave indicated that the Board had previously expressed an interest in holding a public hearing on the land purchase proposal and that early December might work out well.

Dave Cota reported that he received another quote for engineering for a large culvert replacement for the stream crossing at the Outdoor Center Road. This will lower the cost from \$6,000 to \$3,500. The plan is to have this engineered this fall to submit to the DEP, etc. and then the project will be put to bid for a winter/spring completion.

Dave asked the Selectmen if they want to spend \$450 for a septic design for the Information Center. The Selectmen felt this would be reasonable to formulate a plan. This may be part of a larger plan to build a building expansion on that building to also include installing a well. Jay Reynolds made a motion to expend the \$450 for this purpose. Karen Campbell seconded the motion. Motion approved.

Dave Cota provided information on the Town's ordinances, which Nick Aschauer codified for better and quicker referencing. In January, there may be discussion to request that the Town

approve the codification. It may not be required to have the Town vote on this, however if no changes are made to the ordinances.

Informational:

- Marijuana Business Regulation Committee meets October 16th at 6pm.
- There will be a public forum on October 23rd on the Marijuana topic at the Library.
- There is an AVCOG Planning Day on November 1 in Auburn, which will include several topics.
- Carrabassett Valley is now the highest valued town in Franklin County according to the 2019 Valuations (\$623 million). This is partly due to the devaluation of the Verso Mill in Jay.
- Jay Reynolds inquired about the possibility of a bike lane for Route 27. Lloyd would like to see a rumble strip for the S curves.

Meeting adjourned.

Respectfully submitted,
Lynn Schnorr

**TOWN OF CARRABASSETT VALLEY
MINUTES OF SELECTMEN'S MEETING
October 22, 2018**

Board Members Present: **Bob Luce** **Jay Reynolds**
 Karen Campbell **Lloyd Cuttler**
 John Beaupre

Others Present: **Dave Cota** **Peggy Willihan**
 Chris Parks **Bruce Miles**
 Jess Beers **Brian Demshar**
 Karl Strand **Mark Lopez**

Bob Luce opened the meeting at 4:30 p.m. and welcomed those present.

This special meeting of the Selectmen was scheduled to discuss whether the Town should vote to impose a moratorium that would temporarily prohibit Medical Marijuana Businesses from operating in the Town. The Marijuana Business Committee is meeting tomorrow night at 6pm at the Library.

Dave Cota reported that there's a completely new element that surfaced today, per information from MMA. If the Town were to vote a moratorium, it can be made retroactive to today. He reviewed some of the basic bullet points on the matter, just to refresh those present.

Adult Use Marijuana Businesses are different from Medical Marijuana Businesses. The Town would have to vote in for any of four types of businesses. Unless the town votes a moratorium, all medical businesses are allowed to operate in a town until December 13th except Medical Marijuana Cultivation when they are prohibited unless a Town votes to Opt In. Medical Cultivation was left out in State Law LD 1593. This same legislation could be allowed to continue unless the Town includes it in a medical marijuana moratorium. This language is included in the proposed moratorium.

Regardless of a vote for moratorium, medical businesses (except caregivers) would still be subject to all Town Land Use Ordinances. The Town cannot ban medical caregivers. If a moratorium was passed, the earliest a public hearing could be held would be November 5th.

If the Board proceeds with the moratorium, language would be added to make it retroactive to today (October 22nd, 2018). The Marijuana Committee has met four times, and there seems to be some consensus to move ahead with a moratorium to deal with medical marijuana businesses.

Peggy Willihan provided some information showing what's happening in some surrounding communities with regard to moratoriums. She feels that the Town should slow things down to take everything into consideration, especially since there's not a clear picture of how things will ultimately look. Bruce Miles concurs that he does not see a down side to imposing a moratorium at this time.

Lloyd Cuttler recognized the work done by the committee, but he also recognizes that things are still in motion and suggest that the committee continue its work. It was discussed that a vote

would have to be held today to hold a public hearing to consider a moratorium. The moratorium would be in effect for a period of 180 days from its effective date (October 22), if voted. There will be more to be learned from the citizen and property owner survey when it is taken. Dave Cota reported that there was a notice of intent filed today for the light industrial district for a marijuana cultivation business but if the Selectmen proceed with a retroactive date on the moratorium, that notice may be left nullified.

Lloyd Cuttler said that he does not believe a notice of intent will stand up, but he would not be surprised if there are challenges everywhere as time progresses. And because things seem to change daily, the Committee has had to continually shift with these new interpretations.

Jay Reynolds made a motion to hold a public hearing for the purpose of considering the proposed moratorium on medical marijuana businesses, with the addition of medical cultivation, referencing the document from Maine Municipal Association as provided tonight, being retroactive for today's date. The public hearing will be held on November 5th. Lloyd Cuttler seconded the motion. Motion approved, with John Beaupre abstaining.

Peggy Willian noted that the on-line survey is being taken, and it can only be taken once from a computer (IP address).

Meeting adjourned.

Respectfully submitted,
Lynn Schnorr

Carrabassett Valley Tobacco-Free Policy

The Town of Carrabassett Valley Administration, Recreation Department and Board of Selectmen care about promoting the good health and quality of life for its citizens and visitors; and is dedicated to providing everyone with a safe and healthy environment at all of the Carrabassett Valley recreational area properties, effective [DATE].

The Town of Carrabassett Valley organizes and promotes a diversified range of recreational programs, special events and activities at field and facilities owned by the Town of Carrabassett Valley. The Mission of the Carrabassett Valley Recreation Department is to provide recreational and leisure opportunities that enhance the quality of life for all citizens and to provide safe environments for our adolescents and adults. The Town of Carrabassett Valley recognizes that smoking tobacco, marijuana and the use of other tobacco products at our recreational area properties is detrimental to the health and safety of everyone and supports an environment where nobody is exposed to the harmful effects of secondhand smoke and everyone is supported in efforts to live tobacco-free. Therefore, The Town of Carrabassett Valley has adopted a 100% tobacco-free recreational area property policy, that exceeds state law (22 M.R.S.A. § 1580-A).

This policy prohibits all smoking and the use of all tobacco 24 hours a day, 365 days a year:

- In all Carrabassett Valley owned, leased and affiliated buildings.
- On all Carrabassett Valley owned or leased properties [can list if applicable]
- At all Carrabassett Valley permitted or sanctioned events— both indoors and outdoors when on Carrabassett Valley property.
- In all Carrabassett Valley owned, leased or rented vehicles.

This smoke and tobacco-free policy applies to all people utilizing Carrabassett Valley space, including organizers of, and attendees at, public events, including but not limited to, athletic events, concerts, productions, conferences, meetings, lectures, social events and/or cultural events using Carrabassett Valley owned, leased and affiliated property. Everyone is required to abide by The Town of Carrabassett Valley's smoke and tobacco-free policy.

DEFINITIONS

- A. "Smoking" means inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette, pipe or joint, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, whether natural or synthetic in any manner or in any form. "Smoking" also includes the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this policy. Non-smoked marijuana products including, but not limited to, edibles and dabs are also included in this policy.
- B. "Tobacco" is defined as all tobacco-derived or containing products, including but not limited to, cigarettes, cigars, little cigars, cigarillos, bidis, kreteks; all smokeless and dissolvable tobacco products, including but not limited to, dip, spit/spit-less, chew, snuff, snus and nasal tobacco; and any product intended to mimic tobacco, containing tobacco flavoring or delivering nicotine, including but not limited to, electronic nicotine delivery systems, e-cigarettes, e-cigars, e-hookahs, vape pen or any other product name or descriptor. Or the use of any other type of tobacco or nicotine product for the purpose of circumventing the prohibition of tobacco in this

policy. This does not include products specifically approved by the US Food and Drug Administration (FDA) for the purpose of cessation or nicotine replacement therapy.

PROCEDURES

This policy will be communicated through tobacco-free signs posted at all property entrances and throughout the facility, through employee education, including being written into training manuals and new employee orientation.

Everyone is required to comply with The Town of Carrabassett Valley's tobacco-free policy. Enforcement of this policy will follow the standard procedures of the facility.

October 1, 2018

**Tobacco-Free Community Recreation
Signage Locations**

Location	# of Signs	Sign Location 1	Sign Location 2
Town Park	5	Swimming Pool	Parking Lot, Gazebo, Ball Field
Town Office Municipal Building	2	Town Office Entrances	Northstar Ambulance
AGC	4	Front Entrance	Parking Lot and CVA Pathway (shared ownership)
Library Complex	3	Entrance	Patio, Community Garden
Airport	7	Fueling Station	Airport Hangars
Information Center	2	Entrance	Porta Potty
Outdoor Center	6	Entrances	Parking Lots
Narrow Gauge Trail	5	Access Points	Bridge, Bigelow Station, Campbell Field, Black Fly Field, Huston Brook KIOSK
Adaptive Center	3	Entrances	Yurts
Golf Course	3	Club House, Patio	Driving Range
Transfer Station	4	Office Building, Swap Building	Cardboard Building, Woodpile
Police Dept.	2	Office Entrances	
Fire Station	2	Valley	Mountain
Other	2		
Total Signs	50		

**‘MUNICIPALITY OF CARRABASSETT VALLEY
MORATORIUM ORDINANCE REGARDING
MEDICAL MARIJUANA RETAIL STORES, DISPENSARIES,
COMMERICAL CULTIVATION FACILITIES, TESTING FACILITIES AND
MANUFACTURING FACILITIES’**

WHEREAS, the legislative body of the Municipality of Carrabasset Valley (the “Municipality”) makes the following findings:

- (1) The Maine Medical Use of Marijuana Act, codified in 22 M.R.S. Ch. 558-C, authorizes the use, possession, cultivation and transfer of marijuana for medical purposes, and authorizes qualifying patients to obtain medical marijuana from other qualifying patients, registered caregivers, or registered dispensaries, as those terms are defined by 22 M.R.S. § 2422; and
- (2) On July 9, 2018, the Maine Legislature enacted PL 2017, c. 452 (LD 1539), *An Act to Amend Maine’s Medical Marijuana Law*, which includes express authorization for the operation of retail stores by registered caregivers to sell marijuana to qualifying patients, as well as authorization for the operation of medical marijuana manufacturing facilities, medical marijuana testing facilities, and six additional registered medical marijuana dispensaries; and
- (3) On July 9, 2018 the Maine Legislature enacted as emergency legislation PL 2017, c. 447 (LD 238), *An Act to Amend the Maine Medical Marijuana Law*, which expressly recognizes municipal home rule authority to regulate registered caregivers, registered dispensaries, testing facilities, and manufacturing facilities; and
- (4) The unregulated location and operation of medical marijuana retail stores, registered dispensaries, testing facilities, and manufacturing facilities within the Municipality raises legitimate and substantial questions about the impact of such activity on the Municipality, including questions as to compatibility with existing land uses and developments in the Municipality; the sufficiency of municipal infrastructure to accommodate such activity; and the possibility of unlawful sale of medical marijuana and medical marijuana products; and
- (5) As a result of the foregoing issues, the location and operation of medical marijuana retail stores, registered dispensaries, testing facilities, and manufacturing facilities within the Municipality have potentially serious implications for the health, safety and welfare of the Municipality and its residents; and
- (6) The Municipality currently has no regulations governing medical marijuana retail stores, registered dispensaries, testing facilities, and manufacturing facilities, and existing ordinances are insufficient to prevent serious public harm that could result from the unregulated development of medical marijuana retail stores, registered dispensaries, testing facilities, and manufacturing facilities; and
- (7) An overburdening of public facilities and resources, including public safety resources, is a reasonably foreseeable result of the unregulated location and operation of medical marijuana retail stores, registered dispensaries, testing facilities, and manufacturing facilities in the Municipality; and

(8) In the judgment of the legislative body of the Municipality, the foregoing findings and conclusions constitute an emergency within the meaning of 30-A M.R.S. § 4356 requiring immediate legislative action.

NOW THEREFORE, pursuant to 30-A M.R.S. § 4356, be it ordained by the Municipality as follows:

Section 1. Moratorium. The Municipality does hereby declare a moratorium on the location, operation, permitting, approval, or licensing of any and all new medical marijuana retail stores, registered dispensaries, testing facilities, manufacturing facilities within the municipality and any related commercial cultivation.

No person or organization shall develop or begin operation of a medical marijuana retail store, registered dispensary, testing facility, or manufacturing facility within the Municipality on or after the effective date of this Ordinance. During the time this Ordinance is in effect, no officer, official, employee, office, administrative board or agency of the Municipality shall accept, process, approve, deny, or in any other way act upon any application for a license, building permit, any other type of land use approval or permit and/or any other permits or licenses related to a medical marijuana retail store, registered dispensary, testing facility, or manufacturing facility and any related commercial cultivation.

Section 2. Definitions. For purposes of this ordinance, the following terms have the following meanings.

Medical marijuana retail store means an establishment having the attributes of a typical retail establishment, such as, but not limited to, signage, regular business hours, accessibility to the public, and sales directly to the consumer of the product, that is used by a registered caregiver to offer marijuana for sale to qualifying patients.

Marijuana means the leaves, stems, flowers, seeds and other plant material harvested from a plant of the genus Cannabis, including, but not limited to, Cannabis sativa, Cannabis indica, and Cannabis ruderalis or their hybrids or seeds of those plants. "Marijuana" includes any product derived from any marijuana plant or plant material, including, but not limited to marijuana concentrate and marijuana products.

Registered dispensary means an entity registered under the Maine Medical Use of Marijuana act that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana or related supplies and educational materials to qualifying patients and the caregivers of those patients.

Testing facility means a public or private laboratory that is authorized under the Maine Medical Use of Marijuana Act to analyze contaminants in and the potency and cannabinoid profile of marijuana samples.

Manufacturing facility means a facility or person engaged in the production, blending, infusing, compounding, or other preparation of marijuana, marijuana concentrate, or marijuana product for medical use, including, but not limited to, extraction or preparation by means of chemical synthesis.

Section 3. Pending Proceedings. Notwithstanding 1 M.R.S. § 302 or any other law to the contrary, this Ordinance shall govern any proposed medical marijuana retail store, registered dispensary, testing facility, and manufacturing facility for which an application for a building permit, certificate of occupancy, site plan or any other required approval has been submitted to the Municipality, whether or not a pending proceeding, prior to the enactment of this Ordinance.

Section 4. Conflicts/Savings Clause. Any provisions of the Municipality's ordinances that are inconsistent or conflicting with the provisions of this Ordinance are hereby repealed to the extent applicable for the duration of this moratorium. If any section or provision of this Ordinance is declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.

Section 5. Violations. If any medical marijuana retail store, registered dispensary, testing facility, or manufacturing facility is established in violation of this Ordinance, each day of any continuing violation shall constitute a separate violation of this Ordinance and the Municipality shall be entitled to all rights and remedies available to it pursuant to 30-A M.R.S. § 4452, including, but not limited to, fines and penalties, injunctive relief, and its reasonable attorney's fees and costs in prosecuting any such violations.

Section 6. Effective Date. If enacted, the provisions of this moratorium ordinance shall be applicable to all pending proceedings and applications commenced after October 22, 2018, which is the date upon which the Board of Selectmen scheduled a public hearing concerning the medical marijuana moratorium ordinance and shall remain in full force and effect for a period of 180 days thereafter, unless extended pursuant to law or until a new and revised set of regulations is adopted by the Municipality, whichever shall first occur.

Certification: This certifies to the Municipal Clerk of Carrabassett Valley that the within ordinance is a true copy of an ordinance entitled 'Municipality of Carrabassett Valley Moratorium Ordinance Regarding Medical Marijuana Retail Stores, Dispensaries, Commercial Cultivation Facilities, Testing Facilities and Manufacturing Facilities' to be acted upon by voters at a Town Meeting to be held on November 19th, 2018.

Dated: November 5th, 2018

Municipal Officers of Carrabassett Valley

Robert Luce

Karen Campbell

John "Jay" Reynolds

Lloyd Cuttler

John Beaupre

TOWN OF CARRABASSETT VALLEY SPECIAL TOWN MEETING WARRANT

6:00 p.m. November 19th, 2018 at the Library Building

TO: Mark Lopez, Police Chief of the Town of Carrabasset Valley, in the County of Franklin, State of Maine,

GREETINGS: In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the Town of Carrabasset Valley in said County and State, qualified by law to vote in Town affairs, to meet at the Carrabasset Valley Library Building at 6:00 p.m. the 19th day of November, 2018 to act upon the following articles to wit:

ARTICLE 1. To choose a moderator to preside at said meeting.

ARTICLE 2. To choose 'Rules of Order' to conduct the meeting.

Board of Selectmen Recommend using the 'Maine Municipal Association Moderator's Manual'

ARTICLE 3. To see if the Town will vote to approve an Ordinance entitled: 'Municipality of Carrabasset Valley Moratorium Ordinance Regarding Medical Marijuana Retail Stores, Dispensaries, Commercial Cultivation Facilities, Testing Facilities and Manufacturing Facilities'.

Given under our hands this 5th day of November, 2018.

Robert Luce

John Beaupre

Karen Campbell

Lloyd Cuttler

John F. Reynolds, Jr.

Board of Selectmen
Town of Carrabasset Valley

Attest: A true copy

Wendy Russell, Town Clerk

CONSTABLE'S RETURN

Pursuant to the within warrant, to me directed, I have notified and warned the Inhabitants of the Town of Carrabassett Valley, in the County of Franklin and State of Maine, qualified by law to vote in Town affairs, to assemble at the above time and place and for the purpose within named by posting on the 20th day of November, 2018 attested copies an ordinance entitled 'Municipality of Carrabassett Valley Moratorium Ordinance Regarding Medical Marijuana Retail Stores, Dispensaries, Commercial Cultivation Facilities, Testing Facilities and Manufacturing Facilities' and the within warrant at the Carrabassett Valley Town Office, Ayotte's Store, and the Sugarloaf Administration building all being public and conspicuous places in the Town of Carrabassett Valley.

MARK LOPEZ, POLICE CHIEF