

MINUTES
TOWN OF TOPSHAM
SPECIAL BOARD OF SELECTMEN MEETING
MAY 30, 2018 - 7:00 p.m.

MEMBERS PRESENT: David Douglass
Marie Brilliant (Joined the meeting in progress)
Ruth Lyons
William Thompson
Roland Tufts

MEMBER(S) ABSENT: All present

STAFF PRESENT: Richard Roedner, Town Manager

A special meeting of the Topsham Board of Selectmen was held on Thursday, May 30, 2018 in the Donald A. Russell Meeting Room, at the Municipal Building, 100 Main Street, Topsham, Maine.

CALL TO ORDER

Chairman Douglass called the regular meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE/ROLL CALL

All present were invited to stand and recite the Pledge of Allegiance to the Flag. The recording secretary took the roll call and noted that all Selectmen were present, except for Selectman Brilliant.

TOWN MANAGER'S REPORT - None noted.

BOARDS AND COMMITTEE REPORTS AND UPDATES – None noted.

PUBLIC COMMENT – None noted.

CORRESPONDENCE – None noted.

ADJUSTMENTS TO THE AGENDA – Motion was made by Chairman Douglass, seconded by Selectman Tufts, and it was unanimously (of those present)

VOTED

To add to the agenda Item 18-14 – **CONSIDERATION AND ANY APPROPRIATE ACTION TO ENTER INTO EXECUTIVE SESSION TO DELIBERATE OVER AN ABATEMENT APPEAL PURSUANT TO 36 M.R.S.A. SUB SECTION 841, TITLE 1, 405 (6) F**

CONSENT CALENDAR –None noted.

PUBLIC HEARING – None noted.

UNFINISHED BUSINESS – None noted.

OLD BUSINESS - None noted.

NEW BUSINESS

18-33 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE DISCUSSION TO EXTEND THE MEDICAL MARIJUANA STOREFRONT MORATORIUM

The Town Manager spoke to this item saying that at last week’s Town Meeting, voters opted to not amend our zoning ordinance with a permanent prohibition on medical marijuana storefronts. This use consists of a care provider that operates out of a retail establishment, say for glass pipes. While traditionally Care Providers are limited to five clients, under this scenario, the fifth slot is left open to whoever comes into the establishment with a valid condition. A card is issued, the client is signed up, the purchase is made, and then the client is then removed from the client list. In this manner, it operates more in line with a recreational retail facility, rather than a care giver facility.

Mr. Roedner said under our current code, this use is viewed as strictly retail (glass pipes) with the clinic an accessory use. Consequently, this use is permitted anywhere in Town where retail uses are permitted. This could include the Lower Village, outer Main Street, the mall, Route 196, etc. On December 6, 2017, the Town imposed a six-months moratorium on this use. The moratorium will expire on June 4m, 2018. The moratorium language authorizes the Board of Selectmen to extend the moratorium by six months, upon a vote by the Board.

The Board entered into a discussion expressing the need to extend the moratorium until it is known what the general public would like to see for restrictions. Without the moratorium, a storefront could open anywhere in Town. Mr. Roedner said the goal is to use the time to define where such storefronts can be located and create regulations to license their operations in town. Suggestion was made that licensing language should be drafted for inclusion in the ordinance. Board members said their concern is not to ban the use of marijuana, but to take the time to get the issuance of language right the first time. Selectman Thompson said he was not looking to put anybody out of business and was looking to bring business to town. He added, if we don’t do something, it’s completely unregulated. This just gives us time to get some established parameters. It is hoped to have the new regulations ready for an October Town Meeting.

(Selectman Brillant joined the meeting at this point.)

Chairman Douglass asked if any members of the public wished to speak. He asked them to come up to the podium and give their name and address. The following individuals spoke:

Ryan Holmes, 50 Adams Landing – Mr. Holmes said this is a difficult topic. He told the Board he was a health care provider and feels the moratorium does need to be extended. He said his concerns for the big picture are trying to separate recreational marijuana from recreational marijuana. He said that medical marijuana is legal in the State of Maine and has been for quite some time. He said it is anticipated that all medical storefronts will also sell recreational

marijuana. He added that there is a place for this market. Currently, both markets are thriving and it is good to talk about the issues. He said high standards need to be created and include a recreational place. However, the focus needs to be on the medical side. He suggested the products be limited that can be sold so as not to create a head shop. Need high security levels with perhaps an officer present and cameras. Compliance checks should occur annually. Records should be forwarded to the Town. There should be an educational program for the general public. Cannabis can be used respectfully and responsibly.

Jennah Goto, 2 Westwind Drive – Ms. Goto said she respected what Mr. Holmes said. She said her interest is in keeping our youth from using drugs. She said there needs to be a thorough consideration. Marijuana is a mind altering drug and it needs to be regulated. She said she is not against anything, but it is easier to restrict than to take away later. Ms. Goto suggested that records be obtained from states where medical marijuana has been in use for a while. Ms. Goto said that Brunswick has an advisory committee to the Planning Board and the same might be considered for Topsham.

Selectman Lyons added that police reports indicate that marijuana impairs driving ability. Chairman Douglass said “We want to get it right.” The restriction is strictly a Planning Board issue.

The Town Manager agreed that an ad hoc committee could be valuable. Topsham does not want to see bar fights, parking lot fights and frequent police calls.

After all who wishes to speak had an opportunity to do so, motion was made by Chairman Douglass, seconded by Selectman Tufts and it was unanimously

VOTED

That the Topsham Board of Selectman finds that the conditions identified in the December 6, 2017 moratorium on Medicinal Marijuana Storefronts are still in existence, and that to protect the Town of Topsham from unintended consequences that may arise from the improper placement of such uses, this Board declares that the identified emergency is still in existence, and the Medicinal Marijuana Storefront Moratorium is hereby extended for 6 months, starting on June 4, 2018.

18-14 – CONSIDERATION AND ANY APPROPRIATE ACTION TO ENTER INTO EXECUTIVE SESSION TO DELIBERATE OVER AN ABATEMENT APPEAL PURSUANT TO 36 M.R.S.A., §841, TITLE 1, 405-6 (F)

EXECUTIVE SESSION

On a motion by Chairman Douglass, seconded by Selectman Tufts, with all in favor, the Board entered into Executive Session at 7:35 pm to deliberate on a poverty abatement appeal 18-14, pursuant to 36 MRSA §841 and Title 1 405-6(F). All members were present, as was the Town Manager.

The Board returned from Executive Session at 7:47 p.m., with all members and the Town Manager still present.

On a motion by Chairman Douglass, seconded by Selectman Tufts, and approved unanimously, the Board directed the Town Manager to represent the Board and the Town at the upcoming poverty abatement appeal proceeding before the Board of Assessment Review, and to present the testimony discussed, on Poverty Abatement, Agenda Item 18-14.

ADJOURNMENT

At 7:48 p.m., motion to adjourn was made by Selectman Lyons, seconded by Selectman Thompson, and all were in favor.

Respectfully submitted,

Patty Williams, Recording Secretary