

2017

# Town of Farmingdale Town Meeting Warrant and Minutes 2017

Farmingdale, Me.

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TOWN MEETING WARRANT  
TUESDAY, JUNE 13, 2017  
SATURDAY, JUNE 17, 2017

To Isaiah Peppard, a Constable of the Town of Farmingdale, in the County of Kennebec 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 Farmingdale, in said county and state, qualified by law to vote in town affairs, to meet at the HALL-DALE MIDDLE SCHOOL GYM in said town on **TUESDAY, the 13th day of June, A.D. 2017, at 8:00 a.m., then and there to act on Article 1 and by secret ballot on Article 2, Article 3, Article 4, Article 5 and Article 6, as set out below, the polling hours therefore to be from 8:00 a.m. until 8:00 p.m.**

And, to notify and warn said Inhabitants to meet at the HALL-DALE HIGH SCHOOL THEATER in said town on **SATURDAY, the 17<sup>th</sup> day of JUNE, 2017, A.D.**, at ONE o'clock in the afternoon, then and there to act on **Articles 7 through 67** as set out below, To wit:

**Article 1.** To elect a moderator to preside at said meeting and to vote by written ballot.

**Article 2.** To elect one Municipal Officer, for a three (3) year term, by secret ballot.

**Article 3.** To elect one Road Commissioner, for a three (3) year term by secret ballot.

**Article 4.** To elect one RSU # 2 School Board Member, for a three (3) year term, by secret ballot.

**Article 5.** Shall an ordinance entitled "**Town of Farmingdale Prohibiting Retail Marijuana Establishments and Retail Marijuana Social Clubs**" be enacted?

**Statement of Fact:** the purpose of this ordinance is to prohibit the siting and operation of Retail marijuana establishments, including retail marijuana stores, and operation of retail marijuana social clubs. This ordinance also includes prohibiting retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities

(A copy of the proposed ordinance is available for review and inspection at the Farmingdale Town Clerk's Office; attached as Exhibit A on the Town Meeting Warrant, and will also be on the Town's Website at: [www.farmingdalemaine.org](http://www.farmingdalemaine.org))

**Article 6. IN THE EVENT THAT THE PRECEDING ARTICLE 5 FAILS ;**  
(Article 5 pertained to Prohibiting Retail Marijuana Establishments  
and Retail Marijuana Social Clubs)

Shall an Ordinance entitled “**Town of Farmingdale Moratorium Ordinance on Retail Marijuana Establishments and Retail Marijuana Social Clubs**” be enacted?

**Statement of Fact:** the purpose of this ordinance is to adopt a Moratorium Ordinance on marijuana establishments, including retail marijuana stores, operation of retail marijuana social clubs, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities. This is to provide opportunity for the Inhabitants of the Town of Farmingdale to reasonably investigate and implement such local ordinances or amendments as the Citizens deem appropriate. The moratorium will be in effect for one hundred and eighty (180) days from the date it is approved by the Town.

(A copy of the proposed ordinance is available for review and inspection at the Farmingdale Town Clerk’s Office; attached as Exhibit B on the Town Meeting Warrant, and will also be on the Town’s Website at: [www.farmingdalemaine.org](http://www.farmingdalemaine.org))

**GENERAL GOVERNMENT**

**Article 7.** To fix a date when all taxes shall be due and payable and after which interest shall be collected and the rate of interest to be charged on taxes unpaid after that date.

Selectmen Recommend 7.00 % and 75 days after the commitment date of taxes.

**Article 8.** To see what action the Town will take in authorizing the Board of Selectmen to transfer monies between expenditure accounts.

Selectmen Recommend 25%

**Article 9.** To see if the Town will vote, pursuant to 36 M.R.S.A. Section 506-A, to set an interest rate of 3% to be paid on overpaid abated taxes.

Selectmen Recommend

**Article 10.** To see if the Town will vote, pursuant to 36 M.R.S.A. Section 506, to authorize the tax collector and treasurer to accept prepayment of taxes not yet committed and to pay interest thereon at a rate of 1%.

Selectmen Recommend

**Article 11.** To see if the Town will vote to authorize the Selectmen, on behalf of the Town, to sell and dispose of any real estate acquired by the Town for non- payment of taxes thereon, for such terms as they deem advisable and execute quitclaim deeds for the same.

Selectmen Recommend

**Article 12.** To see if the Town will vote to authorize the Selectmen, on behalf of the Town, to sell and dispose of any real estate acquired by the Town for non- payment of sewer Fees thereon, for such terms as they deem advisable and execute quitclaim deeds for the same.  
Selectmen Recommend

**Article 13.** To see if the Town will authorize the Treasurer to waive foreclosure of tax lien mortgages pursuant to 36 MRSA§ 944 upon finding by the Selectmen that ownership of the property subject to lien would be contrary to the Town’s best interest.  
Selectmen Recommend

**Article 14.** To see if the Town will authorize the Selectpersons to enter into multi-year contracts, not to exceed 3 years, for the purpose of procuring winter road maintenance, road maintenance contracts, sewer maintenance contracts and other professional services for the Town on such terms and conditions that the Board of Selectmen deems to be in the best interest of the Town.  
Selectmen Recommend

**Article 15.** To see what sum the Town will vote to raise and appropriate from Surplus to pay for tax abatements and any interest due thereon.

2016/17- \$5,000.00	2017/2018 – Recommendation	\$ 5,000.00
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**Article 16.** To see what sum the Town will vote to authorize the Selectmen to spend from Surplus to pay for unanticipated expenses and emergencies.

2016/17 \$10,000.00	2017/18 – Recommendation	\$ 10,000.00
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**Article 17.** To see what sum the Town will vote to raise and appropriate for deposit to the Capital Improvement Account. (Account Balance as of May 18, 2017 (\$328,400.00)

2016/17 - \$25,000.00	2017/18 – Recommendation	\$ 25,000.00
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**Article 18.** To see what sum the Town will vote to raise and appropriate for General Administration.

2016/17 - \$93,500.00	2017/18 – Recommendation	\$ 93,500.00
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**Article 19.** To see what sum the Town will vote to raise and appropriate for Contingent.  
2016/17 - \$400.00                      2017/18 – Recommendation                      \$ 400.00

**Article 20.** To see what sum the Town will vote to raise and appropriate for Town Office wages and Selectmen’s Salaries and F.I.C.A.

2016/17 - \$86,500.00	2017/18 - Recommendation	\$ 88,500.00
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**Article 21.** To see what sum the Town will vote to raise and appropriate for the Codes Enforcement Officer.

2016/17 - \$25,500.00	2017/18 – Recommendation	\$ 25,500.00
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**Article 22.** To see what sum the Town will vote to raise and appropriate for Fire Protection with unspent monies going into a Fire Department Reserve Account.  
 2016/17 - \$46,800.00                      2017/18 – Recommendation                      \$ 48,600.00

**Article 23.** To see what sum the Town will vote to raise and appropriate to pay this year’s obligation to the Maine Municipal Bond Bank for money borrowed to construct the Litchfield Road Fire Station.  
 2016/17 – \$5,378.00                      2017/18 – Recommendation (Surplus)                      \$ 10,300.00  
**This payment is a double payment for the final payment.**

**Article 24.** To see what sum the Town will vote to raise and appropriate to pay this year’s obligation to the Kennebec Savings Bank Bond payment for money borrowed to purchase the 2017 HME Pumper Fire Truck  
 2016/17 – \$ 0.00                      2017/18 – Recommendation (Surplus)                      \$ 27,470.00  
 Remaining balance including interest after the above payment will be \$332,322.75. Final payment is scheduled to be made in year 2031.)

**Article 25.** To see if the Town will vote to (1) approve the building of a new Fire Station for the Town of Farmingdale including transaction costs and other expenses reasonably related hereto; (2) **appropriate** a sum up to **\$1,000,000.00** to fund the project; (3) **authorize** the Town Treasurer and the Chair of the Selectboard to issue general obligation securities of the Town in an aggregate principal amount not to exceed \$1,000,000.00 to fund the appropriation; (4) **delegate** to the Treasurer and the Chair of the Selectboard the authority and discretion to fix the dates, maturities, interest rates, denomination, calls for redemption (with or without premium), form and other details of securities, including authority to execute and deliver the securities on behalf of the Town.

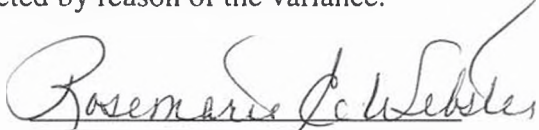
**Financial Statement**

Total Town Indebtedness:	Principal	Interest
A. Outstanding balance of bonds previously issued:	\$680,000.00	\$152,422.36
B. Outstanding balance of Sewer Bonds previously issued:	\$286,016.33	\$122,944.21
C. Bonds authorized and unissued:	\$0	
D. Anticipated amount of bonds to be issued:	\$1,000,000.00	

Costs: At an estimated net rate of 3.375% for a thirty (30) year maturity, the estimated cost of the bond issue will be:

Total Principal	\$1,000,000.00
Interest	<u>\$ 605,900.00</u>
Total	\$1,605,900.00

Validity: The validity of the bonds and the voter’s ratification of the bonds may not be affected by any errors in the above estimates, the ratification by the voters is nonetheless conclusive and the validity of the bonds is not affected by reason of the variance.

  
 Treasurer, Town of Farmingdale

**Article 26.** . To see if the Town will vote to take funds from the Capital Improvement Account should the Town of Farmingdale be offered any grants requiring matching funds not to exceed \$50,000.00.

2017/18 – Recommended by Selectmen

**Article 27.** To see what sum the Town will vote to raise and appropriate for the E911 Account.

2016/17 - \$500.00                      2017/18 - Recommendation                      \$    500.00

**Article 28.** To see what sum the Town will vote to raise and appropriate for Dispatch Services.

2016/17 - \$29,000                      2017/18 – Recommendation                      \$ 29,000.00

**Article 29.** To see what sum the Town will vote to raise and appropriate for the EMA Director.

2016/17 - \$ 100.00                      2017/18 – Recommendation                      \$    100.00

**Article 30.** To see what sum the Town will vote to raise and appropriate for Constable Services Contract.

2016/17 - \$29,400.00                      2017/18 – Recommendation                      \$ 28,800.00

**Article 31.** To see what sum the Town will vote to raise and appropriate for Animal Control Contract with the Kennebec Valley Humane Society.

2016/17 - \$4,700.00                      2017/18 – Recommendation                      \$    4,700.00

**Article 32.** To see what sum the Town will vote to raise and appropriate for Hydrant Rental.

2016/17 – \$115,000.00                      2017/18 – Recommendation                      \$ 112,000.00

**Article 33.** To see what sum the Town will vote to raise and appropriate for Street Lights

2016/17 –\$32,500.00                      2017/18 – Recommendation                      \$ 31,000.00

**Article 34.** To see what sum the Town will vote to raise and appropriate for Ambulance Service with the City of Gardiner.

2016/17 - \$20,100.00                      2017/18 – Recommendation                      \$ 21,000.00

## LIBRARIES

**Article 35.** To see what sum the Town will vote to raise and appropriate for reimbursement to residents or for pre-payment to the library of their choice for the fiscal year with not more than one fee reimbursed per household.

2017/18 – Recommendation \$ 6,000.00

(- Memberships to Gardiner, 25 Memberships to Hallowell and 07 Memberships Lithgow.)  
**(This was 2 Articles last year)** (1) 2016/17 Gardiner Library \$4,500.00 and (2) Library Choice \$1,500.00

## HEALTH AND SANITATION

**Article 36.** To see what sum the Town will vote to raise and appropriate for the Solid Waste Contract with the City of Augusta.

2016/17 - \$ 30,000.00      2017/18 – Recommendation \$ 30,000.00

**Article 37.** To see what sum the Town will vote to raise and appropriate for the Local Plumbing Inspector for matching Town funds for Social Security & Medicare.

2016/17 - \$200.00      2017/18 – Recommendation \$ 200.00

## HIGHWAY

**Article 38.** To see what sum the Town will vote to raise and appropriate for Highway Maintenance.

2016/17 – Approp. \$ 343,500.00      2017/18 – Total Approp. \$ 323,750.00  
Maine Local Roads \$ 24,304.00      Maine Local Roads \$ 24,588.00  
2017/18 – Recommendation (Excise) \$ 299,162.00

**Article 39.** To see what sum the Town will vote to raise and appropriate for Sanding, Snowplowing, Snow Removal and Salt Contract.

2016/17 – Total \$226,228.00      2017/18 – Total \$ 230,753.00  
2017/18- Recommendation (Excise) \$ 175,000.00  
2017/18- Recommendation (Raise) \$ 55,753.00

**Article 40.** To establish compensation for the Road Commissioner for the ensuing year. (Selectboard recommend a Stipend of \$5,000.00 and current State wages for routine road maintenance and labor, all funding shall be taken from the highway budget)

2016/17 - \$5,000.00      2017/18 – Recommendation \$ 5,000.00

**Article 41.** To see what sum the Town will vote to raise and appropriate for the Highway Reserve Account – Underground Drains.

2016/17 - \$10,000.00      2017/18 – Recommendation \$ 10,000.00

**Article 42.** To see what sum the Town will vote to raise and appropriate for Engineering Services.

2016/17 - \$10,000.00	2017/18 – Recommendation	\$ 10,000.00
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**Article 43.** To see what sum the Town will vote to raise and appropriate to pay the Town's this year's obligation to the Maine Municipal Bond Bank for money borrowed for the Northern Ave. Project.

2016/17 - \$36,447.00	2017/18 – Recommendation (Surplus)	\$ 35,826.00
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(Remaining balance including interest after the above payment will be \$464,274.00 Final payment is scheduled to be made in year 2032.)

### GENERAL ASSISTANCE

**Article 44.** To see what sum the Town will vote to raise and appropriate for General Assistance.

2016/17 - \$ 5,000.00	2017/18 – Recommendation	\$ 5,000.00
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### ASSESSING, PLANNING BOARD & APPEALS

**Article 45.** To see what sum the Town will vote to raise and appropriate for assessing and data entry.

2016/17 - \$ 24,000.00	2017/18 – Recommendation	\$ 24,000.00
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**Article 46.** To see what sum the Town will vote to raise and appropriate for Tax Map Updates.

2016/17 - \$ 2,500.00	2017/18 – Recommendation	\$ 2,500.00
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**Article 47.** To see what sum the Town will vote to raise and appropriate for the Planning Board and the Appeals Board.

2016/17 - \$ 1,500.00	2017/18 – Recommendation	\$ 1,500.00
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**Article 48.** To see what sum the Town will vote to raise and appropriate for membership dues to Kennebec Valley Council of Governments.

2016/17 - \$4,000.00	2017/18 – Recommendation	\$ 4,105.00
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### RECREATION

**Article 49.** To see what sum the Town will vote to raise and appropriate for the Hall-Dale Summer Recreation Program.

2016/17 - \$ 6,000.00	2017/18 – Recommendation	\$ 6,000.00
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**Article 50.** To see what sum the Town will vote to raise and appropriate for the Barnstormers Snowmobile Club of Farmingdale to allow access by residents of the Town of Farmingdale to snowmobile trails provided and maintained by the Barnstormers Snowmobile Club.

2016/17 - \$ 500.00	2017/18 – Recommendation	\$ 500.00
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**Article 51.** To see what sum the Town will vote to raise and appropriate for the Farmingdale Senior Citizens.

2016/17 - \$ 4,500.00                      2017/18 – Recommendation                      \$ 4,500.00

**Article 52.** To see what sum the Town will vote to raise and appropriate for the Hall-Dale Little League.

2016/17 - \$ 250.00                      2017/18 – Recommendation                      \$ 250.00

**Article 53.** To see what sum the Town will vote to raise and appropriate for the Farmingdale Historical Society.

2016/17 - \$ 300.00                      2017/18 – Recommendation                      \$ 300.00

### CHARITIES

**Article 54.** To see what sum the Town will vote to raise and appropriate for Family Violence Project. (19 residents serviced)

2016/17 - \$2,000.00                      2017/18 – Recommendation                      \$ 2,000.00

**Article 55.** To see what sum the Town will vote to raise and appropriate for Hospice of Kennebec Valley. (12 families serviced)

2016/17 - \$1,500.00                      2017/18 – Recommendation                      \$ 1,500.00

**Article 56.** To see what sum the Town will vote to raise and appropriate for Senior Spectrum. (201 residents serviced)

2016/17 - \$1,800.00                      2017/18 – Recommendation                      \$ 1,800.00

**Article 57.** To see what sum the Town will vote to raise and appropriate for Chrysalis Place (Food Bank). (96 families serviced)

2016/17 - \$3,000.00                      2017/18 – Recommendation                      \$ 3,000.00

**Article 58.** To see what sum the Town will vote to raise and appropriate for Kennebec Valley Behavioral Health Center. (273 families serviced)

2016/17 - \$ 1,000.00                      2017/18 – Recommendation                      \$ 1,000.00

**Article 59.** To see what sum the Town will vote to raise and appropriate for K.V.C.A.P. Busing. (48 residents serviced)

2016/17 – \$ 550.00                      2017/18 – Recommendation                      \$ 550.00

**Article 60.** To see what sum the Town will vote to raise and appropriate for the Red Cross.

2016/17 – \$ 0.00                      2017/18 – Recommendation                      \$ 250.00

**UNCLASSIFIED**

**Article 61.** To see what sum the Town will vote to raise and appropriate for Lawn & Cemetery Maintenance Contract.

2016/17 - \$ 12,320.00                      2017/18 Recommendation                      \$ 10,000.00

**Article 62.** To see what sum the Town will vote to raise and appropriate for Cemetery maintenance, repairs and upgrades.

2016/17 - \$ 6,350.00                      2017/18 Recommendation                      \$ 8,000.00

**Article 63.** To see what sum the Town will vote to raise and appropriate for Cemetery Sexton services.

2016/17 - \$ 1,800.00                      2017/18 - Recommendation                      \$ 2,200.00

**Article 64.** To see what sum the Town will vote to raise and appropriate for maintenance of the Veteran's Memorial.

2016/17 - \$ 500.00                      2017/18 - Recommendation                      \$ 500.00

**Article 65.** To see what sum the Town will vote to raise and appropriate for their share of Maintenance of the Rail Trail

2016/17 - \$ 4,000.00                      2017/18 - Recommendation                      \$ 4,000.00

**Article 66.** To see if the Town will authorize the Board of Selectmen to transfer funds not to exceed \$20,000.00 from the Capital Improvement Account to dispose of and/or demolish structures if determined to be of health/safety concerns.

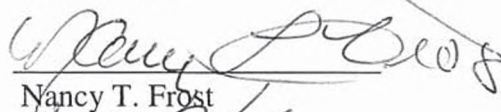
Selectmen Recommend

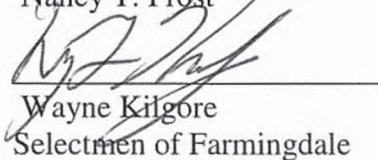
**Article 67.** To see if the Town will vote to increase the property tax levy limit of \$613,501.00 established for the Town of Farmingdale according to State in the event the municipal budget approved under the preceding Articles result in a tax commitment that is greater than this limit.

Selectmen Recommend

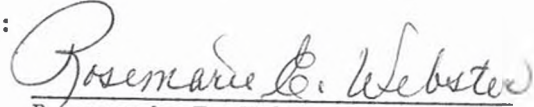
Given under our hands this 24 day of May, 2017

  
James Grant

  
Nancy T. Frost

  
Wayne Kilgore  
Selectmen of Farmingdale



Attested:   
Rosemarie E. Webster  
Town Clerk - Farmingdale

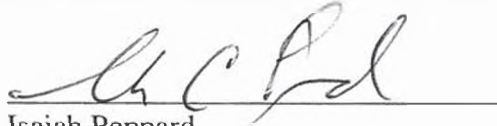
**RETURN ON THE WARRANT**

Farmingdale, Maine

May 25, 2017

Pursuant to the within warrant to me directed, I have notified and warned the inhabitants of said town, qualified as herein expressed, to meet at said time and place, and for the purposes therein named, by posting an attested copy of said warrant at the Farmingdale Town Office, in said town, being public and conspicuous place in said town, on May 25, 2017, being at least seven days prior to the meeting.

And on this day posted one copy each of the proposed the two ordinance(s); proposed ordinance in **Article 5** entitled "**Town of Farmingdale Prohibiting Retail Marijuana Establishments and Retail Marijuana Social Clubs**" and the proposed ordinance in **Article 6** entitled "**Town of Farmingdale Moratorium Ordinance on Retail Marijuana Establishments and Retail Marijuana Social Clubs**", attested by the municipal clerk, with the warrant.



Isaiah Peppard  
Constable Town of Farmingdale

# Town of Farmingdale Ordinance Prohibiting Retail Marijuana Establishments and Retail Marijuana Social Clubs

To Be Voted on: June 13, 2017

## ***Section 1. Authority***

This Ordinance is enacted pursuant to the Marijuana Legalization Act, 7 M.R.S.A. c. 417; and Municipal Home Rule Authority, Maine Constitution, Article VIII, part 2; and 30-A M.R.S.A. § 3001.

## ***Section 2. Definitions***

For purposes of this Ordinance, retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, and retail marijuana social clubs are defined as set forth in 7 M.R.S.A. § 2442.

## ***Section 3. Prohibition on Retail Marijuana Establishments and Retail Marijuana Social Clubs***

3.1 Retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities, and retail marijuana social clubs, are expressly prohibited in the Town of Farmingdale

3.2 No application for a proposed retail marijuana establishment or retail marijuana social club shall be processed.

3.3 No person or organization shall develop or operate a business that engages in retail or wholesale sales of a retail marijuana product, as defined by 7 M.R.S.A. § 2442.

3.4 Nothing in this Ordinance is intended to prohibit any lawful use, possession or conduct pursuant to the Maine Medical Use of Marijuana Act, 22 M.R.S.A. c. 558-C.

## ***Section 4. Effective date; duration***

This Ordinance shall take effect immediately upon enactment by the municipal legislative body unless otherwise provided and shall remain in effect until it is amended or repealed.

## ***Section 5. Penalties.***

This Ordinance shall be enforced by the Town of Farmingdale Board of Selectmen or their designee. Violations of this Ordinance shall be subject to the enforcement and penalty provisions of 30-A M.R.S.A. § 4452.

CERTIFICATION: We the Selectmen of the Town of Farmingdale hereby Certify to the Clerk that the foregoing document is a document entitled "Town of Farmingdale Ordinance Prohibiting Retail Marijuana Establishments and Retail Marijuana Social Clubs" and further certify it to be the subject of a **Town Ballot Referendum** vote to take place on Tuesday, June 13, 2017 between the hours of 8:00AM and 8:00PM at the Hall –Dale Middle School Gym, 111 Maple St, Farmingdale Maine.

Date of Certification: April 05, 2017

"S"

Selectman James A. Grant

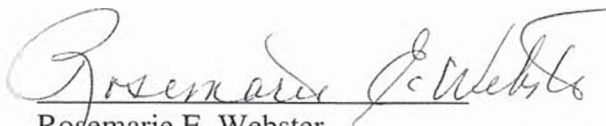
"S"

Selectman Nancy T. Frost

"S"

Selectman Wayne F. Kilgore

Attested:



Rosemarie E. Webster  
Town Clerk - Farmingdale

# **Town of Farmingdale Ordinance Enacting a Moratorium on Retail Marijuana Establishments and Retail Marijuana Social Clubs**

**To Be Voted on: June 13, 2017**

WHEREAS, the “Marijuana Legalization Act,” has become law in Maine, codified in the Maine Revised Statutes in Title 7, chapter 417; and

WHEREAS, the Marijuana Legalization Act (hereinafter, “Act”) authorizes municipalities to regulate the number of retail marijuana stores and the location and operation of retail marijuana social clubs and retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, as those terms are defined in the Act, as well as providing the option to prohibit the operation of retail marijuana social clubs and retail marijuana establishments, including stores, cultivation facilities, manufacturing facilities and testing facilities, within their jurisdiction; and

WHEREAS, the proposed Act will not limit the privileges or rights afforded by the Maine Medical Use of Marijuana Act (22 M.R.S.A. §§ 2421 – 2430-B) to qualifying patients, primary caregivers, or registered dispensaries, including cultivation facilities associated with any of those classifications; and

WHEREAS, the Municipality’s current ordinances do not include any regulations related to retail marijuana stores, retail marijuana establishments or retail marijuana social clubs under the proposed new Act; and

WHEREAS, the unregulated location and operation of retail marijuana establishments, retail marijuana stores and retail marijuana social clubs within the Municipality of Farmingdale raises legitimate and substantial questions about the impact of such establishments, stores and social clubs on the Municipality, including questions about the compatibility of retail marijuana establishments, retail marijuana stores and retail marijuana social clubs with existing uses and development in residential, commercial and industrial zoning districts; the potential adverse health and safety effects of retail marijuana establishments, retail marijuana stores and retail marijuana social clubs on the community if not properly regulated; the possibility of illicit sale and use of marijuana and marijuana products to minors and misuse of marijuana and marijuana products by those who would abuse the uses authorized under the Act; potential criminal activity associated with the cultivation, manufacturing, sale and use of marijuana and marijuana products for non-medicinal purposes and the potential increased burden on the Municipality’s police and fire departments; and the adequacy of the Municipality’s streets and infrastructure to accommodate the additional traffic and/or population that may result from the presence of retail marijuana establishments, retail marijuana stores or retail marijuana social clubs; and

WHEREAS, the possible effect of the location and operation of retail marijuana establishments and/or retail marijuana stores and/or retail marijuana social clubs within the Municipality has potentially serious implications for the health, safety and welfare of the Municipality and its residents; and

WHEREAS, the Municipality needs time to review the Act and to review its own ordinances to determine the implications of future proposed retail marijuana establishments and/or retail marijuana stores and/or retail marijuana social clubs to develop reasonable ordinances governing the location and operations of such establishments and stores and social clubs to address the concerns cited above; and

WHEREAS, the Municipality's current ordinances are insufficient to prevent serious public harm that could be caused by the unregulated development of retail marijuana establishments and retail marijuana stores and retail marijuana social clubs and other uses authorized by the Act, thereby necessitating a moratorium; and

WHEREAS, the board of selectmen, the administration and the planning board, with the professional advice and assistance of the local law enforcement agencies, shall study the Municipality's current ordinances to determine the land use and other regulatory implications of retail marijuana establishments and retail marijuana stores and retail marijuana social clubs and consider what locations, if any, and conditions of approval, if any, might be appropriate for such uses; and

WHEREAS, a moratorium is necessary to prevent an overburdening of public facilities that is reasonably foreseeable as the result of retail marijuana establishments and retail marijuana stores and retail marijuana social clubs and other uses authorized by the Act, being located in the Municipality; and

WHEREAS, it is anticipated that such a study, review, and development of recommended ordinance changes will take at least one hundred and eighty (180) days from the date the Municipality enacts this Moratorium Ordinance on retail marijuana establishments and retail marijuana stores and retail marijuana social Clubs;

NOW, THEREFORE, be it ordained by the legislative body of the Municipality of Farmingdale, that the following Moratorium Ordinance on retail marijuana establishments and retail marijuana stores and retail marijuana social clubs be, and hereby is, enacted, and, in furtherance thereof, the legislative body does hereby declare a moratorium on the location, operation or licensing of any retail marijuana social clubs and any retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, within the Town.

This Moratorium Ordinance shall take effect, once enacted by the legislative body, but shall be applicable as of Farmingdale as expressly provided below. The moratorium shall remain in effect for one hundred and eighty (180) days from the date of applicability of this Ordinance, unless extended, repealed, or modified by the legislative body, for the express purpose of drafting an amendment or amendments to the Municipality's current ordinances to protect the public from health and safety risks including, but not limited to, compatibility of retail marijuana establishments, retail marijuana stores and retail marijuana social clubs with existing and permitted uses in residential, commercial and industrial zoning districts; the correlation of retail marijuana establishments, retail marijuana stores and retail marijuana social clubs with medical marijuana cultivation facilities and dispensaries, all as defined in the Act; the potential adverse health and safety effects of retail marijuana establishments and retail marijuana stores and retail marijuana social clubs on the community if not properly regulated; the possibility of illicit sale and use of marijuana and marijuana products to minors and misuse of marijuana and marijuana products by those who would abuse the uses authorized under the new law; criminal

activity associated with the cultivation, manufacturing, sale and use of marijuana and marijuana products for non-medicinal purposes and the potential increased burden on the public safety agencies serving the Municipality in responding to the same; and the adequacy of the Municipality's infrastructure to accommodate the additional traffic and/or population that may result from the presence of retail marijuana establishments or retail marijuana stores or retail marijuana social clubs in the Municipality.

BE IT FURTHER ORDAINED, that this Ordinance shall apply to retail marijuana stores and retail marijuana social clubs and retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, as those terms are defined by the Act, codified at 7 M.R.S.A. §§ 2442 (36), (38), (39), (40) (41), that may be proposed to be located within the Municipality on or after the June 17, 2017 applicability date of this Ordinance; and

BE IT FURTHER ORDAINED, that notwithstanding the provisions of 1 M.R.S.A. § 302 or any other law to the contrary, this Ordinance, when enacted, shall govern any proposed retail marijuana establishments or retail marijuana stores or retail marijuana social clubs for which an application for a building permit, Certificate of Occupancy, site plan or any other required approval has not been submitted to and granted final approval by the Code Enforcement Officer, Planning Board or other Municipal official or board prior to the applicability date of this Ordinance; and

BE IT FURTHER ORDAINED, that no person or organization shall develop or operate a retail marijuana establishment or retail marijuana store or retail marijuana social club within the Municipality on or after the effective date of this Ordinance without complying with whatever ordinance amendment or amendments the legislative body may enact as a result of this Moratorium Ordinance; and

BE IT FURTHER ORDAINED, that during the time this Moratorium 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 or any other type of land use approval or permit and/or any other permits or licenses related to a retail marijuana establishment or retail marijuana stores or retail marijuana social club; and

BE IT FURTHER ORDAINED, that those provisions of the Municipality's ordinances that are inconsistent or conflicting with the provisions of this Ordinance, are hereby repealed to the extent that they are applicable for the duration of the moratorium hereby ordained, and as it may be extended as permitted by law, but not otherwise; and

BE IT FURTHER ORDAINED, that if retail marijuana establishments or retail marijuana stores or retail marijuana social clubs are 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 available to it in law and equity, including, but not limited to, fines and penalties, injunctive relief, and its reasonable attorney's fees and costs in prosecuting any such violations; and

BE IT FURTHER ORDAINED, that should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.



CERTIFICATION: We the Selectmen of the Town of Farmingdale hereby Certify to the Clerk that the foregoing document is a document entitled "Town of Farmingdale Moratorium Ordinance on Retail Marijuana Establishments and Retail Marijuana Social Clubs" and further certify it to be the subject of a **Town Ballot Referendum** vote to take place on Tuesday, June 13, 2017 between the hours of 8:00AM and 8:00PM at the Hall –Dale Middle School Gym, 111 Maple St, Farmingdale Maine.

Date of Certification: April 05, 2017

"S"

Selectman James A. Grant

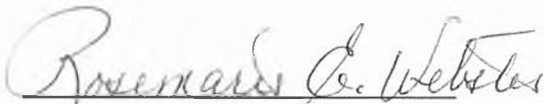
"S"

Selectman Nancy T. Frost

"S"

Selectman Wayne F. Kilgore

Attested:



Rosemarie E. Webster  
Town Clerk - Farmingdale