

2016

Minutes for Special Town Meeting Town of New Gloucester November 2, 2016

New Gloucester, Me.

Follow this and additional works at: <https://digitalcommons.library.umaine.edu/towndocs>

This Report is brought to you for free and open access by DigitalCommons@UMaine. It has been accepted for inclusion in Maine Town Documents by an authorized administrator of DigitalCommons@UMaine. For more information, please contact um.library.technical.services@maine.edu.

**TOWN OF NEW GLOUCESTER
MINUTES OF SPECIAL TOWN MEETING
November 2, 2016**

The Town meeting was called to order at 7:03p.m., by the Town Clerk, Paul R. First.

The Clerk led the Town Meeting attendees in the Pledge of Allegiance.

Article 1. To choose a Moderator to preside at said meeting.

<i>Nomination of:</i>	<i>Tammy Donovan</i>
<i>Nomination by:</i>	<i>Beverly Cadigan</i>
<i>Seconded by:</i>	<i>William Kiley</i>
<i>No other nominations were made.</i>	
<i>Motion to close nominations:</i>	<i>William Kiley</i>
<i>Seconded by:</i>	<i>Amy Arata</i>
<i>Those in favor of closing nominations:</i>	<i>All</i>
<i>Opposed:</i>	<i>None</i>
<i>Nomination of Tammy Donovan carried.</i>	
<i>3 votes were cast for Tammy Donovan.</i>	
<i>Tammy Donovan was elected Moderator.</i>	

The clerk administered the Oath of Office to the Moderator.

The Moderator asked a motion to allow non-residents to speak.

Jean Couturier moved and Beverly Cadigan seconded a motion to allow non-residents staff to speak. The vote carried unanimously.

Article 2. Shall an ordinance entitled "Town of New Gloucester Ordinance Establishing a Moratorium on Retail Marijuana Establishments and Retail Marijuana Social Clubs" be enacted? The text of the ordinance to be as follows:

**TOWN OF NEW GLOUCESTER ORDINANCE ESTABLISHING A MORATORIUM
ON RETAIL MARIJUANA ESTABLISHMENTS AND RETAIL MARIJUANA
SOCIAL CLUBS**

WHEREAS, a referendum on proposed legislation titled the Marijuana Legalization Act, proposed to be codified at 7 M.R.S.A. Chapter 417, will be acted on by the voters of the State of Maine on November 8, 2016; and

WHEREAS, if enacted by the voters, the Marijuana Legalization Act would authorize the licensure and operation of retail marijuana establishments and retail marijuana social clubs as a regulated program of the State of Maine; and

WHEREAS, the proposed 7 M.R.S.A. Section 2449 Local Licensing, allows municipalities to regulate the location and operation of retail marijuana establishments and retail marijuana social clubs and to adopt and enforce regulations for such uses; and

WHEREAS, operations related to retail marijuana establishments and retail marijuana social clubs raise a number of concerns related to public safety and welfare, including, but not limited to, potential adverse effects on neighborhoods, security of the facilities, and odors that may create a public nuisance or hazard; and

WHEREAS, there has been an increasing number of requests regarding the establishment of facilities for the cultivation of marijuana; and

WHEREAS, the Town's existing ordinances do not provide an adequate mechanism to regulate and control the location and operation of retail marijuana establishments and retail marijuana social clubs and are inadequate to prevent the potential for serious public harm from the future establishment of retail marijuana establishments and retail marijuana social clubs; and

WHEREAS, the Town needs a reasonable amount of time to study the land use implications of retail marijuana establishments and retail marijuana social clubs and to develop reasonable regulations governing their location and operation; and

WHEREAS, during the period of this Moratorium, the Town will work on developing appropriate land use regulations concerning retail marijuana establishments and retail marijuana social clubs; and

NOW THEREFORE, pursuant to the authority granted to it by 30-A M.R.S. § 4356, be it hereby ordained by the Town of New Gloucester legislative body assembled, as follows:

1. DEFINITIONS.

As used in this Ordinance, the following terms have the following meanings as defined in the proposed Marijuana Legalization Act:

“Marijuana”: means cannabis.

“Retail Marijuana Establishments”: “a retail marijuana store, a retail marijuana cultivation facility, a retail marijuana products manufacturing facility or a retail marijuana testing facility.

“Retail Marijuana Cultivation Facility”: an entity licensed to cultivate, prepare and package retail marijuana and sell retail marijuana to retail marijuana establishments and retail marijuana social clubs.

“Retail Marijuana Products Manufacturing Facility”: an entity licensed to purchase retail marijuana; manufacture, prepare and package retail marijuana products; and sell retail marijuana and retail marijuana products only to other retail marijuana products manufacturing facilities, retail marijuana stores and retail marijuana social clubs.

“Retail Marijuana Social Club”: An entity licensed to sell retail marijuana and retail marijuana products to consumers for consumption on the licensed premises.

“Retail Marijuana Store”: an entity licensed to purchase retail marijuana from a retail marijuana cultivation facility and to purchase retail marijuana products from a retail marijuana products manufacturing facility and to sell retail marijuana and retail marijuana products to consumers.

“Retail Marijuana Testing Facility”: an entity licensed and certified to analyze and certify the safety and potency of retail marijuana and retail marijuana products.

2. APPLICABILITY AND PURPOSE.

This moratorium shall apply to retail marijuana establishments and retail marijuana social clubs, as defined above, that are proposed to be located within the Town of New Gloucester on or after the effective date of this Ordinance.

3. PROHIBITION.

During the time this Ordinance is in effect, no official, officer, board, body, agency, agent or employee of the Town of New Gloucester shall accept, process or act upon any application for any approval, including but not limited to a building permit, certificate of occupancy, site plan review, conditional use, or any other approval, received after the effective date of this Ordinance relating to the establishment or operation of a business or operation of a retail marijuana establishment and/or retail marijuana social club. No person shall establish or operate a business or operation of a retail marijuana establishment and/or retail marijuana social club within the Town of New Gloucester that was proposed on or after the effective date of this Ordinance.

4. ENFORCEMENT, VIOLATION AND PENALTIES.

This Ordinance shall be enforced by the Code Enforcement Officer of the Town of New Gloucester. Any person who violates Section 3 of this ordinance shall be subject to civil penalties and other remedies as provided in 30-A M.R.S.A. § 4452.

5. EFFECTIVE DATE.

This Ordinance takes effect immediately upon adoption and shall expire on the 180th day thereafter, unless earlier extended by the Town of New Gloucester Selectmen.

6. SEVERABILITY.


Should any section or provision of this Ordinance be declared by any court to be invalid, such a decision shall not invalidate any other section or provision.

Motion: Amy Arata moved that Article 2 have passage as presented.
Second: Jean Couturier
Discussion: Amy Arata, Peter Bragdon, Paul First, Beth Sutherland, Penny Hilton, Beverly Cadigan and Richard Maguire commented on this article.

Motion: Steve Chandler made a motion to move the question.
Second: Beverly Cadigan
Vote: It was voted that Article 2 be passed as presented.

Beverly Cadigan moved and Ellie Fellers seconded a motion to adjourn at 7:37 p.m. The motion passed unanimously.

ATTEST:



Paul R. First, Town Clerk