

**MINUTES
TOWN COUNCIL MEETING
STANDISH, MAINE
TUESDAY, JANUARY 14, 2020
STANDISH MUNICIPAL CENTER
6:00 PM**

CALL TO ORDER

The meeting was called to order by Chair Libby and the Pledge of Allegiance was led by members of the local Boy Scout Troop.

ROLL CALL

Councilors present: Delcourt, Gaba, LeClerc, Libby, Nesbitt, Paul and Pomerleau.

MINUTES OF PREVIOUS MEETING (S)

Moved by Nesbitt seconded by Pomerleau and voted to approve the minutes from the December 10, 2019 Town Council meeting. The minutes were adopted by unanimous consent.

PETITIONS AND COMMUNICATIONS

The Clerk read an email from Planning Board member Deborah Boxer in which she suggested that they consider amending the Solar Energy Systems ordinance's definition of large solar project as follows: to include the words "and above" after 17,000 square feet.

REPORT OF THE TOWN MANAGER

Monthly Departmental Report – Public Works Department – Mr. Mosley noted that this January 2020 is the 25th anniversary of construction Public Works facility on Moody Road, noting it's been a quick 25 years. He said that between the Transfer Station and Public Works Departments there are 13.5 employees. A year ago, an employee was added from May to December at the Transfer Station, this has proved to be very beneficial. Mr. Mosley noted that a year ago at this same time of year we had paid out \$3,500 on contamination fees for recycling, this year, at the same time period we've paid \$350 in contamination fees. Since removing the silver bullets the loads that are contaminated have come from St. Joseph's Colleges containers. He explained that the road crew takes care of approximately 90-miles of road in the summertime; and 120-miles of road in the winter with the help of two contractors. In the past year, the town purchased a used 4-wheel drive loader, a new single axle dump truck with plow truck and sander, a new 4-wheel drive pickup and two roll-off containers for the Transfer Station to replace containers that had been purchased in 1992. He said that the Boundary Road was reclaimed, gravel was added, and it was based with asphalt, this coming summer it is expected that the surface asphalt will be put down. He noted the round-a-bout at Route 25 and Manchester/Saco Roads is completed and the lighting has been installed. In addition, the Town LED streetlight joint project with Windham, Raymond and Gorham is progressing. Raymond's LED's are installed, Windham is next followed by approximately 200 lights being replaced in Standish. Last Friday, all the exterior lighting at the Municipal Center was replaced with LED lights, this vastly improves the lighting. The Transfer Station has been handling about the same amount of waste as in the past, he noted that he is very pleased with the staff's efforts to keep the recycling contamination numbers down. Special waste (non-household waste) numbers are up, the reason why is uncertain. He explained that the Recycling Committee works with the school in conjunction with Ecomaine, recently the recycling calendar was completed and distributed. He noted that sand is available 24/7 at the Transfer Station.

Town Manager, Bill Giroux thanked the Public Works Department for the fantastic job that they do.

Mr. Mosley said that it takes the whole crew and they're all very dedicated.

Giroux introduced Sheriff Joyce noting he runs a fantastic organization and we're lucky to have him as a town resident. He noted that there has never been a negative encounter with the Department.

Cumberland County Sheriff's Department – Sheriff Kevin Joyce said that it's great to have a check-in every once in a while, so you get to meet the employees that serve in the Town of Standish. He said that they appreciated that another deputy was added to the patrol. He recalled his time on the road in Standish noting how the challenges that they face have changed. He touched on the speeding complaints they receive regarding speeding and "Hollywood Stops" in various areas of town, explaining that they address those complaints, noting that they send deputies patrol to the areas of concern. There are some speeding complaints that are seasonal. In all cases, a deputy is sent to speak with the complainant. He said that they want to public to contact them because they can't work on issues that they don't know about. He went on to compliment the Public Works and Fire Department's for their professionalism. Sheriff Joyce introduced Captain Scott Stewart to continue with the presentation. He noted that Captain Stewart came to them approximately two-years ago from the Sagadahoc Sheriff's Department. Captain Stewart has customer service to a T, he is proud to call him a friend and part of the command staff.

Captain Stewart said that a few years ago he brought to their attention that the Standish patrol was under-staffed, he said that not only did they listen and added a deputy, you added two deputies. He said that the taxpayers of Standish need to be commended for taking a proactive approach to what the department saw as a problem. He introduced the deputies that provide the patrol duties in Standish: John Cross, Derrick Brill, Rafael Mendoza, Hunter Smith, Josiah Cushman, Matt Stoll and Danae Dostie who was not present due her to military commitment.

Councilor Delcourt asked if marijuana was a problem in Standish?

Captain Stewart said that he would want to pull the numbers and not speak off the cuff about marijuana calls. He said since the legalization of marijuana their philosophy on how they handle this matter has changed. He then asked that the question be clarified.

Councilor Delcourt asked if we are having a problem with marijuana in Standish?

Captain Stewart responded, no, based on that broad question. He explained that they deal with it a lot but not as much as they used to because it is now legal.

Councilor Delcourt questioned if there are manufacturing facilities, testing facilities and cultivation facilities in town would those facilities require more services from the Sheriff's Department?

Captain Stewart said that would depend on the scope of the facilities, their size, where they are located, so he would be unable to answer that question without knowing more details.

Councilor Delcourt asked if the deputies used a lot of Narcan?

Captain Stewart explained that all the deputies are issued Narcan, noting that there has been a decline in the number of times that they are administering the drug.

Councilor LeClerc noted that the Sheriff had alluded to potential challenges that they face, could he expand in that?

Captain Stewart said that in his opinion, for law enforcement nationwide, that employment, regarding, hiring, retention, pay and benefits.

Councilor LeClerc questioned if there were any local issues? Such as methamphetamine issues, would that call for more deputies in Standish?

Captain Stewart said that he would like to see how the new staffing works in the community first.

B. Giroux noted that at last year's Annual Town Meeting an additional deputy was added and it's about a month away from getting the deputy, noting it takes that long due to the availability, training and competition in the field are the challenges that they face.

Sheriff Joyce said that he would have to pull the numbers to answer questions about marihuana in Standish, noting that the state has not yet defined how recreational marijuana will be handled. In as far as medical marijuana, there are inspectors that check the facilities to ensure that they are in compliance. With the recreational law, it is thought the process will be modeled after past liquor enforcement inspection processes. He said that the big concern is the people that will use marijuana and drive; and poly drug use, how will that be tested for people under the influence of cannabis. He said for the past few years they have struggled with what is right in regards to marijuana enforcement procedures.

Chair Libby thanked Sheriff Joyce and the deputies for attending tonight's meeting.

EXECUTIVE SESSION

Although scheduled, an Executive Session was not needed at this meeting.

PUBLIC HEARINGS

There were no Public Hearings scheduled at this meeting.

COMMITTEE REPORTS

Councilor Leclerc- PWD Steering Committee – still waiting to back from PWD regarding questions relating to municipal membership. A question that was posed to PWD was would there be infrastructure improvements in Standish as part of membership.

Councilor Leclerc – Recycling Committee – Mr. Mosley's report covered the Recycling Committee. He noted that pulling the satellite recycling silver-bullets was the right thing to do.

Councilor Gaba – Appointments Committee – met this evening and have an agenda item.

Councilor Nesbitt – Finance Committee – met yesterday, all finances are on track, they look forward to the upcoming budget process.

Councilor Pomerleau – Capital Improvements Committee – met to review the 10-year plan and the budget.

Councilor Delcourt – Economic Development Committee – will meet next month.

Councilor Paul – Personnel Committee – met twice in the past month, one meeting was a "all hands" meeting to meet with all employees to receive budget requests. The other meeting was with select department heads regarding departmental needs.

Councilor Libby – Ordinance Committee – did not meet last month due to weather conditions.

CONSENT CALENDAR

There were no Consent Calendar items at this meeting.

UNFINISHED BUSINESS

116-19 Amendments to Standish Town Code, Chapter 181, Land Use, Regarding Solar Energy Systems (First Reading) [Libby]

Chair Libby called for Council discussion; he went on to explain that this had been brought forward to establish a local ordinance.

Bill Giroux said that this Town has received inquiries from landowners and solar businesses regarding regulations in Standish. We realized that our ordinances didn't allow solar energy systems or regulate them. He explained that the town attorney drafted the ordinances, she is here to answer any questions that they may have.

Sally Daggett, Town Attorney noted that the Planning Board brought forward a slight amendment that needed to be incorporated in both orders 116-19 and 117-19. The words 'or more' should be added after 17,000 square feet, to correct a typographical error.

Moved by Nesbitt seconded by Pomerleau and voted to amend the order as follows:

SOLAR ENERGY SYSTEM, LARGE-SCALE – A solar energy system that occupies 17,000 square feet or more of surface area; surface area shall be measured by the total surface area of the solar collector at maximum tilt that occupies a given space. (Unanimous)

Chair Libby called for public comment on the order as amended.

Planning Board Pat Frechette voiced her concerns regarding the toxic chemicals that are used in the panels. She said that Maine is not looking into this facet of the process, she urged the Council take disposal procedures under consideration.

Chair Libby called for Council discussion, hearing none he called for the vote.

VOTED TO MOVE THE ORDER TO PUBLIC HEARING AT THE FEBRUARY MEETING: 7 Yeas

117-19 Amendments to Standish Town Code, Chapter 237, Shoreland Zoning, Regarding Solar Energy Systems (First Reading) [Libby]

Moved by Libby seconded by Leclerc and voted to dispense with the Clerks reading of the order. (Unanimous)

Chair Libby noted this order needs to be amended as order 116-19 was.

Moved by Nesbitt seconded by Leclerc and voted to amend the order as follows:

SOLAR ENERGY SYSTEM, LARGE-SCALE – A solar energy system that occupies 17,000 square feet or more of surface area; surface area shall be measured by the total surface area of the solar collector at maximum tilt that occupies a given space. (Unanimous)

Chair Libby said that this regulates solar systems in the shoreland zone.

Chair Libby called for public comment on the order as amended, hearing none, he called for Council discussion, hearing none, he called for the vote.

VOTED TO MOVE THE ORDER TO PUBLIC HEARING AT THE FEBRUARY MEETING: 7 Yeas

118-19 Amendments to Standish Town Code, Chapter 181, Land Use, Regarding Adult Use Marijuana Establishments (Products Manufacturing Facilities, Testing Facilities & Cultivation Facilities) and Medical Marijuana Dispensaries (Introduction - at the 12/10/19 Town Council meeting this item was postponed to the January 14, 2020 meeting) [Libby]

Moved by Libby seconded by Leclerc and voted to dispense with the Clerks reading of the order. (Unanimous)

Town Attorney, Sally Daggett provided an overview on the next three related orders. She said that order 118-19 would allow Product Manufacturing Facilities, Testing Facilities and Cultivation Facilities regarding adult use marijuana. She noted that facilities would be allowed in the Business Commercial District for manufacturing and testing, the same two uses are allowed in the Industrial District with the addition of cultivation facilities. The performance standards require that any of these uses would go before the Planning Board, with site plan review and approval. She explained that there are requirements that the facilities to be located certain distances away from sensitive uses such as childcare facilities, a community center, higher education facilities, schools, public outdoor

facilities and places of worship. In addition, there are regulations for hours of operation, odor management, waste disposal, security, fire safety, noting the bottom line is that order 118-19 would allow Product Manufacturing Facilities, Testing Facilities and Cultivation Facilities; order 119-19 Product Manufacturing Facilities and Testing Facilities; and order 120-19 is assuming that order 118-19 or 119-19 is approved would repeal an ordinance on the books that prohibits adult use facilities. She explained if they choose to adopt order 118-19, they should not adopt order 119-19 and vice-versa.

Chair Libby called for public comments.

Todd Delaney – Spear Road – voiced his concern regarding facilities being located too close to schools or daycares and is opposed to these orders. In his opinion, the distances in the ordinance are too close to the sensitive uses. He was adamant that these types of facilities cannot be located near schools or daycares.

Joe Albert – Local Business Owner – He too is opposed to retail sales. He said that if you had to choose, adding the adult cultivation would enhance the medical cultivation procedures.

Pat Frechette – Resident/Planning Board Member – explained during a recent visit to the abutting daycare she was able to smell the odor that comes from adjacent medical grow facility. She said that it was her opinion that this matter should go before the town's people at a referendum vote. She continued to speak regarding that marijuana is illegal in federal law.

Nancy Lou Stiles – Oak Hill Area – was drawn to move to Standish about four years ago due to its sense of being a family-oriented community. She said that marijuana would diminish that sense of community in her opinion. She explained that she is highly allergic to marijuana, she cited that there are some businesses that she can not go to due to their proximity to marijuana businesses. She too thought that the process should go before the voters.

Joe Albert – Local Business Owner – He said that he supported the adult use provisions to enhance the current medical cultivation facilities operating procedures.

Daniel Cahill – Richville Road - as a medical marijuana grower in town, he can speak to the science of the growing the product in Maine.

Paul Frechette – Luke Road – said it was his opinion that marijuana is a gateway drug.

Chris Coffin – Ossipee Trail – said that he is concerned with glorifying marijuana and exposing it to children. He voiced his concerns that the distance between marijuana facilities and sensitive uses need to be more than cited in the order.

Chair Libby called for additional public comments, hearing none, he closed public comments and called for Council comments.

Councilor Delcourt asked if there were adult manufacturing facilities in town now?

Bill Giroux said not to his knowledge.

Councilor Delcourt asked what is the place up the street?

Bill Giroux said that there are caregiver cultivation facilities located there.

Councilor Delcourt asked if there are any testing facilities in town? In the state?

Bill Giroux said that there are none in town to his knowledge. He said that some will come in the state in the future.

Councilor Delcourt said that from what he's read there is a lot of money raised through the testing facilities. In regard to cultivation, is it limited to the current location.

Mr. Giroux said that it is not limited to that location, there are limits to the number of plants.

Councilor Delcourt said that the people that he has spoke with are against marijuana and he cannot support this.

Councilor LeClerc spoke in regard to the odor emitted from facilities, he said that the adult use provisions would address odor control measures. He recalled living in Portland and dealing with the odor from the Westbrook Mill and how difficult that was at times.

Councilor Nesbitt explained that initially he was opposed to adult use provisions waiting for the state laws to be in place. He said that this has been before us in workshop and he supports this order. He said that cultivation has been here for years and noted that there are very few areas in town where manufacturing and testing facilities can be located. He said with the state laws in place we should allow the current businesses to adapt to the new laws. This will make the process more transparent.

Councilor Paul questioned the odor management provisions, he said that it had jurisdiction over adult use cultivation, but aren't there still will be medical cultivators who are not under the new law provisions?

Bill Giroux said that is correct, those who choose to stay as medical caregivers would not have to go through site plan review.

Chair Libby called for additional Council discussion, hearing none he called for the vote to move this it first reading hearing at the February Town Council meeting.

VOTED TO MOVE THE ORDER TO FIRST READING AT THE FEBRUARY MEETING: 3 Yeas, Gaba, Leclerc and Nesbitt – 4 Nays, Delcourt, Libby, Paul and Pomerleau

THE FOLLOWING AMENDMENTS DID NOT MOVE ON TO PUBLIC HEARING:

**AMENDMENTS TO STANDISH TOWN CODE, CHAPTER 181, LAND USE, REGARDING ADULT USE MARIJUANA ESTABLISHMENTS
(PRODUCTS MANUFACTURING FACILITIES, TESTING FACILITIES & CULTIVATION FACILITIES) AND MEDICAL MARIJUANA
DISPENSARIES**

(Additions are underlined; deletions are ~~struck-out~~.)

**CHAPTER 181 – LAND USE
PART 1
ZONING**

**ARTICLE II
Definitions**

§ 181-3. Terms defined.

ADULT USE MARIJUANA - "Adult use marijuana" as that term is defined in 28-B M.R.S. § 102(1), as may be amended.

ADULT USE MARIJUANA PRODUCT - "Adult use marijuana product" as that term is defined in 28-B M.R.S. § 102(2), as may be amended.

DOMICILE – A natural person's established, fixed, permanent or ordinary dwelling place or legal residence to which, whenever the person is absent, the person has the intention of returning. A person may have only one domicile.

IMMATURE MARIJUANA PLANT – "Immature marijuana plant" as that term is defined in 28-B M.R.S. § 102(19), as may be amended.

INHERENTLY HAZARDOUS SUBSTANCE - "Inherently hazardous substance" as that term is defined in 28-B M.R.S. § 102(20), as may be amended.

MANUFACTURE OR MANUFACTURING OF MARIJUANA - "Manufacture" or "manufacturing" of marijuana as the term "manufacturing or manufacture" is defined in 28-B M.R.S. § 102(26), as may be amended.

MARIJUANA - "Marijuana" as that term is defined in 28-B M.R.S. § 102(27), as may be amended.

MARIJUANA CULTIVATION FACILITY - A "cultivation facility" as that term is defined in 28-B M.R.S. § 102(13), as may be amended. A marijuana cultivation facility is a facility licensed under Title 28-B of the Maine Revised Statutes. A marijuana cultivation facility other than a nursery marijuana cultivation facility, Tier 1 marijuana cultivation facility or Tier 2 marijuana cultivation facility is prohibited in Standish.

MARIJUANA ESTABLISHMENT - A "marijuana establishment" as that term is defined in 28-B M.R.S. § 102(29), as may be amended. A marijuana establishment is a marijuana store, a marijuana cultivation facility, a marijuana products manufacturing facility or a marijuana testing facility.

MARIJUANA EXTRACTION - "Marijuana extraction" as that term is defined in 28-B M.R.S. § 102(30), as may be amended.

MARIJUANA PLANT - "Marijuana plant" as that term is defined in 28-B M.R.S. § 102(32), as may be amended.

MARIJUANA PRODUCT - "Marijuana product" as that term is defined in 28-B M.R.S. § 102(33), as may be amended.

MARIJUANA PRODUCTS MANUFACTURING FACILITY - A "products manufacturing facility" as that term is defined in 28-B M.R.S. § 102(43), as may be amended. A marijuana products manufacturing facility is a facility licensed under Title 28-B of the Maine Revised Statutes. A marijuana products manufacturing facility is only authorized as a principal use, and not as an accessory use.

MARIJUANA STORE - A "marijuana store" as that term is defined in 28-B M.R.S. § 102(34), as may be amended. A marijuana store is a facility licensed under Title 28-B of the Maine Revised Statutes.

MARIJUANA TESTING FACILITY - A "testing facility" as that term is defined in 28-B M.R.S. § 102(54), as may be amended. A marijuana testing facility is a facility licensed under Title 28-B of the Maine Revised Statutes. A marijuana testing facility is only authorized as a principal use, and not as an accessory use.

MATURE MARIJUANA PLANT - "Mature marijuana plant" as that term is defined in 28-B M.R.S. § 102(36), as may be amended.

MEDICAL MARIJUANA DISPENSARY - A "registered dispensary" as that term is defined in 22 M.R.S. § 2422(6), as may be amended. A medical marijuana dispensary includes a location at which marijuana is cultivated by a registered dispensary pursuant to 22 M.R.S. § 2428, as may be amended. A medical marijuana dispensary is a facility registered under Title 22 of the Maine Revised Statutes. A medical marijuana dispensary is only authorized as a principal use, and not as an accessory use.

MEDICAL MARIJUANA PRODUCT - "Marijuana product" as that term is defined in 22 M.R.S. § 2442(4-L), as may be amended.

PERSON - A natural person, partnership, association, company, corporation, limited liability company or organization or a manager, agent, owner, director, servant, officer or employee thereof.

PLANT CANOPY - "Plant canopy" as that term is defined in 28-B M.R.S. § 102(41), as may be amended.

NURSERY MARIJUANA CULTIVATION FACILITY - A type of "marijuana cultivation facility" as that term is defined herein with a maximum of 1,000 square feet of plant canopy and that is subject to the requirements of 28-B M.R.S. § 501(3), as may be amended.

SEEDLING - "Seedling" as that term is defined in 28-B M.R.S. § 102(51), as may be amended.

TIER 1 MARIJUANA CULTIVATION FACILITY - A type of "marijuana cultivation facility" as that term is defined herein with a maximum of 500 square feet of plant canopy.

TIER 2 MARIJUANA CULTIVATION FACILITY - A type of "marijuana cultivation facility" as that term is defined herein with a maximum of 2,000 square feet of plant canopy.

ARTICLE III District Regulations

§ 181-8. BC-Business and Commercial Districts.

- C. Permitted uses requiring site plan review shall be as follows. Such uses shall require Planning Board approval, in accordance with Part 2 of this chapter.

- (20) Manufacturing, Light with not more than 10,000 square feet of gross floor area. Exterior storage or assembly of materials or products is prohibited.
- (21) Marijuana products manufacturing facility.
- (22) Marijuana testing facility.
- (234) Mechanical repair garage.
- (242) Medical clinics.
- (253) Meteorological tower and small wind energy systems, as defined in § 181-49.21.
- (264) Motels.
- (275) Motor vehicle sales.
- (286) Private clubs.
- (297) Public utilities.
- (3028) Recycling center.
- (3129) Research facilities.
- (329) Residential care facility.
- (334) Restaurants with drive-through.
- (342) Restaurants without drive-through.
- (353) Retail businesses under 10,000 square feet.
- (364) Road and rail distribution.
- (375) Social events center.
- (386) Timber harvesting.
- (397) Tradesman.
- (4038) Veterinary clinics.
- (4139) Warehousing and outdoor storage under 10,000 square feet.
- (429) Wholesale businesses under 10,000 square feet.

§ 181-10. Industrial Districts.

- D. Permitted uses requiring site plan review shall be as follows. Such uses shall require Planning Board approval, in accordance with Part 2 of this chapter.

- (12) Marijuana products manufacturing facility.
- (13) Marijuana testing facility.
- (142) Mechanical repair garage.
- (153) Medical Clinic.
- (16) Medical marijuana dispensary.
- (174) Meteorological tower and small wind energy systems, as defined in § 181-49.21.
- (185) Municipal uses.
- (19) Nursery marijuana cultivation facility.

- (2046) Public utilities.
- (2147) Recycling center.
- (2248) Restaurant without drive through.
- (2349) Retail business less than 10,000 square feet.
- (2420) School.
- (25) Tier 1 marijuana cultivation facility.
- (26) Tier 2 marijuana cultivation facility.

E. Uses listed below shall first require approval from the Board of Appeals as a special exception, in accordance with standards set forth in this Part 1. Such uses shall also require site plan review and approval from the Planning Board.

- (1) Airports.
- (2) Business/professional office over 10,000 square feet.
- (3) Churches.
- (4) Colleges.
- (5) Day-care center.
- (6) Junkyards.
- (7) ~~Medical marijuana dispensary.~~
- (78) Retail business over 10,000 square feet.
- (89) Wholesale business over 10,000 square feet.

ARTICLE IV General Standards

§ 181-19.2. Performance standards for marijuana cultivation facilities, marijuana products manufacturing facilities, marijuana testing facilities, and medical marijuana dispensaries.

Notwithstanding the provisions of 1 M.R.S. § 302 or any other law to the contrary, the amendments to this ordinance evidenced by Order #118-19, this Section, when enacted, shall govern any proposed marijuana cultivation facility, marijuana products manufacturing facility, marijuana testing facility, or medical marijuana dispensary for which an application has not been submitted and acted on by the Planning Board prior to August 28, 2019. The following standards apply to all marijuana cultivation facilities, marijuana products manufacturing facilities, marijuana testing facilities, and medical marijuana dispensaries:

All marijuana cultivation facilities, marijuana products manufacturing facilities, marijuana testing facilities, and medical marijuana dispensaries are principal uses regardless of the amount of space they may occupy within a building. All marijuana cultivation facilities, marijuana products manufacturing facilities, marijuana testing facilities, and medical marijuana dispensaries require site plan review and approval from the Planning Board prior to the issuance of any building permit or certificate of occupancy. In addition to the site plan review standards set forth in Article XI of this ordinance, the following performance standards are to be used by the Planning Board in reviewing site plan applications and compliance with the same shall serve as requirements for approval of any such site plans.

A. **Separation from sensitive uses.** (1) No marijuana cultivation facility, marijuana products manufacturing facility, marijuana testing facility, or medical marijuana dispensary shall be sited within one thousand (1,000) feet of the lot lines of a school, and (2) no marijuana cultivation facility, marijuana products manufacturing facility, marijuana testing facility, or medical marijuana dispensary shall be sited within four hundred (400) feet of the lot lines of a child care facility, community center, higher educational facility, public outdoor recreational area, church, synagogue or other house of religious worship.

The distance cited in this subsection shall be measured between the lot line of the proposed site for the marijuana cultivation facility, marijuana products manufacturing facility, marijuana testing facility, or medical marijuana dispensary and the lot line of the site of the use listed in (1) or (2) above at their closest points. For purposes of this measurement,

if a marijuana cultivation facility, marijuana products manufacturing facility, marijuana testing facility, or medical marijuana dispensary is to be located on a site that is leased from an unrelated third party, such an establishment's lot line shall be determined as follows:

- (i) If the establishment leases an entire parcel of land, the lot line of such establishment shall be the lot line of the parcel;
- (ii) If the establishment leases a freestanding building or buildings which is or are part of a larger parcel containing other free standing buildings, the lot line of such establishment shall be the outer wall of the building(s) being leased by the establishment; and
- (iii) If the establishment leases a room or suite of rooms within a building, including, without limitation, individual units within a shopping plaza or shopping mall, the lot line of such establishment shall be the outer wall of the building within which such room or suite of rooms is located.

Any applicant for a building permit, land use approval and/or certificate of occupancy involving a marijuana cultivation facility, marijuana products manufacturing facility, a marijuana testing facility, or a medical marijuana dispensary shall submit with the application (i) a map of properties within 1,000 feet of the proposed use and a list of the uses of those surrounding properties, each in such format as may be required by the Town Planner; and (ii) a map of properties within 400 feet of the proposed use and a list of the uses of those surrounding properties, each in such format as may be required by the Town Planner. The Town will only verify distance of the proposed premises from existing uses listed in (1) or (2) above; once all of the Town-required licenses, permits and approvals are issued, the Town will not preclude a sensitive use listed in (1) or (2) above from opening at a location within the applicable buffer zones.

A marijuana cultivation facility, marijuana products manufacturing facility, marijuana testing facility, or medical marijuana dispensary may continue to operate in its present location as a pre-existing use if a sensitive use as listed in (1) or (2) above later locates within the applicable buffer zone; however, the marijuana cultivation facility, marijuana products manufacturing facility, marijuana testing facility, or medical marijuana dispensary does so at its own risk, and Town-issued licenses, permits or approvals provide no protection or indemnification against enforcement of federal or other applicable laws that may prohibit operation of a marijuana cultivation facility, marijuana products manufacturing facility, marijuana testing facility, or medical marijuana dispensary near a sensitive use listed in (1) or (2) above.

Any marijuana cultivation facility, marijuana products manufacturing facility, marijuana testing facility, or medical marijuana dispensary that wants to change to another type of establishment other than the one for which it initially sought and obtained Planning Board site plan approval may do so, but it must first seek and obtain site plan approval for the new use and must comply with the then-current separation distances for the sensitive uses listed in (1) and (2) above. Any marijuana cultivation facility, marijuana products manufacturing facility, marijuana testing facility, or medical marijuana dispensary that has any permit, approval or license necessary to operate as such an establishment either lapse or be finally adjudicated as revoked must, prior to re-commencing operations, (i) seek and obtain Planning Board site plan approval for the marijuana use, and (ii) comply with the then-current separation distances for the sensitive uses listed in (1) and (2) above.

For purposes of this section, the term "school" means a "public school" as that term is defined in 20-A M.R.S. § 1(24), as may be amended; a "private school" as that term is defined in 20-A M.R.S. § 1(22), as may be amended; and/or a "public preschool program" as that term is defined in 20-A M.R.S. § 1(23-A), as may be amended.

For purposes of this section, the term "child care facility" means a "child care facility" as that term is defined in 22 M.R.S. § 8301-A(1-A)(B), as may be amended, and/or a "family child care provider" as that term is defined in 22 M.R.S. § 8301-A(1-A)(C), as may be amended.

For purposes of this section, the term "community center" means a building used to provide before or after care to children age 18 or younger that is owned and operated by a municipality or a non-profit corporation.

For purposes of this section, the term "higher education facility" means a community college, college or university authorized by the State of Maine to award associate, baccalaureate or higher degrees.

For purposes of this section, the term "public outdoor recreational area" means a place designed and used for active recreation and/or athletic fields or courts that is owned and operated by a governmental agency.

B. Hours of operation. Medical marijuana dispensaries may be open for business only between the hours of 7:00 a.m. and 10:00 p.m., locally prevailing time. When there is a conflict between State laws and regulations and local zoning, the more restrictive hours of operation shall apply.

C. Area of activities. All activities of marijuana cultivation facilities, marijuana products manufacturing facilities, marijuana testing facilities, and medical marijuana dispensaries, including, without limitation, cultivating, growing, processing, manufacturing, displaying, selling and storage, shall be conducted indoors and not in any building that also contains a dwelling unit or other residential use. Marijuana cultivation facilities, marijuana products manufacturing facilities, marijuana testing facilities, and medical marijuana dispensaries are not permitted to conduct outdoor sales or services of any kind. Any common areas, including, but not limited to storage areas and building facilities, shared with another use must be clearly identified as such on the site plan application.

- D. **Odor management.** For marijuana cultivation facilities, marijuana products manufacturing facilities, marijuana testing facilities, and medical marijuana dispensaries, the odor of marijuana must not be detected offsite, *i.e.*, must not be detected at premises that are not under the custody or control of the establishment. To prevent and control marijuana odors, an odor control plan prepared by a Maine licensed air handling engineer shall be submitted as part of the site plan application describing the odor(s) originating or anticipated to originate at the premises and the control technologies to be used to prevent such odor(s) from leaving the premises while reducing the risk of fire or respiratory harm within the facility. The odor control plan shall, at a minimum, include the following:
- (1) A facility floor plan that identifies the locations of all odor-emitting activities and sources. The plan shall also identify the location of doors, windows, vents, HVAC systems, odor control systems and other relevant information.
 - (2) A list of specific odor-emitting activities and sources, and a description of the processes that will take place at the facility, including, but not limited to, vegetative flowering, processing and storage.
 - (3) For each odor-emitting activity or source, a description of the administrative procedures as well as the engineering processes, technologies, and equipment the facility will use.
 - (a) Administrative controls shall include, at a minimum: management practices to isolate odor activities and sources, use of standard operating procedures, employee training, regular equipment inspections and maintenance of inspection logs.
 - (b) Engineering controls shall include, at a minimum, building design features; use of equipment and technology to address each specific odor-emitting activity or source; a systems and equipment maintenance and replacement schedule; and evidence that proposed equipment and technology are sufficiently capable and appropriately sized consistent with marijuana industry best practices for control technologies designed to effectively mitigate odors.
- While the Town does not mandate any particular equipment specifications with regard to filtration or ventilation, all marijuana cultivation facilities, marijuana products manufacturing facilities, marijuana testing facilities, and medical marijuana dispensaries are strongly encouraged to adopt best management practices with regard to implementing state-of-the-art technologies in mitigating marijuana odor, such as air scrubbers and charcoal filtration systems.
- E. **Noxious gases and fumes.** Marijuana cultivation facilities, marijuana products manufacturing facilities shall include appropriate ventilation systems to mitigate noxious gases or other fumes used or created as part of the production.
- F. **Other emissions.** Sufficient measures and means of preventing smoke, debris, dust, fluids and other substances from exiting a marijuana cultivation facility, marijuana products manufacturing facility, marijuana testing facility, and medical marijuana dispensary must be provided at all times.
- G. **Waste disposal.** All marijuana cultivation facilities, marijuana products manufacturing facilities, marijuana testing facilities, and medical marijuana dispensaries shall have in place an operational plan for proper disposal of marijuana and related byproducts/waste products in a safe, sanitary and secure manner and in accordance with all applicable federal, State and local laws and regulations. Dumpsters and trash containers must not be overflowing, and the surrounding area must be kept free of litter and trash. All dumpsters and containers shall be screened from public view. All trash receptacles on the premises used to discard adult use marijuana products or medical marijuana products must have a metal cover or lid that is locked at all times when the receptacle is unattended and security cameras must be installed to record activities in the area of such trash receptacles.
- H. **Wastewater.** Wastewater generated during the cultivation, processing or manufacturing of marijuana must be disposed of in compliance with applicable State and local laws and regulations.
- I. **Other applicable codes.** Plans for compliance with applicable building, electrical and fire codes and federal and State environmental requirements must be provided to the Planning Board.
- J. **Security.** Sufficient and appropriate security measures to deter and prevent unauthorized entrance into areas containing marijuana and the theft of marijuana must be provided at all times and in accordance with all applicable federal, State and local laws and regulations. Security measures shall include, at a minimum, the following:
- (1) security surveillance cameras installed and operating 24 hours a day, 7 days a week to monitor all entrances and exits, along with the interior and exterior of the premises, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring at the premises;
 - (2) door and window intrusion robbery and burglary alarm systems with audible and Cumberland County Sheriff's Office notification components that are professionally monitored and maintained in good working order;

- (3) a locking safe or its functional equivalent permanently affixed to the premises that is suitable for storage of all adult use marijuana product, medical marijuana product and cash stored overnight on the premises;
- (4) exterior lighting that illuminates the exterior walls of the premises and complies with applicable provisions of the Town of Standish Code of Ordinances; and
- (5) deadbolt locks on all exterior doors and locks or bars on any other access points (e.g., windows).

All security recordings shall be preserved for at least forty-five (45) days. All marijuana cultivation facilities, marijuana products manufacturing facilities, marijuana testing facilities, and medical marijuana dispensaries shall provide the Town Manager or his/her designee with the name and functioning telephone number of a 24-hour on-call staff person to whom the Town may provide notice of any operating problems associated with the establishment.

- K. **Fire safety.** All marijuana cultivation facilities and marijuana products manufacturing facilities shall comply with National Fire Protection Association (NFPA) 1 Fire Code, Chapter 38 standards for *Marijuana Growing, Processing, or Extraction Facilities* (most recent edition), and these standards shall be used by the Fire Department during its inspections of each facility. All buildings associated with a marijuana cultivation facility, marijuana products manufacturing facility, marijuana testing facility, or medical marijuana dispensary shall be protected by use of fire suppression sprinkler systems or such other effective fire suppression system as may be approved by the Fire Chief. A marijuana products manufacturing facility, marijuana testing facility, or medical marijuana dispensary shall have a Knox Box® or shall provide the Fire Department with the necessary information to allow entry by Fire Department personnel in the event of an emergency at the location.
- L. **Sale of edible products.** No food products shall be sold, prepared, produced or assembled by a marijuana cultivation facility, marijuana products manufacturing facility, marijuana testing facility, and medical marijuana dispensary except in compliance with all operating and other requirements of State and local law and regulation, including, without limitation, food establishment licensing requirements. Any goods containing marijuana for human consumption shall be stored in a secure area.
- M. **Drive-through and home delivery.** Medical marijuana dispensaries are prohibited from having drive-through pick-up facilities or home delivery services.
- N. **Extraction of marijuana.** The extraction of marijuana using inherently dangerous substances is prohibited unless (a) the person has sought and obtained licensure, certification, or registration, as applicable, to do so from the State of Maine, and (b) such activity is conducted by a person with site plan approval for marijuana products manufacturing under this ordinance. Any inherently dangerous substances to be used for extraction, along with the process for use, must be identified on the site plan application. A Maine certified industrial hygienist or a Maine licensed professional engineer must certify that the facility's storage, preparation, electrical, gas monitoring, fire suppression and exhaust systems are adequate for the extraction of marijuana using inherently dangerous substances.
- O. **Inspections.** The Code Enforcement Officer or his/her designee will inspect all marijuana cultivation facilities, marijuana products manufacturing facilities, marijuana testing facilities, and medical marijuana dispensaries prior to issuance of a certificate of occupancy, to verify that the facilities are constructed and can be operated in accordance with the application submitted, the land use approval(s) issued and the requirements of this ordinance, local and state building codes and electrical codes. The Fire Chief or his/her designee will inspect all marijuana cultivation facilities, marijuana products manufacturing facilities, marijuana testing facilities, and medical marijuana dispensaries prior to issuance of a certificate of occupancy, to verify that the facilities are constructed and can be operated in accordance with all applicable fire codes. The initial inspection shall occur after the establishment is ready for operation. No marijuana, marijuana products or medical marijuana products will be allowed on the premises until the inspection is complete and a certificate of occupancy has been issued. Nothing herein shall prevent the Code Enforcement Officer, Fire Chief, or his/her respective designee from inspecting marijuana cultivation facilities, marijuana products manufacturing facilities, marijuana testing facilities, and medical marijuana dispensaries at random intervals and without advance notice provided that the inspection is during normal business hours of the establishment.
- P. **Change of use/addition of use.** If a marijuana cultivation facility, marijuana products manufacturing facility, marijuana testing facility, or medical marijuana dispensary wants to change to another type of marijuana use, such change of use must be reviewed and approved by the Planning Board for compliance with this ordinance.
- Q. **Other approvals.** No marijuana cultivation facility, marijuana products manufacturing facility, marijuana testing facility, or medical marijuana dispensary shall conduct any activity for which it has not received the required State of Maine license, certification or registration, as applicable.
- R. **Other laws remain applicable.** A marijuana cultivation facility, marijuana products manufacturing facility, marijuana testing facility, or medical marijuana dispensary shall meet all operating and other requirements of State and local law and regulation. To the extent the State of Maine has adopted or adopts in the future any stricter law

or regulation governing adult use marijuana establishments or medical marijuana dispensaries, the stricter law or regulation shall control.

A. ~~Location criteria.~~

- (1) ~~No medical marijuana dispensary shall be sited within 250 feet of the lot lines of any of the following:~~
 - (a) ~~A church, synagogue or other house of religious worship;~~
 - (b) ~~A public or private school;~~
 - (c) ~~An athletic field, park, playground or recreational facility;~~
 - (d) ~~Any juvenile or adult halfway house, correctional facility, methadone clinic, or substance abuse rehabilitation or treatment center;~~
 - (e) ~~A day care center or licensed child care facility; or~~
 - (f) ~~A lot on which another medical marijuana dispensary is sited.~~
- (2) ~~The distance cited in this subsection shall be measured between the lot line of the proposed site for the medical marijuana dispensary and the lot line of the site of the uses listed in Subsection A(1)(a) through (f) above at their closest points.~~

B. ~~Hours of operation. Medical marijuana dispensaries may be open for business only between the hours of 6:00 a.m. and 6:00 p.m., locally prevailing time.~~

C. ~~Parking. Medical marijuana dispensaries shall provide adequate on-site parking spaces to meet anticipated peak hour parking needs for employees and visitors.~~

D. ~~Signage and advertising. All signage and advertising for a medical marijuana dispensary shall comply with all applicable provisions of the Town's sign regulations. In addition, no signage or advertising shall use the word "marijuana" or "cannabis" or any other word, phrase or symbol commonly understood to refer to marijuana unless such word, phrase or symbol is immediately preceded by the word "medical" in type and font that is at least as readily discernible as all other words, phrases or symbols on the sign. Such signage and advertising must clearly indicate that the products and services are offered only for medical marijuana qualifying patients and primary caregivers.~~

E. ~~Security requirements.~~

- (1) ~~Security measures at a medical marijuana dispensary and any associated cultivation facility shall include, at a minimum, the following:~~
 - (a) ~~Security surveillance cameras installed and operating 24 hours a day, seven days a week to monitor all entrances, along with the interior and exterior of the premises, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring at the premises;~~
 - (b) ~~Door and window intrusion robbery and burglary alarm systems with audible and local law enforcement notification components that are professionally monitored and maintained in good working condition;~~
 - (c) ~~A locking safe permanently affixed to the premises that is suitable for storage of all prepared marijuana and cash stored overnight on the licensed premises;~~
 - (d) ~~Exterior lighting that illuminates the exterior walls of the licensed premises and complies with applicable provisions of this section; and~~
 - (e) ~~Deadbolt locks on all exterior doors and locks or bars on any other access points (e.g., windows).~~
- (2) ~~All security recordings shall be preserved for at least 72 hours by the medical marijuana dispensary. The medical marijuana dispensary shall provide the Town Manager or his designee with the name and functioning telephone number of a twenty-four hour on-call staff person to whom the Town may provide notice of any operating problems associated with the medical marijuana dispensary.~~

F. ~~Fire safety. All buildings associated with a medical marijuana dispensary, including any associated cultivation facility, shall be protected by use of fire suppression sprinkler systems or such other effective fire suppression system as may be approved by the Fire Chief. A medical marijuana dispensary shall have a Knox Box® or shall provide the Fire Department with the necessary information to allow entry by Fire Department personnel in the event of an emergency at the location.~~

- G. ~~Cultivation. If there is both the cultivation and dispensation of marijuana occurring on the same site, the cultivation area shall not be greater than 25% of the total floor area of the portion of the building used for dispensation of marijuana.~~
- H. ~~On-site consumption of medical marijuana. The consumption, ingestion or inhalation of medical marijuana on or within the premises of a medical marijuana dispensary or cultivation facility is prohibited; provided, however, that a medical marijuana dispensary employee who is a qualifying patient, as that term is defined in 22 M.R.S.A. § 2422(9), as may be amended, may consume medical marijuana within the enclosed building area of the premises if such consumption occurs via oral consumption (i.e., eating only). For purposes of this subsection, the term "premises" includes the actual building, as well as any accessory structures, parking lot or parking areas, or other surroundings within 200 feet of the medical marijuana dispensary's entrance.~~
- I. ~~Visibility of activities; control of emissions; disposal plan.~~
- (1) ~~All activities of medical marijuana dispensaries and cultivation facilities, including, without limitation, cultivating, growing, processing, displaying, selling and storage, shall be conducted indoors in an enclosed, locked facility.~~
- (2) ~~No marijuana or paraphernalia shall be displayed or kept in a dispensary or cultivation facility so as to be visible from outside the premises.~~
- (3) ~~Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting a dispensary or cultivation facility, must be provided at all times. Sufficient measures shall be provided for the proper disposal of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations.~~
- (4) ~~All medical marijuana dispensaries shall have in place an operational plan for proper disposal of marijuana and related byproducts.~~
- J. ~~Sale of edible products. No food products shall be sold, prepared, produced or assembled by a medical marijuana dispensary except in compliance with all operating and other requirements of state and local law and regulation, including, without limitation, food establishment licensing requirements. Any goods containing marijuana for human consumption shall be stored in a secure area.~~
- K. ~~Other laws remain applicable. A medical marijuana dispensary shall meet all operating and other requirements of state and local law and regulation. To the extent the State of Maine has adopted or adopts in the future any stricter law or regulation governing medical marijuana dispensaries, the stricter law or regulation shall control.~~
- L. ~~Maximum number. The maximum number of medical marijuana dispensaries in the Town shall be capped at one.~~

§ 181-19.3. Performance standards for home cultivation of marijuana for personal adult use.

The total number of mature marijuana plants that may be cultivated on any one parcel or tract of land located within the Town is limited to 3 mature marijuana plants, 12 immature marijuana plants and an unlimited number of seedlings by each person 21 years of age or older who is domiciled at that parcel or tract of land. No person shall cultivate marijuana for personal adult use on a parcel or tract of land within the Town that is not owned by the person and at which the person is not domiciled.

119-19 Amendments to Standish Town Code, Chapter 181, Land Use, Regarding Adult Use Marijuana Establishments (Products Manufacturing Facilities and Testing Facilities Only) and Medical Marijuana Dispensaries (Introduction-at the 12/10/19 Town Council meeting this item was postponed to the January 14, 2020 meeting) [Libby]

Moved by Libby seconded by Pomerleau and voted to dispense with the Clerks reading of the order. (Unanimous)

Bill Giroux said that this will allow marijuana manufacturing and testing, but not cultivation.

Chair Libby called for public discussion, hearing none, he called Council discussion

Councilor Delcourt asked for the definition of manufacturing.

Bill Giroux noted that it means to make edibles.

Chair Libby called for additional Council discussion, hearing none he called for the vote to move this it first reading hearing at the February Town Council meeting.

VOTED TO MOVE THE ORDER TO FIRST READING AT THE FEBRUARY MEETING: 3 Yeas, Gaba, Leclerc and Nesbitt – 4 Nays, Delcourt, Libby, Paul and Pomerleau

THE FOLLOWING AMENDMENTS DID NOT MOVE ON TO PUBLIC HEARING:

**AMENDMENTS TO STANDISH TOWN CODE, CHAPTER 181, LAND USE, REGARDING ADULT USE MARIJUANA ESTABLISHMENTS (PRODUCTS MANUFACTURING FACILITIES AND TESTING FACILITIES ONLY) AND MEDICAL MARIJUANA DISPENSARIES
(Additions are underlined; deletions are ~~struck-out~~.)**

**CHAPTER 181 – LAND USE
PART 1
ZONING**

**ARTICLE II
Definitions**

§ 181-3. Terms defined.

ADULT USE MARIJUANA - "Adult use marijuana" as that term is defined in 28-B M.R.S. § 102(1), as may be amended.

ADULT USE MARIJUANA PRODUCT - "Adult use marijuana product" as that term is defined in 28-B M.R.S. § 102(2), as may be amended.

DOMICILE – A natural person's established, fixed, permanent or ordinary dwelling place or legal residence to which, whenever the person is absent, the person has the intention of returning. A person may have only one domicile.

IMMATURE MARIJUANA PLANT – "Immature marijuana plant" as that term is defined in 28-B M.R.S. § 102(19), as may be amended.

INHERENTLY HAZARDOUS SUBSTANCE - "Inherently hazardous substance" as that term is defined in 28-B M.R.S. § 102(20), as may be amended.

MANUFACTURE OR MANUFACTURING OF MARIJUANA - "Manufacture" or "manufacturing" of marijuana as the term "manufacturing or manufacture" is defined in 28-B M.R.S. § 102(26), as may be amended.

MARIJUANA - "Marijuana" as that term is defined in 28-B M.R.S. § 102(27), as may be amended.

MARIJUANA CULTIVATION FACILITY - A "cultivation facility" as that term is defined in 28-B M.R.S. § 102(13), as may be amended. A marijuana cultivation facility is a facility licensed under Title 28-B of the Maine Revised Statutes.

MARIJUANA ESTABLISHMENT - A "marijuana establishment" as that term is defined in 28-B M.R.S. § 102(29), as may be amended. A marijuana establishment is a marijuana store, a marijuana cultivation facility, a marijuana products manufacturing facility or a marijuana testing facility.

MARIJUANA EXTRACTION - "Marijuana extraction" as that term is defined in 28-B M.R.S. § 102(30), as may be amended.

MARIJUANA PLANT – "Marijuana plant" as that term is defined in 28-B M.R.S. § 102(32), as may be amended.

MARIJUANA PRODUCT - "Marijuana product" as that term is defined in 28-B M.R.S. § 102(33), as may be amended.

MARIJUANA PRODUCTS MANUFACTURING FACILITY - A "products manufacturing facility" as that term is defined in 28-B M.R.S. § 102(43), as may be amended. A marijuana products manufacturing facility is a facility licensed under Title 28-B of the Maine Revised Statutes. A marijuana products manufacturing facility is only authorized as a principal use, and not as an accessory use.

MARIJUANA STORE - A "marijuana store" as that term is defined in 28-B M.R.S. § 102(34), as may be amended. A marijuana store is a facility licensed under Title 28-B of the Maine Revised Statutes.

MARIJUANA TESTING FACILITY - A "testing facility" as that term is defined in 28-B M.R.S. § 102(54), as may be amended. A marijuana testing facility is a facility licensed under Title 28-B of the Maine Revised Statutes. A marijuana testing facility is only authorized as a principal use, and not as an accessory use.

MATURE MARIJUANA PLANT – "Mature marijuana plant" as that term is defined in 28-B M.R.S. § 102(36), as may be amended.

MEDICAL MARIJUANA DISPENSARY - A "registered dispensary" as that term is defined in 22 M.R.S. § 2422(6), as may be amended. A medical marijuana dispensary includes a location at which marijuana is cultivated by a registered dispensary pursuant to 22 M.R.S. § 2428, as may be amended. A medical marijuana dispensary is a facility registered under Title 22 of the Maine Revised Statutes. A medical marijuana dispensary is only authorized as a principal use, and not as an accessory use.

MEDICAL MARIJUANA PRODUCT - "Marijuana product" as that term is defined in 22 M.R.S. § 2442(4-L), as may be amended.

PERSON - A natural person, partnership, association, company, corporation, limited liability company or organization or a manager, agent, owner, director, servant, officer or employee thereof.

SEEDLING – "Seedling" as that term is defined in 28-B M.R.S. § 102(51), as may be amended.

ARTICLE III District Regulations

§ 181-8. BC-Business and Commercial Districts.

C. Permitted uses requiring site plan review shall be as follows. Such uses shall require Planning Board approval, in accordance with Part 2 of this chapter.

(20) Manufacturing, Light with not more than 10,000 square feet of gross floor area. Exterior storage or assembly of materials or products is prohibited.

(21) Marijuana products manufacturing facility.

(22) Marijuana testing facility.

(231) Mechanical repair garage.

(242) Medical clinics.

(253) Meteorological tower and small wind energy systems, as defined in § 181-49.21.

(264) Motels.

(275) Motor vehicle sales.

(286) Private clubs.

(297) Public utilities.

(3028) Recycling center.

(3129) Research facilities.

(320) Residential care facility.

(331) Restaurants with drive-through.

(342) Restaurants without drive-through.

(353) Retail businesses under 10,000 square feet.

(364) Road and rail distribution.

- (375) Social events center.
- (386) Timber harvesting.
- (397) Tradesman.
- (4038) Veterinary clinics.
- (4139) Warehousing and outdoor storage under 10,000 square feet.
- (420) Wholesale businesses under 10,000 square feet.

§ 181-10. Industrial Districts.

- D. Permitted uses requiring site plan review shall be as follows. Such uses shall require Planning Board approval, in accordance with Part 2 of this chapter.

- (12) Marijuana products manufacturing facility.
- (13) Marijuana testing facility.
- (142) Mechanical repair garage.
- (153) Medical Clinic.
- (16) Medical marijuana dispensary.
- (174) Meteorological tower and small wind energy systems, as defined in § 181-49.21.
- (185) Municipal uses.
- (196) Public utilities.
- (2017) Recycling center.
- (2118) Restaurant without drive through.
- (2219) Retail business less than 10,000 square feet.
- (230) School.

- E. Uses listed below shall first require approval from the Board of Appeals as a special exception, in accordance with standards set forth in this Part 1. Such uses shall also require site plan review and approval from the Planning Board.

- (1) Airports.
- (2) Business/professional office over 10,000 square feet.
- (3) Churches.
- (4) Colleges.
- (5) Day-care center.
- (6) Junkyards.
- ~~(7) Medical marijuana dispensary.~~
- (78) Retail business over 10,000 square feet.
- (89) Wholesale business over 10,000 square feet.

§ 181-19.2. Performance standards for marijuana products manufacturing facilities, marijuana testing facilities, and medical marijuana dispensaries.

Notwithstanding the provisions of 1 M.R.S. § 302 or any other law to the contrary, the amendments to this ordinance evidenced by Order #119-19, this Section, when enacted, shall govern any proposed marijuana products manufacturing facility, marijuana testing facility, or medical marijuana dispensary for which an application has not been submitted and acted on by the Planning Board prior to August 28, 2019. The following standards apply to all marijuana products manufacturing facilities, marijuana testing facilities, and medical marijuana dispensaries:

All marijuana products manufacturing facilities, marijuana testing facilities, and medical marijuana dispensaries are principal uses regardless of the amount of space they may occupy within a building. All marijuana products manufacturing facilities, marijuana testing facilities, and medical marijuana dispensaries require site plan review and approval from the Planning Board prior to the issuance of any building permit or certificate of occupancy. In addition to the site plan review standards set forth in Article XI of this ordinance, the following performance standards are to be used by the Planning Board in reviewing site plan applications and compliance with the same shall serve as requirements for approval of any such site plans.

- A. **Separation from sensitive uses.** (1) No marijuana products manufacturing facility, marijuana testing facility, or medical marijuana dispensary shall be sited within one thousand (1,000) feet of the lot lines of a school, and (2) no marijuana products manufacturing facility, marijuana testing facility, or medical marijuana dispensary shall be sited within four hundred (400) feet of the lot lines of a child care facility, community center, higher educational facility, public outdoor recreational area, church, synagogue or other house of religious worship.

The distance cited in this subsection shall be measured between the lot line of the proposed site for the marijuana products manufacturing facility, marijuana testing facility, or medical marijuana dispensary and the lot line of the site of the use listed in (1) or (2) above at their closest points. For purposes of this measurement, if a marijuana products manufacturing facility, marijuana testing facility, or medical marijuana dispensary is to be located on a site that is leased from an unrelated third party, such an establishment's lot line shall be determined as follows:

- (i) If the establishment leases an entire parcel of land, the lot line of such establishment shall be the lot line of the parcel;
- (ii) If the establishment leases a freestanding building or buildings which is or are part of a larger parcel containing other free standing buildings, the lot line of such establishment shall be the outer wall of the building(s) being leased by the establishment; and
- (iii) If the establishment leases a room or suite of rooms within a building, including, without limitation, individual units within a shopping plaza or shopping mall, the lot line of such establishment shall be the outer wall of the building within which such room or suite of rooms is located.

Any applicant for a building permit, land use approval and/or certificate of occupancy involving a marijuana products manufacturing facility, a marijuana testing facility, or a medical marijuana dispensary shall submit with the application (i) a map of properties within 1,000 feet of the proposed use and a list of the uses of those surrounding properties, each in such format as may be required by the Town Planner; and (ii) a map of properties within 400 feet of the proposed use and a list of the uses of those surrounding properties, each in such format as may be required by the Town Planner. The Town will only verify distance of the proposed premises from existing uses listed in (1) or (2) above; once all of the Town-required licenses, permits and approvals are issued, the Town will not preclude a sensitive use listed in (1) or (2) above from opening at a location within the applicable buffer zones.

A marijuana products manufacturing facility, marijuana testing facility, or medical marijuana dispensary may continue to operate in its present location as a pre-existing use if a sensitive use as listed in (1) or (2) above later locates within the applicable buffer zone; however, the marijuana products manufacturing facility, marijuana testing facility, or medical marijuana dispensary does so at its own risk, and Town-issued licenses, permits or approvals provide no protection or indemnification against enforcement of federal or other applicable laws that may prohibit operation of a marijuana products manufacturing facility, marijuana testing facility, or medical marijuana dispensary near a sensitive use listed in (1) or (2) above.

Any marijuana products manufacturing facility, marijuana testing facility, or medical marijuana dispensary that wants to change to another type of establishment other than the one for which it initially sought and obtained Planning Board site plan approval may do so, but it must first seek and obtain site plan approval for the new use and must comply with the then-current separation distances for the sensitive uses listed in (1) and (2) above. Any marijuana products manufacturing facility, marijuana testing facility, or medical marijuana dispensary that has any permit, approval or license necessary to operate as such an establishment either lapse or be finally adjudicated as revoked must, prior to re-commencing operations, (i) seek and obtain Planning Board site plan approval for the marijuana use, and (ii) comply with the then-current separation distances for the sensitive uses listed in (1) and (2) above.

For purposes of this section, the term "school" means a "public school" as that term is defined in 20-A M.R.S. § 1(24), as may be amended; a "private school" as that term is defined in 20-A M.R.S. § 1(22), as may be amended; and/or a "public preschool program" as that term is defined in 20-A M.R.S. § 1(23-A), as may be amended.

For purposes of this section, the term "child care facility" means a "child care facility" as that term is defined in 22 M.R.S. § 8301-A(1-A)(B), as may be amended, and/or a "family child care provider" as that term is defined in 22 M.R.S. § 8301-A(1-A)(C), as may be amended.

For purposes of this section, the term "community center" means a building used to provide before or after care to children age 18 or younger that is owned and operated by a municipality or a non-profit corporation.

For purposes of this section, the term "higher education facility" means a community college, college or university authorized by the State of Maine to award associate, baccalaureate or higher degrees.

For purposes of this section, the term "public outdoor recreational area" means a place designed and used for active recreation and/or athletic fields or courts that is owned and operated by a governmental agency.

- B. **Hours of operation.** Medical marijuana dispensaries may be open for business only between the hours of 7:00 a.m. and 10:00 p.m., locally prevailing time. When there is a conflict between State laws and regulations and local zoning, the more restrictive hours of operation shall apply.
- C. **Area of activities.** All activities of marijuana products manufacturing facilities, marijuana testing facilities, and medical marijuana dispensaries, including, without limitation, cultivating, growing, processing, manufacturing, displaying, selling and storage, shall be conducted indoors and not in any building that also contains a dwelling unit or other residential use. Marijuana products manufacturing facilities, marijuana testing facilities, and medical marijuana dispensaries are not permitted to conduct outdoor sales or services of any kind. Any common areas, including, but not limited to storage areas and building facilities, shared with another use must be clearly identified as such on the site plan application.
- D. **Odor management.** For marijuana products manufacturing facilities, marijuana testing facilities, and medical marijuana dispensaries, the odor of marijuana must not be detected offsite, i.e., must not be detected at premises that are not under the custody or control of the establishment. To prevent and control marijuana odors, an odor control plan prepared by a Maine licensed air handling engineer shall be submitted as part of the site plan application describing the odor(s) originating or anticipated to originate at the premises and the control technologies to be used to prevent such odor(s) from leaving the premises while reducing the risk of fire or respiratory harm within the facility. The odor control plan shall, at a minimum, include the following:
- (1) A facility floor plan that identifies the locations of all odor-emitting activities and sources. The plan shall also identify the location of doors, windows, vents, HVAC systems, odor control systems and other relevant information.
 - (2) A list of specific odor-emitting activities and sources, and a description of the processes that will take place at the facility, including, but not limited to, vegetative flowering, processing and storage.
 - (3) For each odor-emitting activity or source, a description of the administrative procedures as well as the engineering processes, technologies, and equipment the facility will use.
 - (a) Administrative controls shall include, at a minimum: management practices to isolate odor activities and sources, use of standard operating procedures, employee training, regular equipment inspections and maintenance of inspection logs.
 - (b) Engineering controls shall include, at a minimum, building design features; use of equipment and technology to address each specific odor-emitting activity or source; a systems and equipment maintenance and replacement schedule; and evidence that proposed equipment and technology are sufficiently capable and appropriately sized consistent with marijuana industry best practices for control technologies designed to effectively mitigate odors.
- While the Town does not mandate any particular equipment specifications with regard to filtration or ventilation, all marijuana products manufacturing facilities, marijuana testing facilities, and medical marijuana dispensaries are strongly encouraged to adopt best management practices with regard to implementing state-of-the-art technologies in mitigating marijuana odor, such as air scrubbers and charcoal filtration systems.
- E. **Noxious gases and fumes.** Marijuana products manufacturing facilities shall include appropriate ventilation systems to mitigate noxious gases or other fumes used or created as part of the production.

- F. **Other emissions.** Sufficient measures and means of preventing smoke, debris, dust, fluids and other substances from exiting a marijuana products manufacturing facility, marijuana testing facility, and medical marijuana dispensary must be provided at all times.
- G. **Waste disposal.** All marijuana products manufacturing facilities, marijuana testing facilities, and medical marijuana dispensaries shall have in place an operational plan for proper disposal of marijuana and related byproducts/waste products in a safe, sanitary and secure manner and in accordance with all applicable federal, State and local laws and regulations. Dumpsters and trash containers must not be overflowing, and the surrounding area must be kept free of litter and trash. All dumpsters and containers shall be screened from public view. All trash receptacles on the premises used to discard adult use marijuana products or medical marijuana products must have a metal cover or lid that is locked at all times when the receptacle is unattended and security cameras must be installed to record activities in the area of such trash receptacles.
- H. **Wastewater.** Wastewater generated during the cultivation, processing or manufacturing of marijuana must be disposed of in compliance with applicable State and local laws and regulations.
- I. **Other applicable codes.** Plans for compliance with applicable building, electrical and fire codes and federal and State environmental requirements must be provided to the Planning Board.
- J. **Security.** Sufficient and appropriate security measures to deter and prevent unauthorized entrance into areas containing marijuana and the theft of marijuana must be provided at all times and in accordance with all applicable federal, State and local laws and regulations. Security measures shall include, at a minimum, the following:
- (1) security surveillance cameras installed and operating 24 hours a day, 7 days a week to monitor all entrances and exits, along with the interior and exterior of the premises, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring at the premises;
 - (2) door and window intrusion robbery and burglary alarm systems with audible and Cumberland County Sheriff's Office notification components that are professionally monitored and maintained in good working order;
 - (3) a locking safe or its functional equivalent permanently affixed to the premises that is suitable for storage of all adult use marijuana product, medical marijuana product and cash stored overnight on the premises;
 - (4) exterior lighting that illuminates the exterior walls of the premises and complies with applicable provisions of the Town of Standish Code of Ordinances; and
 - (5) deadbolt locks on all exterior doors and locks or bars on any other access points (e.g., windows).
- All security recordings shall be preserved for at least forty-five (45) days. All marijuana products manufacturing facilities, marijuana testing facilities, and medical marijuana dispensaries shall provide the Town Manager or his/her designee with the name and functioning telephone number of a 24-hour on-call staff person to whom the Town may provide notice of any operating problems associated with the establishment.
- K. **Fire safety.** All buildings associated with a marijuana products manufacturing facility, marijuana testing facility, or medical marijuana dispensary shall be protected by use of fire suppression sprinkler systems or such other effective fire suppression system as may be approved by the Fire Chief. A marijuana products manufacturing facility, marijuana testing facility, or medical marijuana dispensary shall have a Knox Box® or shall provide the Fire Department with the necessary information to allow entry by Fire Department personnel in the event of an emergency at the location.
- L. **Sale of edible products.** No food products shall be sold, prepared, produced or assembled by a marijuana products manufacturing facility, marijuana testing facility, and medical marijuana dispensary except in compliance with all operating and other requirements of State and local law and regulation, including, without limitation, food establishment licensing requirements. Any goods containing marijuana for human consumption shall be stored in a secure area.
- M. **Drive-through and home delivery.** Medical marijuana dispensaries are prohibited from having drive-through pick-up facilities or home delivery services.
- N. **Extraction of marijuana.** The extraction of marijuana using inherently dangerous substances is prohibited unless (a) the person has sought and obtained licensure, certification, or registration, as applicable, to do so from the State of Maine, and (b) such activity is conducted by a person with site plan approval for marijuana products manufacturing under this ordinance. Any inherently dangerous substances to be used for extraction, along with

the process for use, must be identified on the site plan application. A Maine certified industrial hygienist or a Maine licensed professional engineer must certify that the facility's storage, preparation, electrical, gas monitoring, fire suppression and exhaust systems are adequate for the extraction of marijuana using inherently dangerous substances.

- O. **Inspections.** The Code Enforcement Officer or his/her designee will inspect all marijuana products manufacturing facilities, marijuana testing facilities, and medical marijuana dispensaries prior to issuance of a certificate of occupancy, to verify that the facilities are constructed and can be operated in accordance with the application submitted, the land use approval(s) issued and the requirements of this ordinance, local and state building codes and electrical codes. The Fire Chief or his/her designee will inspect all marijuana products manufacturing facilities, marijuana testing facilities, and medical marijuana dispensaries prior to issuance of a certificate of occupancy, to verify that the facilities are constructed and can be operated in accordance with all applicable fire codes. The initial inspection shall occur after the establishment is ready for operation. No marijuana, marijuana products or medical marijuana products will be allowed on the premises until the inspection is complete and a certificate of occupancy has been issued. Nothing herein shall prevent the Code Enforcement Officer, Fire Chief, or his/her respective designee from inspecting marijuana products manufacturing facilities, marijuana testing facilities, and medical marijuana dispensaries at random intervals and without advance notice provided that the inspection is during normal business hours of the establishment.
- P. **Change of use/addition of use.** If a marijuana products manufacturing facility, marijuana testing facility, or medical marijuana dispensary wants to change to another type of marijuana use, such change of use must be reviewed and approved by the Planning Board for compliance with this ordinance.
- Q. **Other approvals.** No marijuana products manufacturing facility, marijuana testing facility, or medical marijuana dispensary shall conduct any activity for which it has not received the required State of Maine license, certification or registration, as applicable.
- R. **Other laws remain applicable.** A marijuana products manufacturing facility, marijuana testing facility, or medical marijuana dispensary shall meet all operating and other requirements of State and local law and regulation. To the extent the State of Maine has adopted or adopts in the future any stricter law or regulation governing adult use marijuana establishments or medical marijuana dispensaries, the stricter law or regulation shall control.
- A. ~~Location criteria:~~
- (1) ~~No medical marijuana dispensary shall be sited within 250 feet of the lot lines of any of the following:~~
- (a) ~~A church, synagogue or other house of religious worship;~~
- (b) ~~A public or private school;~~
- (c) ~~An athletic field, park, playground or recreational facility;~~
- (d) ~~Any juvenile or adult halfway house, correctional facility, methadone clinic, or substance abuse rehabilitation or treatment center;~~
- (e) ~~A day care center or licensed child care facility; or~~
- (f) ~~A lot on which another medical marijuana dispensary is sited.~~
- (2) ~~The distance cited in this subsection shall be measured between the lot line of the proposed site for the medical marijuana dispensary and the lot line of the site of the uses listed in Subsection A(1)(a) through (f) above at their closest points.~~
- B. ~~Hours of operation. Medical marijuana dispensaries may be open for business only between the hours of 6:00 a.m. and 6:00 p.m., locally prevailing time.~~
- C. ~~Parking. Medical marijuana dispensaries shall provide adequate on-site parking spaces to meet anticipated peak hour parking needs for employees and visitors.~~
- D. ~~Signage and advertising. All signage and advertising for a medical marijuana dispensary shall comply with all applicable provisions of the Town's sign regulations. In addition, no signage or advertising shall use the word "marijuana" or "cannabis" or any other word, phrase or symbol commonly understood to refer to marijuana unless such word, phrase or symbol is immediately preceded by the word "medical" in type and font that is at least as readily discernible as all other words, phrases or symbols on the sign. Such signage and advertising must clearly~~

indicate that the products and services are offered only for medical marijuana-qualifying patients and primary caregivers.

E. ~~Security requirements.~~

- (1) ~~Security measures at a medical marijuana dispensary and any associated cultivation facility shall include, at a minimum, the following:~~
 - (a) ~~Security surveillance cameras installed and operating 24 hours a day, seven days a week to monitor all entrances, along with the interior and exterior of the premises, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring at the premises;~~
 - (b) ~~Door and window intrusion robbery and burglary alarm systems with audible and local law enforcement notification components that are professionally monitored and maintained in good working condition;~~
 - (c) ~~A locking safe permanently affixed to the premises that is suitable for storage of all prepared marijuana and cash stored overnight on the licensed premises;~~
 - (d) ~~Exterior lighting that illuminates the exterior walls of the licensed premises and complies with applicable provisions of this section; and~~
 - (e) ~~Deadbolt locks on all exterior doors and locks or bars on any other access points (e.g., windows).~~
- (2) ~~All security recordings shall be preserved for at least 72 hours by the medical marijuana dispensary. The medical marijuana dispensary shall provide the Town Manager or his designee with the name and functioning telephone number of a twenty-four hour on-call staff person to whom the Town may provide notice of any operating problems associated with the medical marijuana dispensary.~~

F. ~~Fire safety. All buildings associated with a medical marijuana dispensary, including any associated cultivation facility, shall be protected by use of fire suppression sprinkler systems or such other effective fire suppression system as may be approved by the Fire Chief. A medical marijuana dispensary shall have a Knox Box® or shall provide the Fire Department with the necessary information to allow entry by Fire Department personnel in the event of an emergency at the location.~~

G. ~~Cultivation. If there is both the cultivation and dispensation of marijuana occurring on the same site, the cultivation area shall not be greater than 25% of the total floor area of the portion of the building used for dispensation of marijuana.~~

H. ~~On-site consumption of medical marijuana. The consumption, ingestion or inhalation of medical marijuana on or within the premises of a medical marijuana dispensary or cultivation facility is prohibited; provided, however, that a medical marijuana dispensary employee who is a qualifying patient, as that term is defined in 22 M.R.S.A. § 2422(9), as may be amended, may consume medical marijuana within the enclosed building area of the premises if such consumption occurs via oral consumption (i.e., eating only). For purposes of this subsection, the term "premises" includes the actual building, as well as any accessory structures, parking lot or parking areas, or other surroundings within 200 feet of the medical marijuana dispensary's entrance.~~

I. ~~Visibility of activities; control of emissions; disposal plan.~~

- (1) ~~All activities of medical marijuana dispensaries and cultivation facilities, including, without limitation, cultivating, growing, processing, displaying, selling and storage, shall be conducted indoors in an enclosed, locked facility.~~
- (2) ~~No marijuana or paraphernalia shall be displayed or kept in a dispensary or cultivation facility so as to be visible from outside the premises.~~
- (3) ~~Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting a dispensary or cultivation facility, must be provided at all times. Sufficient measures shall be provided for the proper disposal of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations.~~
- (4) ~~All medical marijuana dispensaries shall have in place an operational plan for proper disposal of marijuana and related byproducts.~~

J. ~~Sale of edible products. No food products shall be sold, prepared, produced or assembled by a medical marijuana dispensary except in compliance with all operating and other requirements of state and local law and regulation,~~

including, without limitation, food establishment licensing requirements. Any goods containing marijuana for human consumption shall be stored in a secure area.

K. ~~Other laws remain applicable. A medical marijuana dispensary shall meet all operating and other requirements of state and local law and regulation. To the extent the State of Maine has adopted or adopts in the future any stricter law or regulation governing medical marijuana dispensaries, the stricter law or regulation shall control.~~

L. ~~Maximum number. The maximum number of medical marijuana dispensaries in the Town shall be capped at one.~~

§ 181-19.3. Performance standards for home cultivation of marijuana for personal adult use.

The total number of mature marijuana plants that may be cultivated on any one parcel or tract of land located within the Town is limited to 3 mature marijuana plants, 12 immature marijuana plants and an unlimited number of seedlings by each person 21 years of age or older who is domiciled at that parcel or tract of land.

120-19 Amendments to Standish Town Code, Chapter 220, Retail Marijuana Establishment and Retail Marijuana Social Clubs (Introduction-at the 12/10/19 Town Council meeting this item was postponed to the January 14, 2020 meeting) [Libby]

Town Attorney, Sally Daggett said given your vote on the two previous orders, if you want to keep in place the current prohibition on adult marijuana the best course of action would be to indefinitely postpone this order.

Moved by Libby seconded by Pomerleau to Indefinitely Postpone this order.

Chair Libby called for discussion on the motion.

Councilor Leclerc said that that the initial vote the Town of Standish voted to allow marijuana use. He was in favor of the repeal of this order.

Councilor Pomerleau said that the voters approved adult use not these other provisions.

Councilor Delcourt said that some say that marijuana is not a big deal, he said go to Portland and see the people on heroin and ask them where they started.

Chair Libby closed the discussion and called for the vote.

**Moved by Libby seconded by Pomerleau and voted to Indefinitely Postpone this order.
4 Yeas Delcourt, Libby, Paul and Pomerleau - 3 Yeas, Gaba, Leclerc and Nesbitt**

THE FOLLOWING AMENDMENTS WAS INDEFINITELY POSTPONED

Chapter 220

Retail Marijuana Establishments and Retail Marijuana Social Clubs

[Adopted 1-9-2018 by Order No. 118-17]

§ 220-1 Authority.

This chapter is enacted pursuant to the Marijuana Legalization Act, 7 M.R.S.A. Chapter 417, as may be amended from time to time; and municipal home rule authority, Me. Const., art. VIII, pt. 2 and 30-A M.R.S.A. § 3001.

§ 220-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated: 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, as may be amended from time to time.

§ 220-3 Prohibition on retail marijuana establishments and retail marijuana social clubs.

A. 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 Standish.

- B. No person, entity 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, as may be amended from time to time.
- C. Nothing in this chapter is intended to prohibit any lawful use, possession or conduct pursuant to the Maine Medical Use of Marijuana Act, 22 M.R.S.A. Chapter 558-C, as may be amended from time to time.

§ 220-4 Violations and penalties.

This chapter shall be enforced by the Code Enforcement Officer. Violations of this chapter shall be subject to the enforcement and penalty provisions of 30-A M.R.S.A. § 4452. Each day of a violation shall constitute a separate violation. When any violation of any provision of this chapter shall be found to exist, the Code Enforcement Officer shall first notify the violator and then notify the Town Council, who may then initiate any and all actions to be brought in the name of the Town. In any court action, the Town may seek injunctive relief in addition to penalties. The Town shall be entitled to recover its costs of enforcement, including its attorneys' fees.

§ 220-5 Severability.

The provisions of this chapter are severable, and if any provision shall be declared to be invalid or void, the remaining provisions shall not be affected and shall remain in full force and effect.

§ 220-6 When effective.

This chapter shall take effect immediately upon enactment by the Town Council.

NEW BUSINESS

1-20 Order Authorizing Lease Purchase of LED Streetlight Fixtures [Pomerleau]

Moved by Nesbitt seconded by Libby and voted to dispense with the Clerks reading of the order. (Unanimous)

Finance Director, Scott Gesualdi explained the term of the lease including the interest rate and annual payment.

Chair Libby called for public comments.

Todd Delaney – Spear Road – As member of the Budget Committee he wanted to praise the Town Council for bringing this forward to save the Town money.

Chair Libby called for additional public comments, hearing none, he called for Council comments hearing none he called for the vote.

WHEREAS, the Town authorized the issuance of up to \$150,000 in general obligation securities of the Town and the appropriation of the proceeds thereof to finance the conversion from existing high-pressure sodium streetlights to light-emitting diode (LED) streetlights with intelligent wireless controls and other related costs, including engineering costs and costs of issuance of financing (the "Equipment") by referendum vote during a special town meeting duly called and held on November 5, 2019;

WHEREAS, the Town desires to authorize a municipal lease purchase financing arrangement to finance the costs of the Equipment;

NOW, THEREFORE, BE IT ORDERED as follows:

1. Appropriation. The sum of \$150,000 is hereby appropriated to finance the costs of acquisition of the Equipment.
2. Equipment Lease Purchase Agreement and related documents. For the purposes of financing the aforesaid appropriation, pursuant to the Town Charter and all amendments thereof and acts additional thereto, and all other authority thereto enabling, there is hereby authorized and approved an equipment lease purchase agreement, such lease to be in such form and contain such terms and provisions as the Town Manager may hereafter determine or authorize, with such terms and conditions, including the interest rate(s), term or maturity and other terms and conditions as set forth in the proposal from Androscoggin Bank dated December 20, 2019, and to award the equipment lease purchase agreement(s) to Androscoggin Bank. The Treasurer, Clerk and other appropriate officers of the Town are hereby authorized and empowered to do all such acts and things, and to execute, deliver, file, approve, and record all such lease purchase financing documents, leases, contracts, assignments, certificates, memoranda, abstracts, such other documents as required by the lessor of such equipment, and other documents as may be necessary or advisable, with the advice of counsel for the Town, as may be necessary or appropriate in connection with such lease purchase financing. The Town covenants that it will perform all acts within its power which are or may be necessary to ensure that the interest portion of the rental payments under the equipment lease purchase agreement(s) shall at all times be and remain exempt from federal income taxation.

3. Reimbursement. It is the intent of the Town Council that this Order shall constitute the

Town's declaration of official intent within the meaning of Treasury Regulation 1.150-2 to pay, on an interim basis, costs of the Equipment, which costs the Town reasonably expects to reimburse with proceeds of the equipment lease purchase agreement to be issued in the maximum principal amount of \$150,000.

4. Tax Status. The Town covenants that it will perform all acts within its power which are or may be necessary to ensure that the interest portion of the lease payments under the equipment lease purchase agreement(s) shall at all times be and remain exempt from federal income taxation. The Town further covenants that the Municipal Lease Purchase Agreement is hereby designated a Qualified Tax-Exempt Obligation pursuant to Section 265(b) of the Internal Revenue Code.

Adopted this 14th day of January, 2020 by the Municipal Officers of Standish, Maine:

Brian Libby, Chair

Kimberly Pomerleau, Vice Chair

Michael Delcourt

Sarah Gaba

Greg LeClerc

Steven Nesbitt

Joseph Paul

VOTE: 7 Yeas

2-20 Authorize Submission of a Community Development Block Grant Program – Food Pantry Grant [Pomerleau]

Councilor Pomerleau noted the Food Pantry has grown and they need this type of equipment.

Chair Libby called public discussion, hearing none, he called for Council discussion.

Councilor LeClerc explained that he is a board member of the Food Pantry and would like to abstain from voting on the order.

Moved by Nesbitt seconded by Gaba and voted to allow Councilor LeClerc to abstain from voting on this order since he serves on the Standish Food Pantry Board of Directors. (6 Yeas, Leclerc abstained from voting on the amendment)

Bill Giroux noted that we've been working with the Food Pantry, they move a lot of food and use personal vehicles. This grant also includes an enclosed trailer. The Town will have to provide match per the provisions of the grant. The match can be an in-kind dotation match such as use of the building; or town funds which would be part of the upcoming budget process.

Chair Libby called for additional Council discussion, hearing none he called for the vote.

ORDERED that the Town Manager be and hereby is, authorized to apply, on behalf of the Town, for federal financial assistance under the provisions of the CDBG program, for the acquisition of a delivery van and enclosed trailer; to assist with the operations of the Standish Food Pantry. The Pantry is an independent nonprofit and would be the owner of this equipment.

VOTE: 6 Yeas – 1 Abstain, Leclerc

20 Town Council Appointments to Various Boards or Committees [Gaba]

Moved by Gaba seconded by Pomerleau and voted to amend the order as follows:

<u>Richard Steeves</u>	Board of Assessment Review	June 30, 2022
<u>Kimberly Pomerleau</u>	*GPGOG General Assembly Mbr	December 31, 2020
<u>Michael Delcourt</u>	*GPGOG General Assembly Mbr	December 31, 2020
<u>Zachery Mosher</u>	GPGOG General Assembly Alt Mbr	December 31, 2020

Chair Libby called for discussion on the order as amended, hearing none, he called for the vote on the order as amended.

VOTE ON ORDER AS AMENDED: 7 Yeas

PUBLIC ITEMS

There were no public items at this meeting.

ANNOUNCEMENTS

Upcoming meetings were announced.

ADJOURN

Moved by Nesbitt seconded by Leclerc and voted to adjourn. The meeting adjourned at 7:28 p.m. by unanimous consent.

Submitted by:
Clerk/Secretary

Mary Cheyenne