

MINUTES
Town of Bowdoinham
Select Board & Board of Assessors Meeting
December 13, 2016 at 5:30 p.m.

1. Call the Meeting to Order & Establish a Quorum

The meeting was called to order and quorum established by Chair Peter Lewis at 5:30 p.m. Select Board members Peter Lewis, M. Theresa Turgeon, Jeremy Cluchey, David Engler and Thomas Walling were present. Staff present included Town Manager William Post and Planning & Development Director Nicole Briand. Also present representing the Kennebec Estuary Land Trust were Betsy Ham, Reeve Wood, and Carrie Kinne, and Ed Friedman of Friends of Merrymeeting Bay. Joanne Joy and Allan Acker were also present.

2. Amendments to the Agenda – None

3. Approve Consent Calendar

A. Meeting Minutes of November 29, 2016

On motion of Turgeon/Cluchey, the Board voted 3 – 0 – 2, Engler and Walling abstained, to approve the meeting minutes of November 29, 2016.

B. Meeting Minutes of November 22, 2016

C. Warrants and Financial Reports:

1. Treasurer's Warrant #37 for \$568,947.46

D. Reports & Communications

1. Sheriff's Office November Incident Report
2. Town Clerk's November Activity Report

The Manager noted that the Town Clerk's report is a new report that details the number of transactions and amounts handled for a month of activity on hunting and fishing licenses, motor vehicle transactions, and birth and death certificates, among other activities.

On motion of Turgeon/Walling, the Board voted 5 – 0 to approve the remainder of the Consent Calendar as presented.

4. Action Items

A. Act on Approval of Employee Safety Manual

The Manager stated that the manual has not changed from when it was provided to the Board at their last meeting.

On motion of Cluchey/Turgeon, the Board voted 5 – 0 to approve the Employee Safety Manual as presented.

B. Act on Appointment of George Christopher to the Finance Advisory Committee

The Manager stated that George Christopher has volunteered to fill the vacancy on the Finance Advisory Committee. The term is to end June 30, 2020, as it is the remaining term from David Engler's resignation.

On motion of Walling/Turgeon, the Board voted 5 – 0 to George Christopher to the Finance Advisory Committee for a term ending June 30, 2020.

5. Discussion Items

A. Presentation and Discussion on Kennebec Estuary Land Trust's (KELT) Draft Conservation Plan

Betsy Ham, a resident of Bowdoinham on Pork Point Road, serves on the Board of the Kennebec Estuary Land Trust, and is a member of Friends of Merrymeeting Bay. Bowdoinham has some very unique land and water resources. KELT is a private non-profit organization that works with willing land owners that are interested in protecting their land. Focused on land and water conservation and try to focus on certain issues of importance to the ecology and the Town. KELT does not want to work in an area that the Town believes is an area that should be developed.

Carrie Kinne stated that she provided a draft of KELT's Conservation Plan which is similar to the Town's Comprehensive Plan in its make-up. The focus areas in the maps in the plan were developed by looking at habitats based on soils mostly. There may be other areas that may have a favorite swimming area, or an area that accesses water for commercial activities. It is important for KELT to know what is important for protection or not from the Town's protection.

A large focus in Bowdoinham is on farmland, which is shown by an inventory map and a soils map. Of these areas that are in farmland, some may just be hay fields, or they may be in crop rotation. In reviewing this information, the Town can provide discussion on what they would like to see protected or not.

Ed Friedman presented and discussed maps that detail habitats in Bowdoinham including high value plants and animals. The maps show areas that may be at risk.

Betsy Ham stated that KELT's purpose in attending the Board meeting is to share the information that they are reviewing for potential areas of their work for conservation purposes and to get feedback from the Town as to what areas the Town is interested in having conserved or not.

The Board thanked those in attendance for the information.

B. Discuss Direction for Planning Board in Regards to Recreational Marijuana

Chair Lewis stated that this topic also includes a presentation and materials from Joanne Joy, Executive Director of Healthy Communities of the Capital Area, as well as a Bowdoinham resident.

The Manager stated that the moratorium ordinance will be voted on by the town at a special town meeting the following night. He stated that there is still a recount ongoing and then, if passed, the state has up to nine months to create regulations for the licensing of recreational marijuana facilities. He stated that this will be a good place to start the

discussion for direction for the Planning Board as to what the town would like to see for regulations or bans for potential recreational marijuana facilities in Bowdoinham.

Joanne Joy stated that she is wearing two hats on this topic: one as a resident that is very concerned about the changes to the community that retail marijuana establishments would make, and from a health perspective with knowledge about marijuana use and its effects on youth.

She stated that there is a loophole in the initiative that allows those younger than 21 to possess marijuana. This will probably be changed by the legislature, but it is in the language now. Another concern is the edible items that can contain THC from marijuana which include gummy bears, brownies, lollipops, etc. The THC level in today's marijuana is much more potent than years ago. These are major concerns from the Sheriff's Office as outlined in a letter from Sheriff Merry.

In other states, there were vacant buildings being purchased and set-up to begin grow operations. This can be done in neighborhoods with all different types of properties including warehouses, greenhouses, and even vacant homes.

Ms. Joy stated that the statistics show that 65% of high school students believe there is no issue with using marijuana. Other data show the negative effects of marijuana on youth brain development.

The Town can not do anything about personal growth and possession of marijuana under the new law, but can do something to limit the availability of the product by not having retail establishments or limiting the number, limiting the number of cultivation facilities, limit or ban social clubs and limit where these establishments are located.

An audience member stated that he is a resident and medical marijuana caregiver. He would like to grow recreational marijuana in Bowdoinham and does not think that the town is ready for retail facilities. He pays residents to work for him and would like to grow his business. He said he wants the character of the community stay the same, but would also like to see more opportunities for local residents to work in town.

Chair Lewis stated that the moratorium is being voted on and is not a complete ban, but will allow the Town to hear the voices of the residents on this topic and then to craft language for regulations, or not, depending on what the discussion entails. The results of the vote on the referendum question were 55% to 45% in favor of recreational marijuana.

Another resident asked if it was possible to amend the language of the moratorium at the special town meeting. The Manager stated that it can not be amended as it is an ordinance.

Board member Cluchey asked if the Board could extend a part of the moratorium on just retail operations. The Manager responded that the entire moratorium would need to be extended, or not. A new moratorium could be put in place on just part of the new law, but would require another special town meeting.

There was discussion about the potential for a local sales tax on retail marijuana and the state fees that will be shared with the towns in which facilities will be located.

The Manager stated that the Board should ensure that the Planning Board has informational meetings to gain input from residents on the topic of recreational marijuana so that residents' opinions can be heard in order for the Planning Board to craft ordinance language.

C. Date for Workshop to Review and Discuss Project Plan

The Manager stated that the Board needs to schedule a date for a workshop to discuss the project plan. He asked if the code enforcement discussion should be part of that discussion.

By consensus, the Board agreed to hold a workshop on Thursday, January 12th at 2:00 p.m. to review and discuss the project plan and have a discussion on code enforcement.

6. Town Manager's Report

A. Update on Process for Public Works Facility Project

The Manager stated that the Transportation Survey results will be presented on January 10th by Patricia Oh to the Board.

The Manager stated that the employee survey has been distributed and Wendy Cunningham will be compiling the results and present those to the Board. This is the second year of the survey, so we will be able to compare results with last year.

The Manager stated that the Town Office will be closed on December 23rd, 26th and January 2nd because of holidays falling on the weekend. The Recycling Barn will also be closed on December 26th.

The Fire Chief has been working on the placement of AEDs in town and providing training to potential uses of these. There are currently six AED devices: at the school, on a fire engine, with an EMT on the east side of town, the Town Landing, Fire Station and now at the Town Office. The Town also has a training AED and the Fire Chief is a certified trainer. The Town Office staff and the librarian have been trained.

The Manager reminded the Board about the Spirit of America award ceremony at the county courthouse.

7. Select Board Member's Request for Agenda Items for Next Meeting – None

8. Announce Future Select Board Meetings

A. December 14th – Special Town Meeting

B. January 10th – Regular Meeting

C. January 12th – Workshop Meeting 2:00 p.m. – 5:00 p.m.

9. Comments from Select Board Members

Board member Cluchey stated that the rescheduled straw vote for the school construction project is on Wednesday, the same time as the special town meeting.

10. Comments from the Public

Resident Allan Acker stated that he is frustrated by the lack of high speed access. He follows the meetings by reviewing minutes so he is asking about any progress on high-speed internet. He asked for the email from Mr. Somers that details the unserved areas of town.

Chair Lewis stated that the Community Development Advisory Committee has been assigned the task for high speed internet service. He understands Mr. Acker's frustration.

The Manager stated that he will provide the email to Mr. Acker, and he will let them know when the Community Development Advisory Committee meets.

Board member Turgeon stated that the Town has been working hard to get broadband expanded and the Board is committed to the project.

11. Executive Session

A. Convene in Executive Session Pursuant to 1 M.R.S. §405 (6) (E) for discussion of a legal matter

On motion of Cluchey/Turgeon, the Board voted 5 – 0 to convene in executive session pursuant to 1 M.R.S. §405 (6) (E) to discuss a legal matter at 6:53 p.m.

On motion of Cluchey/Walling, the Board voted 5 – 0 to close the executive session and reconvene in regular session at 7:08 p.m.

12. Adjourn

The meeting adjourned by acclamation at 7:09 p.m.

Select Board
Town of Bowdoinham, Maine

Peter Lewis, Chair

M. Theresa Turgeon, Vice-Chair

Jeremy Cluchey

David Engler

Thomas Walling

Respectfully Submitted,

William S. Post, Town Manager