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Debby Willis, Chairperson
Angelia Sencabaugh, Administrative Assistant

ORDINANCE REVIEW COMMITTEE MINUTES

**Monday, August 26, 2019 @ 3:00 PM
Regular Meeting
City Hall Council Chambers**

1.) Call the meeting to order-

Chairperson- Debby Willis called the meeting to order at 3:02 pm

2.) Roll Call- Chairperson-Debby Willis, Clare Marron, Louis Sigel, Mayor Pat Hart:

Kris McNeill- CEO

3.) Also in attendance, Tracey Steuber-EDD, Angelia Sencabaugh- Admin. Assist. For

Planning & Economic Development; Mark Eyerman- Planner

4.) Review of July 22, 2019, May 20, 2019, and April 22, 2019

The only correction that needs to be made is for the 4/2019 minutes-

Mayor Hart was here for the April meeting is the only change that is requested.

Clare Marron made a motion to accept all three sets of meeting minutes.

Louis Sigel seconded the motion with all in favor.

5.) Possible ordinance provisions dealing with marijuana regulation-

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Both sets of State of Maine rules concerning marijuana are supposed to be being revised, and the medical regulations are reported to have been in revisions for over a year. At this time, the time frame for these rules to be finalized is unknown. During a recent Code Enforcement issue, a question about existing facilities came about, which led Mark Eyerman to look into the current State Laws dealing with medical marijuana and adult use facilities. In his research he found was that the State rules around medical marijuana facilities are very different from adult use. In fact, if it's a medical facility the State, the general consensus is that the State does not want to get involved.

Gardiner has been working on developing their Marijuana ordinance. At this time the two types of marijuana facilities, medical, and adult use, have been lumped together. Mark has 'tinkered' with the drafts so that they were more clear for City Council. These drafts will need to be run by John Pottle, Attorney for review and approval.

Kris states that there are lots of questions and rumors concerning what the City can and can't regulate in regards to medical marijuana. There was recently a situation where an individual wanted to open a new medical marijuana facility and was told that due to the current moratorium, he could not. There seems to be a lack of clarity on how to handle these types of issues, due to the inconsistency with the rules. Medical growers have had very little State rules to follow, and are appearing to taken a stance that they can do what they want. Can the city, under State law, regulate medical marijuana facilities? The moratorium states that there can't be any new business, and that you can't put an existing facility out of business, you have to accommodate them under the existing rules.

Municipalities can regulate testing facility, retails, and manufacturing facilities. The question is can a cultivation facility be regulated? In terms of retails facilities, we do know that providers have to stay within one category. Meaning you can't serve customers out of both pots out of the same facility. Can a 'patient' switch over from medical to adult use? And vice-versa-? And does a vendor have to be either an Adult use, or Medical marijuana provider? These are questions that we hope will be clarified with the State rules.

Licensing provisions is another area up for review. This draft will be sent to John Pottle with the idea that this is the beginning point, and ask if there is anything he would do differently. Ask for areas that he feels are the big picture things that need to be looked at more closely.

The board agrees that the Preliminary Draft Land Use Ordinance Amendments, Marijuana Establishments Licensing Ordinance, and Medical and Adult- Use Marijuana Facilities are also ready to go to John Pottle-, for review. Office of Code Enforcement will see that these are sent to Mr. Pottle's office.

Food Sovereignty ordinance provisions- -

Food Sovereignty is becoming more popular across the state. The original law originated due to a raw milk issue, but has morphed into other areas/ issues. The main question is should we be concerned about food safety with this type of practice. How do we know if producers are following safe food practices?

Mark used the MMA draft ordinance and made some modifications. He took out the language that says that sales can only happen at place of production, and specifically prohibits producer to consumer sales at farmer's markets. He added language that will require notice of the producer to report they are selling the product under exemption. The intention, is that the consumer will know that the product

they are purchasing from said producer are not subject to state food safety rules. The overview of this is that if a producer is going to claim the exemption and they need to notify consumers that the goods they are selling are not the products of licensed producers. There would have to be some kind of notification or display set up at vendor sites, stating that they fall under the exempt law.

What is the allure, why is it the new thing? Why is it so important? It is increasing trend to grow your own food, to have livestock, to share with your neighbors, home farming, without an actual farm.

While State licensing and requirements are fairly minimal, if you need to change things for any reason, it can be expensive. Requirements to be a licensed product provider can be a disincentive, which could be one of the reasons for the popularity of Food Sovereignty. The biggest reasons appear to be the philosophical justifications- why can't someone produce their own foods, and share the wealth- why does the state need to stick their nose? People are doing this right now, illegally, hence the need for an ordinance, due the concern for food safety.

The Draft Food Sovereignty Ordinance, dated August 20, 2019 will be sent to John Pottle for his review/input, and eventually sent to Council to let them decide where to go with it.

Snow/Ice Removal Ordinance- Mark has taken the last version of the amendments, edited it to add municipals parking lots, regulations of ice accumulating on a building falling, and how that adds increased hazard. The intention was to give the city the power to have a big stick, and then it gives the city manager, to override the codes. This is not included in the land use ordinance, so will send to council, Mayor Hart motions to send to city council Clare seconds all in favor.

1.) Other- members agree to change the time of the meeting. The committee has been trying

to get new members for quite some time, and the current time has made this challenging.

The committee agreed to change the time to 5pm, but is still unsettled on a day/week of the month due to schedule conflicts/ prior commitments, by several committee members.

The group set two upcoming meeting dates, and will try to set a more permanent meeting date in the near future.

2.) Next meeting- September 30, 2019 -5pm in the City Council room.

3.) Adjourn- Chair Debby Willis asked for a motion to adjourn

Clare Marron seconded the motion

All were in favor.

Meeting was Adjourned at 4:35pm.

All were in favor