



Town of Old Orchard Beach
Office of the Town Manager

1 Portland Ave, Old Orchard Beach, Maine

Phone: 207.937.5626

Web: www.oobmaine.com or

www.oobmaine.com/town-council

Town Council Meeting Minutes

I, Tim Fleury, Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting is a copy of the original minutes from the meeting of the Old Orchard Beach Town Council.

Prepared By:

Tim Fleury

Approved By:

Old Orchard Beach Town Council

Respectfully
Submitted,

Tim Fleury
Town Council
Secretary



TOWN OF OLD ORCHARD BEACH
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Town Council Workshop
Meeting Minutes

Thursday March 31st, 2022

I, Jennifer Hayes, Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of nine (9) pages is a copy of the original Meeting Minutes of the Town Council Workshop held on Thursday, 03.31.2022.

Prepared by: Jennifer Hayes
Approved by: Old Orchard Beach Town Council
Approval Date: 04.05.2022

Respectfully Submitted,

Jennifer Hayes
Town Council Secretary



Town Council Workshop Meeting Minutes

**Thursday, March 31st, 2022 @
6:00pm* Council Chambers
1 Portland Avenue**

www.oobmaine.com/town-council

**Members of the public wishing to view the meeting from home may tune into Local Access TV (Channel 3, Channel 1301) or by logging onto https://townhallstreams.com/towns/oob_maine. FMI click on the Communications Tab @ www.oobmaine.com.*

There was a Council Workshop on Thursday, March 31st, 2022, beginning at 6:00pm in Council Chambers, 1 Portland Avenue, to discuss medical marijuana dispensary ordinances in relation to the current moratorium. The following individuals were present:

Shawn O’Neill, Chair

Diana Asanza, Town Manager

Kenny Blow, Vice-Chair

Jen Hayes, Council Secretary

V. Louise Reid, Councilor

Larry Mead, Councilor

Mike Tousignant, Councilor

Chair O’Neill opened the meeting and invited Jeffrey Hinderliter, Town Planner, to review the Council Memo (see attached).

Jeffrey Hinderliter noted that medical Marijuana was allowed in one zoning district, GB1. Key notes for Council was that there was no penalty to the Town if Council decided to opt In/Out.

Chair O’Neill thanked Town Planner Hinderliter for all of his hard work and noted that his frustration visible at the Public Hearing at last meeting (03.15.2022) wasn’t directed at Staff.

The Chair polled Council with the question, “Does Council want medical marijuana in Town?”

The Chair went on to state that he felt the Town needed to have a grip on medical marijuana. Poll results:

Polled: No for Councilors Blow, Reid, & Mead. Yes for Councilors O'Neill &

Councilor Tousignant explained his yes poll response by sharing a story of an ailing family member who was prescribed medical marijuana. From day one, Councilor Tousignant felt that medical marijuana should have a least a shop in Town (at least one).

Thomas Mourmouras – 30 Saco Ave: Mr. Mourmouras stated that an adult use store caters towards tourists. Medicinal use is not permitted for sale in retail shops. There are limitations with potency, pricing, and strains offered.

Councilor Mead questioned if Mr. Mourmouras' company was currently offering medical marijuana in the Town. Confirmed yes by Mr. Mourmouras. Councilor Mead went on to state that with the availability of a medical card an individual may purchase product with your business. Confirmed yes by Mr. Mourmouras. Councilor Mead went on to question: "If this ordinance was proposed was enacted would you sell?" Moreover, Councilor Mead asked the following

Threshold questions

- 1.) "Are people in Town able to currently avail themselves in OOB?"
Mr. Mourmouras confirmed yes.
- 2.) "If this council were to pass the proposed dispensary ordinance, would people with medical cards still purchase?" Mr. Mourmouras confirmed yes, but through a delivery or caregiver status.

Councilor Tousignant questioned how individuals were able to purchase currently and followed up with the question as to how Mr. Mourmouras' business was able to dispense currently.

Peter Mourmouras – 30 Saco Avenue: Mr. Peter Mourmouras provided Council with an Affidavit from June 25th, 2018. (see attached). The document provided confirmation for the activity at 30 Saco Avenue.

Councilor O'Neill stated " we have had four years to discuss this ordinance. Is there an ordinance on the books?"

Town Planner Hinderliter stated the ordinances are ready to go as is and would not allow dispensaries; would be prohibited with the language that is in place.

Councilor Mead stated he felt he needed to explain his position. He noted that the Mourmouras' were on point and brought to his attention that dispensaries which were once thought to be restricted by the State had changed and would now have the opportunity to operate in OOB. Councilor Mead noted that he had done fieldwork in Wells. He was also made aware that there were companies that were acting as "superstores" and would likely end up in OOB. Councilor Mead went to locale in Wells, which was noted to be a national chain, but was viewed as a medical marijuana dispensary. Councilor Mead shared his experience that he did not have a medical card, was allowed in the store with that understanding, sales person probed the ailments that would allow for medical marijuana card, and would be provided with a card and product sale on same day. This came as a surprise to Councilor Mead. He noted that Council had created an ordinance for retail marijuana and connected that medical marijuana dispensaries can act in a retail capacity.

Councilor Tousignant agreed with Councilor Mead that it was "wrong" regarding what happened in Wells and Councilor Mead's experiences. He noted that the system was "broken." Apologetic bringing this up with Council back in 2017 especially since medical marijuana sales were not going to function in the capacity that they were intended.

Peter Mourmouras questioned Council as to how was it any different for a physician next store to him could issue a medical card that same day. He continued to probe Council, "are you questioning the doctor's right to provide medical cards?"

Councilor Mead stated he has nothing against medical marijuana being sold. He just recently learned it could be purchased in Town through Walgreens via a doctor's prescription. Mr. Peter Mourmouras also noted that marijuana could be purchased through an illegal delivery service as well.

Chair O'Neill questioned that if prohibiting retail marijuana by prescription – what would happen to Walgreens? He stated, “The law still allows for individual caregivers to provide product. If you can still sell it without a license process, the Town will not have a way to regulate it. Then what happens to the residents who are growing and selling at home? If we cannot license it, then still ok for people to sell?”

Conversation continued with the same question theme noted above. Chair O'Neill confirmed that Council should “just prohibit medical marijuana dispensaries and be done with it all.”

Workshop adjourned at 6:42pm.

**TO: Old Orchard Beach Town Council
Diana Asanza, Town Manager
Jennifer Hayes, Executive Assistant**

FROM: Planning Staff

SUBJECT: Medical Marijuana Registered Dispensary Workshop

DATE: 31 March 2022

During 2018 Maine's medical marijuana rules were changed. These rule changes included making medical marijuana more widely available and increasing local control of medical marijuana businesses. One way medical marijuana became more widely available was through changes to the medical marijuana dispensary rules. Until recently, dispensaries were required to be nonprofit entities and only one dispensary was allowed in each Maine Department of Health and Human Services Public Health District (total 8 allowed in entire state). Dispensaries now can be operated by for-profit entities, grow an unlimited number of marijuana plants, and in addition to the 8 dispensary registration certificates issued, the State can now issue another 6 dispensary registration certificates. Regarding increasing local control, the rule changes allow municipalities to decide whether they want to allow (i.e., "opt in") or prohibit certain medical marijuana uses. Also, municipalities have more regulatory jurisdiction over caregiver operations.

In response to concerns about potential impacts associated with the medical marijuana registered dispensary use, the Council enacted a moratorium to prohibit the establishment of this use until the Town amended ordinances to address concerns. Staff developed ordinance amendments that prohibited the medical marijuana registered dispensary from being established anywhere in Town. These amendments were recommended for approval by the Planning Board.

During Council consideration of the amendments, it was decided to hold a workshop to allow more Council discussion before a final vote and moratorium expiration (which is 7 June). To prepare Council for this discussion we developed six options:

1. Adopt ordinances as currently proposed before moratorium expires (7 June).

- This option would enact ordinances with no changes to the proposed new language (the language currently presented to Council).

2. Continue work on amendments as they relate to medical marijuana dispensaries only and renew current moratorium if work not complete by 7 June.

- This option would allow the Council to consider additional amendments to the medical marijuana registered dispensary related language only. An example of an additional amendment is to allow the dispensary use within another zoning district.
- If work is not complete by 7 June, the Council has the option to renew the moratorium and resume work on medical marijuana dispensary related ordinances.
- This option does not allow work on amendments to medical marijuana ordinance language that is not directly associated with dispensaries. For example, additional regulation for caregivers would not be considered.

3. Continue work on medical marijuana dispensaries amendments under the current moratorium and concurrently work on other medical marijuana ordinance changes with this work not under a moratorium

- This option allows the Town to continue review of medical marijuana dispensaries ordinance amendments and consider changing or adding new language to any of the medical marijuana ordinances.
- Medical marijuana dispensaries will remain under a moratorium until 7 June.

- In addition to work on dispensary related language, the Town can work on other medical marijuana ordinance changes but these changes will not be under a moratorium. For example, additional regulation for caregivers could be considered.
- If the Council choose this option, the other medical marijuana ordinance changes must be identified so staff knows what to work on.

4. Repeal or modify current moratorium and adopt new moratorium that broadens review to include all medical marijuana ordinances.

- This option means the current moratorium will be replaced with a new moratorium that allows work on medical marijuana dispensary amendments as well as other medical marijuana ordinance language.
- If the Council choose this option, the other medical marijuana ordinance changes must be identified so we can develop new moratorium language and staff knows what to work on.

5. Let current moratorium expire and continue work on medical marijuana ordinance amendments without a moratorium in place

- This option allows the Town to continue work on any change to the medical marijuana ordinances after 7 June but without the protection a moratorium offers.

6. Let current moratorium expire with no changes to medical marijuana ordinances.

- This option will result in no changes to the medical marijuana ordinances and the moratorium will just expire with no further Council or staff action.

It's important to remember the current moratorium is specific to medical marijuana registered dispensaries. If the Council wants to consider changes to other medical marijuana ordinance standards we will need to change the current moratorium language or we can continue without a moratorium in place.

Options 2 – 5 will require additional work, including Planning Board review, which means the amendments will likely not be ready before 7 June.

One final note, the Council questioned the purchase cost difference between medical marijuana and adult use marijuana. If we think of costs for an average customer, it appears medical marijuana is cheaper both pre-state tax and including state tax. For example, an 1/8 ounce of medical marijuana cost \$35.00 and it's equivalent adult use cost \$45.00. Medical marijuana retail tax is 5.5% (8% for edibles). Adult use retail tax is 10%.

In regard to:)
 Peter Mourmouras)
 30 Saco Avenue)
 Old Orchard Beach, ME 04064)
)

AFFIDAVIT OF DANIEL FEENEY

In the matter of Mr. Peter Mourmouras, located at 30 Saco Avenue, Old Orchard Beach, ME 04064, I offer the following:

I, Daniel Feeney, hereby declare that the following statement is true and correct to the best of my recollection and believe it to be an accurate description of what transpired.

I currently reside at 35 Justins Way in Freeport, ME 04032.

Between the dates of November 2013 and February 2018, I was employed by the Town of Old Orchard Beach as their Chief Code Official.

My position included the oversight of all permit applications for Building, Electrical, and all Business Licensing. This included all inspections pertaining to Codes of the State of Maine and the Town of Old Orchard Beach as had been adopted at the time. Other responsibilities included but were not limited to onsite inspections, site evaluation, condemnation, and tasks spelt out in the job description as well as those directed by the Town Manager, Larry Mead.

In addition, I oversaw all Code Enforcement personnel including full time, part-time, and temporary positions. I also oversaw the Town office staff jointly with the Town Planner.

Mr. Mourmouras applied for a building permit for a renovation project at his property located at 30 Saco Avenue in the Town of Old Orchard Beach (MBL 206-24-34) won December 11, 2014. The work comprised of the addition of a 12' x 18' mezzanine and a joined stairway. The space was designed to add living and work space to the second floor. During our discussions, Mr.

Mourmouras had informed me at the time of permitting that he planned to use the now to be vacant 1st floor office area as retail space. Mr. Mourmouras had also informed me at the time he was a state registered medical marijuana caregiver, and he was legally allowed by the State of Maine to have up to 5 patients to whom he could provide with product. His proposed use for the vacant 1st floor retail space was a storefront that would serve his 5 patients under his current DBA retail license that he already held with the Town since 2007. All retail licenses are administered through the Code Office.

I reviewed the Town Ordinances, the Comprehensive Plan, and I made an inquiry to the State as to the standing of the law. I found nothing that forbid the issuance of the mentioned permit and as far as we were concerned, it was regulated at the State level, not the local jurisdiction. Due to the fact that the application for a building permit was deemed complete, there was no reason not to issue the actual permit, which was done on December 12th, 2014. There were follow up code inspections from my code staff during the work phases, culminating with the issuance of a Certificate of Occupancy on or about June 11, 2015.

I, Daniel Feeney, believe the above to be a true account of what transpired and hereby put my signature to this document this 25th day of JUNE 2018.

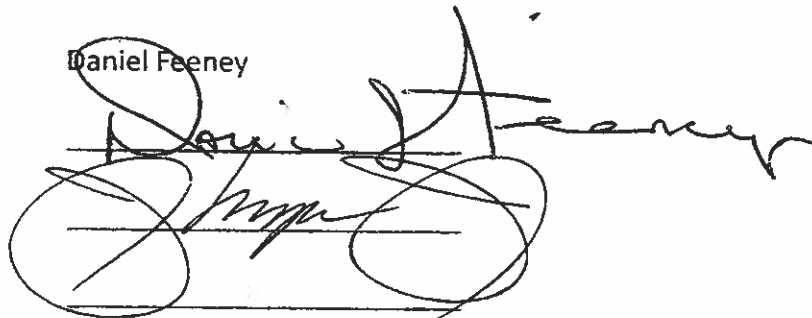
Print Name:

Daniel Feeney

Signature:

Notary:

Print Name:



JEFFREY THOMPSON, JR.
NOTARY PUBLIC
STATE OF MAINE
MY COMMISSION EXPIRES
OCTOBER 17, 2021