

**WARRANT FOR  
SPECIAL TOWN BUSINESS MEETING**

November 21, 2016

STATE OF MAINE

COUNTY OF OXFORD

TO: Thomas Bourret, Constable of the Town of Rumford, in said County.

**GREETING:**

In the Name of the State of Maine, you are hereby required to notify and warn the Inhabitants of the Town of Rumford, qualified by law to vote in Town Affairs, to assemble in the RUMFORD FALL AUDITORIUM located at 145 CONGRESS STREET in said Town, on Monday, the 21<sup>st</sup> day of November, 2016 AD at seven o'clock in the evening for a special town business meeting to act on the following articles, to wit:

**TO: THE VOTERS OF THE TOWN OF RUMFORD**

You are hereby notified that a special town business meeting in this municipality will be held in the Rumford Falls Auditorium located at 145 Congress Street, Rumford, Maine at 7:00 p.m. on November 21, 2016 to act upon the following articles.

Notice is hereby given the Board of Registration of Voters' Office will be open during business hours at the Municipal Building on November 14, 15, 16, 17 and 18, 2016 from 8:00 a.m. to 4:00 p.m. to hear and decide upon applications of persons claiming the right to have their names entered upon the voting lists.

**Article 1:** To see if the Town of Rumford shall designate the Pennacook Falls Municipal Development and Tax Increment Financing Districts and adopt the related Fourth Omnibus Development Program as presented to the Town Meeting, such designation and adoption to be pursuant to the following terms and provisions?

**WHEREAS**, the Town of Rumford is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to designate specified areas within the Town as a municipal development district and tax increment financing district and to adopt a development program for such district; and,

**WHEREAS**, there is and continues to be a need to encourage the expansion, improvement and attraction of manufacturing, industrial and commercial, businesses in the Town, and to provide new and continuing employment opportunities for the citizens of the Town and the surrounding region, to improve and broaden the tax base of the Town, and to improve the general economy and general business development climate of the Town, the

surrounding region and the State of Maine; and

**WHEREAS**, designating the Pennacook Falls Municipal Development and Tax Increment Financing Districts (referred to as the “Pennacook Falls Districts”) and adopting and implementing the proposed related Fourth Omnibus Development Program will help to new provide employment opportunities for the citizens of the Town and the surrounding region and will help the Town to continue the pursuit of business development in the Town and the region; and

**WHEREAS**, the Town Select Board has held a public hearing on the question of designating the Pennacook Falls Districts and adopting the Fourth Omnibus Development Program in accordance with the requirements of 30-A M.R.S. § 5226, upon at least ten (10) days prior notice published in a newspaper of general circulation within the Town; and

**NOW, THEREFORE, BE IT VOTED BY THE TOWN OF RUMFORD:**

**Section 1.** The Town hereby finds and determines that:

(a) At least twenty-five percent (25%), by area, of the real property within each of the Pennacook Falls Districts, as hereinafter designated, is in need of rehabilitation, redevelopment or conservation or is suitable for commercial uses as defined in 30-A M.R.S. § 5223(3); and

(b) The total area of each Pennacook Falls District does not exceed two percent (2%) of the total acreage of the Town, and the total area of all current and proposed tax increment financing districts within the Town (including all of the Pennacook Falls Districts) does not exceed five percent (5%) of the total acreage of the Town; and

(c) Subject to the exclusions permitted under 30-A M.R.S. § 5223(3), the original assessed value of the District plus the original assessed value of all other tax increment financing districts in the Town does not exceed five percent (5%) of the total value of taxable property within the Town as of April 1, 2016; and

(d) The Pennacook Falls Districts are designated and the Fourth Omnibus Development Program is adopted by the Town in order to induce investment in the Pennacook Falls Districts as described in the Fourth Omnibus Development Program; and

(e) Designation of the District and implementation of the Fourth Omnibus Development Program will generate substantial economic benefits for the Town and its residents, including employment opportunities, broadened and improved tax base and economic stimulus, and therefore constitute a good and valid public purpose and will contribute to the economic growth or well-being of the inhabitants of the Town or to the betterment of the health, welfare or safety of the inhabitants of the Town; and

(f) The Town Select Board has considered all evidence presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that designation of the District and implementation of the Fourth Omnibus Development Program will not result in a substantial detriment to any existing business in the Town, and any adverse economic effect of the proposed Fourth Omnibus Development Program on any existing business in the Town is outweighed by the contributions expected to be made by the District and the projects and improvements described in the Fourth Omnibus Development Program to the economic growth or well-being of the Town or to the betterment of the health, welfare or safety of the Inhabitants of the Town.

**Section 2.** Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, and to promote completion of the projects and improvements described therein, the voters of the Town hereby designate each of the Pennacook Falls Districts as tax increment financing districts and adopts the Fourth Omnibus Development Program presented to this Town Meeting and such Fourth Omnibus Development Program is hereby incorporated by reference into this vote as the development program for the Pennacook Falls Districts.

**Section 3.** Pursuant to the provisions of 30-A M.R.S. § 5227, the term of the Pennacook Falls Districts and the Fourth Omnibus Development Program and the percentage of increased assessed value to be retained as captured assessed value in the Pennacook Falls Districts and the allocation of tax increment revenues generated with respect thereto, is hereby established as set forth in the Fourth Omnibus Development Program.

**Section 4.** The voters of the Town further authorize the Select Board to combine and consolidate any of the Pennacook Falls Districts to be administered as a single district, as the Select Board, in its sole discretion, may deem reasonable and appropriate, to further economic development in the Pennacook Falls Districts.

**Section 5.** The Town Manager be, and hereby is, authorized, empowered and directed to submit the designation of the Pennacook Falls Districts and the adoption of the Fourth Omnibus Development Program to the Commissioner of the State Department of Economic and Community Development (DECD) for review and approval pursuant to the requirements of 30-A M.R.S. § 5226(2).

**Section 6.** The Town Manager be and hereby is authorized and empowered, at his discretion, from time to time, to make such revisions to the Fourth Omnibus Development Program, including revisions to the scope or description of the Town TIF Projects to be financed with a portion of tax increment financing revenues generated by the Pennacook Falls Districts, as the Town Manager deems reasonably necessary or convenient in order to facilitate the process for review and approval of the Pennacook Falls Districts and the Fourth Omnibus Development Program by DECD, or for any other reason so long as such revisions are not inconsistent with these votes or the basic

structure and intent of the Fourth Omnibus Development Program.

**Section 7.** The foregoing designation of the Pennacook Falls Districts and the adoption of the Fourth Omnibus Development Program shall automatically become final and shall take full force and effect upon receipt by the Town of approval of the designation of the Pennacook Falls Districts and adoption of the Fourth Omnibus Development Program by DECD, without requirement of any further action by the Town, the Selectboard, or any other party.

**Section 8.** The Town Manager be, and hereby is authorized and directed to enter into and execute in the name of and on behalf of the Town, a credit enhancement agreement with the developer of the Hotel Project (as described in the Fourth Omnibus Development Program), or its designee, all as contemplated by the Fourth Omnibus Development Program and the Select Board be and hereby are further authorized and directed to approve one or more credit enhancement agreements with respect to any future developers in the Pennacook Falls Districts, as contemplated by the Fourth Omnibus Development Program and to authorize the Town Manager to execute and deliver such agreements, in the name of and on behalf of the Town, such agreements to be in such form and to contain such terms and provisions, not inconsistent with the Fourth Omnibus Development Program.

**Section 9.** This Article shall take effect immediately upon adoption.

**Article 2:** To see if the Town of Rumford shall adopt a Moratorium Ordinance pursuant to 30-A M.R.S. § 4356 regarding the “Marijuana Legalization Act” proposed to be codified in the Maine Revised Statutes in Title 7, chapter 417, said proposed Act to be voted upon as a state-wide voters’ referendum on November 8, 2016, in order to allow the Town to consider regulation and/or prohibition of retail marijuana stores and the location and operation of retail marijuana social clubs and retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, as those terms are defined in the proposed Act, such adoption to be pursuant to the following terms and provisions?

**WHEREAS**, a ballot initiative to legalize, regulate and tax marijuana for non-medicinal purposes known as the “Marijuana Legalization Act” proposed to be codified in the Maine Revised Statutes in Title 7, chapter 417, will be voted on by a State-wide referendum election on November 8, 2016; and

**WHEREAS**, the proposed Act authorizes municipalities to regulate the number of retail marijuana stores and the location and operation of retail marijuana social clubs and retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, as those terms are defined in the proposed Act, as well as the option to prohibit the operation of retail marijuana social clubs and retail marijuana establishments, including stores, cultivation facilities,

manufacturing facilities and testing facilities within its jurisdiction; and

**WHEREAS**, the proposed Act will not limit the privileges or rights afforded by the Maine Medical Use of Marijuana Act (22 M.R.S. §§ 2421 – 2430-B) to qualifying patients, primary caregivers, or registered dispensaries, including cultivation facilities;

**WHEREAS**, the outcome of the State-wide referendum vote is yet to be determined and the Town's current Code of Ordinances does not include any regulations related to retail marijuana establishments or retail marijuana social clubs under the proposed new Act; and

**WHEREAS**, the unregulated location and operation of retail marijuana establishments and retail marijuana social clubs within the Town of Rumford raises legitimate and substantial questions about the impact of such establishments and social clubs on the Town, including questions of the compatibility of retail marijuana establishments and social clubs with existing uses and development within the Town; the possible connection of retail marijuana establishments and social clubs with medical marijuana cultivation facilities and dispensaries; the potential adverse health and safety effects of retail marijuana establishments and social clubs on the community if not properly regulated; the possibility of illicit sale and use of marijuana and marijuana products to minors and misuse of marijuana and marijuana products by those who would abuse the uses authorized under the new law; potential criminal activity associated with the cultivation, manufacturing, sale and use of marijuana and marijuana products for non-medicinal purposes and the potential increased burden on the public safety agencies serving the Town in responding to the same; and the adequacy of the Town's streets and infrastructure to accommodate the additional traffic and/or population that may result from the presence of retail marijuana establishments or social clubs; and

**WHEREAS**, the possible effect of the location and operation of retail marijuana establishments and/or retail marijuana social clubs within the Town has serious implications for the health, safety and welfare of the Town and its residents; and

**WHEREAS**, the Town needs time to review the proposed Act in anticipation of the election and to review its own Code of Ordinances to determine the implications of future proposed retail marijuana establishments and/or social clubs to develop reasonable ordinances governing the location and operations of such establishments and social clubs to address the concerns cited above; and

**WHEREAS**, the Town, under its home rule authority, its police power generally, and under 30-A M.R.S., chapter 187, subchapter 3 ("land use regulation"), as provided by the proposed new Act, or as otherwise provided by current law, has the authority to impose reasonable restrictions, conditions, and limitations on such retail marijuana establishments and social clubs; and

**WHEREAS**, the Select Board, with the professional advice and assistance of the Rumford Police Department and Oxford County Sheriff's Office and the Planning Board, shall

study the Town's current Code of Ordinances to determine the land use and other regulatory implications of retail marijuana establishments and social clubs and consider what locations, if any, and conditions of approval, if any, might be appropriate for such uses; and

**WHEREAS**, the Town's current Code of Ordinances and other applicable local laws are not adequate to prevent serious public harm that could be caused by the development of retail marijuana establishments and social clubs and other uses authorized by the proposed changes in law to be voted on in the November 8, 2016 referendum election, thereby necessitating a moratorium; and

**WHEREAS**, a moratorium is necessary to prevent an overburdening of public facilities that is reasonably foreseeable as the result of retail marijuana establishments and social clubs and other uses authorized by the proposed changes in law, if passed, to be voted on in the November 8, 2016 referendum election, being located in the Town; and

**WHEREAS**, it is anticipated that such a study, review, and development of recommended ordinance changes will take at least one hundred and eighty (180) days from the date the Town enacts this Moratorium Ordinance on Retail Marijuana Establishments and Retail Marijuana Social Clubs;

**NOW, THEREFORE, BE IT VOTED BY THE TOWN OF RUMFORD** that the following Moratorium Ordinance on Retail Marijuana Establishments and Retail Marijuana Social Clubs be, and hereby is, adopted and enacted, as follows:

**Section 1.** A moratorium is hereby imposed on the location, operation or licensing of any retail marijuana social clubs and any retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, within the Town.

**Section 2.** A moratorium is hereby imposed on the location, operation or licensing of any new medical marijuana cultivation facilities or dispensaries and the expansion of any existing medical marijuana cultivation facilities or dispensaries, within the Town.

**Section 3.** This Moratorium Ordinance shall take effect, once enacted by the voters of the Town of Rumford, but **shall be applicable as of and be retroactively effective to November 3, 2016**, as expressly provided below. The moratorium shall remain in effect for one hundred and eighty (180) days from the date of applicability of this Ordinance, unless extended, repealed, or modified by the Select Board, for the express purpose of drafting an amendment or amendments to the Town's current Code of Ordinances to protect the public from health and safety risks including, but not limited to, compatibility of retail marijuana establishments and social clubs with existing and permitted uses; the correlation of retail marijuana establishments and social clubs with medical marijuana cultivation facilities and dispensaries; the potential adverse health and safety effects of retail marijuana establishments and social clubs on the community if not properly

regulated; the possibility of illicit sale and use of marijuana and marijuana products to minors and misuse of marijuana and marijuana products by those who would abuse the uses authorized under the new law; criminal activity associated with the cultivation, manufacturing, sale and use of marijuana and marijuana products for non-medicinal purposes and the potential increased burden on the public safety agencies serving the Town in responding to the same; and the adequacy of the Town's streets and infrastructure to accommodate the additional traffic and/or population that may result from the presence of retail marijuana establishments or social clubs.

**Section 4.** This Ordinance shall apply to retail marijuana social clubs and retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, as those terms are defined by the proposed "Marijuana Legalization Act" to be codified, if passed, at 7 M.R.S. §§ 2442 (36), (39), (40), that may be proposed to be located within the Town on or after the November 3, 2016 applicability date of this Ordinance.

**Section 5.** Notwithstanding the provisions of 1 M.R.S. § 302 or any other law to the contrary, this Ordinance, when enacted, shall govern any proposed retail marijuana establishments or social clubs for which an application for a building permit, Certificate of Occupancy, site plan or any other required approval has not been submitted to and granted final approval by the Code Enforcement Officer, Planning Board or other Town official or board prior to November 3, 2016, the applicability date of this Ordinance; and

**Section 6.** No person or organization shall develop or operate a retail marijuana establishment or social club within the Town on or after the November 3, 2016 applicability date of this Ordinance without complying with whatever ordinance amendment or amendments the Town may enact as a result of this Moratorium Ordinance

**Section 7.** No person or organization shall develop or operate a new medical marijuana cultivation facility or dispensary or expand any existing medical marijuana cultivation facility or dispensary that may be currently permitted under Chapter 33-B, the Town's Site Plan Review Ordinance, within the Town on or after the November 3, 2016 applicability date of this Ordinance without complying with whatever ordinance amendment or amendments the Town may enact as a result of this Moratorium Ordinance.

**Section 8.** During the time this Moratorium Ordinance is in effect, no officer, official, employee, office, administrative board or agency of the Town shall accept, process, approve, deny, or in any other way act upon any application for a license, building permit, certificate of occupancy, special exception review, site plan review and/or any other permits or licenses related to a retail marijuana establishment, retail marijuana social club,

club, a new medical marijuana cultivation facility or dispensary, or the expansion of an existing medical marijuana cultivation facility or dispensary.

**Section 9.** Those provisions of the Town's current Code of Ordinances that are inconsistent or conflicting with the provisions of this Ordinance, are hereby repealed to the extent that they are applicable for the duration of the moratorium hereby ordained, and as it may be extended as permitted by law, but not otherwise.

**Section 10.** If retail marijuana establishments, retail marijuana social clubs, new medical marijuana cultivation facilities or dispensaries, or expansions of existing medical marijuana cultivation facilities or dispensaries are established in violation of this Ordinance, each day of any continuing violation shall constitute a separate violation of this Ordinance, and the Town shall be entitled to all rights available to it in law and equity, including, but not limited to, fines and penalties as established by 30-A M.R.S. § 4452, injunctive relief, and its reasonable attorney's fees and costs in prosecuting any such violations.


**Section 11.** In the event that any section or provision of this Ordinance be declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.

**Section 12.** Applicability Date of this Ordinance is November 3, 2016.

**Article 3:** To see if the Town of Rumford shall accept as a "Town Road" the road recently constructed by the Maine Department of Transportation which extends from the northwesterly bounds of State Route 108 to the southeasterly bounds of Railroad Street under such terms and conditions as the Select Board deems to be advisable, including the authorization to the Select Board to purchase any land, under such terms and conditions as the Select Board deems advisable, as is required for said road?

Explanation: MaineDOT has agreed to allow the Town to keep the road MaineDOT constructed during its repairs of the Morse and Canal bridges with the conditions that the Town changes the road to one-way and installs permanent guardrails and signage, which is estimated to cost approximately \$45,000. These funds are set aside and available in the Permanent Roads account.

Approved as to form and legality:

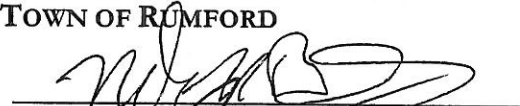
  
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**JENNIFER F. KRECKEL**, Town Attorney  
Town of Rumford, Maine




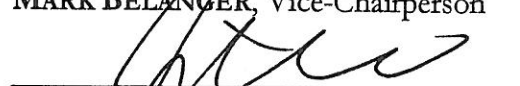
Given unto our hands this 3<sup>rd</sup> day of November, 2016.

**SELECTPERSONS OF THE TOWN OF RUMFORD**

  
\_\_\_\_\_  
**JEFFREY STERLING**, Chairperson

  
\_\_\_\_\_  
**MARK BELANGER**, Vice-Chairperson


  
\_\_\_\_\_  
**MICHAEL PETER CHASE**, Selectperson

  
\_\_\_\_\_  
**JAMES WINDOVER**, Selectperson

  
\_\_\_\_\_  
**CHRISTOPHER BRENNICK**, Selectperson

**A TRUE COPY OF THE WARRANT**

ATTEST:

  
\_\_\_\_\_  
**BETH BELLEGARDE**, TOWN CLERK  
*Town of Rumford, Maine*