

MARIJUANA AD-HOC COMMITTEE

Meeting Minutes – July 19, 2017

Members In Attendance: Edward (Ted) Haley – Chairman, Eric Desrochers, Patricia Neary, Matthew Rushton, Patrick Holman, Erving Smith, Linda Carp

Members Not Present: Karen Peabody, Betsy Chouinard, Peter Robillard

Officials In Attendance: Michael Dutton - Town Manager; Kimberly Williams - Assistant Town Manager, David Lakeman – Massachusetts Municipal Association (MMA)

Meeting Called to Order: 6:05PM

Chairman Haley outlined the reason for the committee.

The mission of the committee is to serve in advisory capacity to the Town Council to provide input on the matters of retail marijuana in the Town of Bridgewater.

The Chairman asked for brief introductions of the members present: Eric Desrochers - 5-year resident, 13 years in law enforcement; Matthew Rushton – BSU Deputy Chief; Patrick Holman - interested in giving back to the community, Irving Smith - longtime resident interested in serving the community, Linda Carp- 2-year resident who was in support of ballot initiative, Patricia Neary – 35-year resident who wants to maintain the character of Bridgewater.

Approval of Minutes. Minutes of 6-8-2017 were approved by unanimous consent.

Presentation. Chairman Haley introduced David Lakeman – MMA representative who offered information about the recent passage of the Marijuana legislation by the legislature (H. 3818).

In brief, Mr. Lakeman informed that he has been working on the marijuana ballot issue since it was passed in April 2016. MMA is looking to be resource for the towns on this issue. Mr. Lakeman gave a brief history of the genesis of the ballot initiative and an update on the vote of the legislature today (7-19-2017).

Several questions were posed by the committee to Mr. Lakeman. The following is a summary:

- Where are we right now?

Mr. Lakeman explained the legislative process to date. The MMA advocated for some changes in the law before the legislature. Mr. Lakeman detailed that marijuana should be regulated in the same way as other items under local control. Recent legislation was a compromise which tried to resolve some issues of concern. The result was a two-tiered system – Communities who approved the ballot initiative and communities who did not.

Communities where voters rejected Question 4 may ban recreational marijuana businesses through their standard ordinance or bylaw process until Dec. 31, 2019. In communities where Question 4 passed, the municipal government must prepare an ordinance or bylaw, which must then be reviewed and summarized by municipal counsel. Following this review, the question – by a vote of the board of selectmen or by the city or town council with the approval of the mayor – must be placed on the ballot at a regular or special municipal election.

After Dec. 31, 2019, this ballot requirement will apply to every city and town.

Mr. Lakeman explained that the bill would be signed into law by the Governor tomorrow.

- What does the bill do?

Towns that did not pass the question will have the issue whether to permit, ban or have moratorium decided by the Local Licensing Authority (LLA). In Bridgewater, the LLA is the Town Council. [see Local Control - *Section 27 of H. 3818.*]

- Will the law be contested because of two-tiered system?
 - Not sure. The Two-tiered system will only be so through 2019. After 2019, all communities will have to follow the same rules.
- Can you share best practices from communities that are similarly situated?
 - Communities cannot expand scope - for delivery or transportation for example. That is expressed in the law and transportation cannot be limited.
 - Communities cannot prohibit delivery of marijuana within the Town, but can license it.
 - Zoning can be done within the scope. Communities can limit recreational shops to certain areas of town, for example.

Local Option tax – Communities who permit sales are eligible for up to 3% in Community Impact fees plus and additional only 3% in local option tax. Totaling 6%

- How does the new legislation affect the current medical growing facilities?
 - There is nothing in new law that says that says a currently licensed medical facility can automatically begin recreational sales in July 2018. That language was removed.
- What about sales to underage persons (under 21)?
 - Language in new bill has some provisions prohibiting underage sales. Local Boards of Health (BOH) would set other restrictions, including advertising and signage.
- Can monies be earmarked for law enforcement?
 - This issue could be decided by each LLA.
- Is it a possibility that the two medical facilities in Bridgewater can sell recreational marijuana?
 - Nothing prohibits them from applying, but approval is not automatic.
- What is the best resource to look up information?
 - Senator William Brownsberger's website - <https://malegislature.gov/Legislators/Profile/WNB0>
 - MMA website also has summary - <https://www.mma.org/legislature-sends-marijuana-law-rewrite-governor>
 - State House News

Mr. Lakeman explained that the law is done but now we have to see the regulations. Deadline to promulgate regulations by March 15, 2018. The Commonwealth will be accepting applications for recreational sales in April, 2018.

- What should we focus on?
 - Zoning
 - Advertising (*what limitations you want*).
 - What the tax will look like
 - What the community host agreement will look like (*must be renegotiated every 5 years*)
- Is there a local licensing (application) component to approve the recreational licenses?
 - No. Licensing will purely be done at the State level.

- Although control is the with the State, a measure of control for the community through its local zoning and host agreements remain.
- Timetable before bill will go before Governor for his signature? Generally, 10 days from 7-20-2017. However, the measure will likely be tonight and signed tomorrow. There is no indication that the Governor would not sign the legislation.
- Where did 3% + 3% tax come from?
 - This appears to be an entirely political compromise, as it is not modeled after another state. MA tax is among lowest of states that allow marijuana.
- What happened to the state's Cannabis Advisory Committee?
 - Under the new provision, the committee was expanded from 15 to 25. Representation appears to be more balanced with representatives being patient advocates, industry advocates, MMA etc.
- On the medical side, is the Department of Public Health (DPH) no longer setting regulations?
 - Powers will eventually be transferred to the Cannabis Control Commission, including licensing.
- Is a moratorium still an option?
 - Yes, through December 2018; but must be reasonable in scope. The moratorium permits a community time (*10 months or so*) to set up zoning, for example. [West Bridgewater, is an example].

The Chairman permitted questions and comments from citizens. The following is a summary of those questions and comments.

An unidentified citizen asked is there not more than we can do? Ms. Neary explained that based on Bridgewater's government structure and the Home Rule Charter to get it on the ballot was complicated.

An unidentified citizen asked what is the recourse for residents? Mr. Irving advised that citizens should speak to their respective Town Councilor.

An unidentified citizen asserted that she thought that this sends the wrong message to Bridgewater.

An unidentified citizen expressed her concerned about public safety and the testing available to identify marijuana for those driving under the influence. Mr. Rushton explained that there are only 3 drug identification experts in this area (South Shore) and those resources are already stretched thin.

An unidentified citizen asked if the two medical facilities in town were allowed to sell retail, could the Town ban any others from coming? Mr. Lakeman explained that the law is unclear on that issue.

An unidentified citizen asked about the timeline for medical facility to sell recreational? Mr. Lakeman informed that permits to sell are not automatic for medical facilities under the new law, however, they can apply.

Mr. Lakeman reiterated that if there is no action to either ban or institute a moratorium by March 2018, facilities may apply. Maximum moratorium is to December 2018. Ban must be done by March 2018. A ban instituted after licenses begin to be issued in April 2018 would not be favorably viewed by the State. (*West Bridgewater legislation offered as an example on moratorium; Westboro legislation offered as an example on a community ban*)

Mr. Lakeman informed that the MMA will work with Massachusetts Municipal Lawyers Association (MMLA) to develop a summary fact sheet of the new legislation. There will be two workshops for local officials at MMA meeting scheduled in January 2018.

An unidentified citizen asked if local BOH have to inspect the facilities? Mr. Lakeman informed that enforcement is at State level, though local boards can go “check them out”.

Mr. Lakeman asked the committee for an opinion on whether “Home Growers” should be permitted or have a license (*like a dog license*). He explained that the purpose would be for law enforcement to “know what they are getting in to” when they are called to specific locations. *Limited discussion ensued.*

Consensus from the committee was that the next meeting would be for a robust committee discussion and vote on how to advise the Council.

Meeting Adjourned: 7:50PM