

NEW BEDFORD, MASSACHUSETTS

MEETING: COMMITTEE ON LICENSING & ZONING FOR CANNABIS
DATE: OCTOBER 25, 2017
TIME: 7:00 P.M.
PLACE: COUNCILLOR WILLIAM SALTZMAN ANTECHAMBER,
ROOM 213, MUNICIPAL BUILDING

PRESENT: COUNCILLORS IAN ABREU, CHAIRMAN; JOSEPH LOPES,
VICE-CHAIRMAN; DEBORA COELHO

ABSENT: COUNCILLORS STEVEN MARTINS; LINDA MORAD

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Councillor Abreu called the Licensing & Zoning for Cannabis Committee Meeting to order and took attendance. The Clerk read a Communication from Councillor Morad stating her reason for her absence. This Communication was received and placed on file by Councillor Coelho and seconded by Councillor Lopes.

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Notice, City Clerk of reference of a WRITTEN MOTION, Councillors Abreu, Martins, Council President Lopes, Councillors Winterson and Coelho requesting that a Representative of the City Solicitor's Office come before the Special Committee on Licensing and Zoning for Cannabis to begin the collaborative dialogue and process of working on and establishing appropriate zoning parameters, the number of allowed licenses, the application process, and overall implementation of recreational cannabis dispensaries for the City of New Bedford which can come any time after April 1, 2018 (To be Referred to the Special Committee on Licensing and Zoning for Cannabis, Representative of the City Solicitor's Office and Legislative Counsel Gerwatowski.) (Ref'd 6/8/17) was received and placed on file by Councillor Coelho and seconded by Councillor Lopes. (1)

City Solicitor Mikaela McDermott was present and addressed the Committee. She explained that her office was open to suggestions in reviewing recommended ordinances, and that if the Committee is going to do anything as far as putting regulations in place they must do so by April 1st. All Zoning restrictions must be put in place by April 1, 2018; this requirement was dictated by the State. However, she did stress that the policy is not be set by her office, it must be decided for by the Council and the Mayor's Office.

Councillor Abreu suggested that an RFP process be put in place for those wanting to open recreational marijuana facilities. He was told by the Attorney that would be up to the Council to decide.

Councillor Lopes asked Attorney McDermott if she had looked at other municipalities for their drafted language; she explained she did not and that the issue of such businesses is still in its infancy and there really isn't anything in writing to compare to.

Councillor Lopes asked Attorney Gerwatowski if the ordinance should be similar to Adult Entertainment or Tattoo Parlors. Attorney Gerwatowski informed the Committee that the language would be up to the Committee, what it is you want to protect and what fears do you have that you want to address and what exclusions would need to be included in the language. He did warn that being too restrictive could lead to legal challenges. If the Committee's desire is to limit the number of establishments to less than the 20% in place under State Law, then that would have to go to a public vote, to approve and it would have to fall within a state election, not a municipal election.

Councillor Coelho expressed that this is far more conservative when it will come to creating language; she is concerned about establishment in residential neighborhoods, fear or congregating in specific areas in inner city neighborhoods. She feels business as such should be in industrial areas.

On a Related Motion by Councillor Lopes and seconded by Councillor Coelho, the Committee VOTED: That we invite a representative from the Licensing Board to provide us with a copy of the requirements for the establishment of a regulation Liquor Store in the City of New Bedford and that Legal Counsel from the Licensing Board attend the next meeting of this Committee. This motion passed on a voice vote.

On motion by Councillor Coelho and seconded by Councillor Lopes, the Committee VOTED: To table this matter at this time. This motion passed on a voice vote.

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Notice, City Clerk of reference of a Written Motion, Councillor Lopes, requesting, that the Committee on Public Safety and Neighborhoods, review Ballot Question 4, which allows for the Legalization, Regulation and Taxation of Marijuana in the Commonwealth of Massachusetts, and that the City of New Bedford begin the process for a ballot question on the next bi-annual State Election, to ask whether to allow, in the City of New Bedford, the sale of marijuana and marijuana products for consumption on the premises where sold, and that this be submitted to the voters of the City of New Bedford on the next bi-annual State Election (Ref'd 9/22/16) (2/21/17-Referred to the Committee on Licensing and Zoning for Cannabis from the Committee on Public Safety & Neighborhoods) was received and placed on file by Councillor Lopes and seconded by Councillor Coelho. (2)

Attorney Gerwatowski informed the Committee that to amend the State regulations as it relates to the legalization of marijuana sales, etc. a petition would have to be submitted by the public, 10% of registered voters to be put on the ballot. The Clerk would notify the Council of the petition, the wording would be drafted by the Solicitor's Office and then it would need to take place within the State Election cycle. The 10% would be 10% of the last State Election held.

On motion by Councillor Coelho and seconded by Councillor Lopes, the Committee VOTED: To recommend to the City Council to take "No Further Action" on the Written Motion, Councillor Lopes, requesting, that the Committee on Public Safety and Neighborhoods, review Ballot Question 4, which allows for the Legalization, Regulation and Taxation of Marijuana in the Commonwealth of Massachusetts, and that the City of New Bedford begin the process for a ballot question on the next bi-annual

State Election, to ask whether to allow, in the City of New Bedford, the sale of marijuana and marijuana products for consumption on the premises where sold, and that this be submitted to the voters of the City of New Bedford on the next bi-annual State Election. The motion passed on a voice vote.

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Notice, City Clerk of reference of a Written Motion, Councillor Lopes, requesting, that the Committee on Ordinances draft an Ordinance that would limit the number of marijuana retailers to no more than 20 percent of the number of licenses issued by the City of New Bedford for the retail sale of alcoholic beverages not to be drunk on the premises sold under Chapter 138 of the Massachusetts General Laws (To be Referred to the Committee on Ordinances.) (Ref'd 9/22/16) (3/21/17-Referred to the Committee on Licensing and Zoning for Cannabis from the Committee on Ordinances) was received and placed on file by Councillor Lopes and seconded by Councillor Coelho. (3)

Councillor Lopes stated that this matter goes along with item number one and he would like to table until he gets answers from the Licensing Board.

On motion by Councillor Lopes and seconded by Councillor Coelho, the Committee VOTED: To table this matter at this time. This motion passed on a voice vote.

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Notice, City Clerk of reference of a Report, Committee on Ordinances, recommending to the City Council ADOPTION of the ORDINANCE as AMENDED, Relative to the Use of Marijuana in Public (Ref'd 9/22/16) (3/21/17-Referred to the Committee on Licensing and Zoning for Cannabis from the Committee on Ordinances) was received and placed on file by Councillor Lopes and seconded by Councillor Coelho. (4, 4a)

The Committee discussed that the motion was sent from the full City Council meeting when it was received from the Ordinance Committee asking that the Cannabis Committee review the Ordinance. If the Committee accepted the language it should be referred back to the full City Council for a vote.

On motion by Councillor Lopes and seconded by Councillor Coelho, the Committee VOTED: To recommend to the City Council ADOPTION of the ORDINANCE as AMENDED, Relative to the Use of Marijuana in Public. This motion passed on a voice vote.

Councillor Lopes made a motion to adjourn, which was seconded by Councillor Coelho.

This meeting adjourned @ 7:20 p.m.

ATTEST:

Denis Lawrence, Jr.,
Clerk of Committees