

NEW BEDFORD, MASSACHUSETTS

MEETING: COMMITTEE ON LICENSING & ZONING FOR CANNABIS
DATE: FEBRUARY 20, 2018
TIME: 7:00 P.M.
PLACE: COUNCILLOR WILLIAM SALTZMAN ANTECHAMBER,
ROOM 213, MUNICIPAL BUILDING

PRESENT: COUNCILLORS IAN ABREU, CHAIRMAN; MARIA GIESTA,
VICE-CHAIRPERSON; NAOMI CARNEY; BRIAN GOMES AND
DANA REBEIRO

ABSENT: NO ONE

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Councillor Abreu called the Cannabis Committee Meeting to order and took attendance, everyone was present.

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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) (10/25/17-tabled) and a RELATED MOTION, Councillor Lopes, requesting that the Committee on Licensing and Zoning for Cannabis 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 (10/25/17) were removed from the table and received and placed on file by Councillor Carney and seconded by Councillor Rebeiro. (1, 1a)

Mikaela McDermott, City Solicitor was present and explained that they were waiting on the State issued regulations before beginning to form Ordinance language. It is her understanding the difference between the States regulations are how to address public consumption that it may need to go to a referendum vote by the people. A referendum would need to take place on how to address "pot cafes", but that a certain percentage of voters would have to sign a petition asking for the referendum. She noted that as the Ordinance is written; if you do not want something to take place then it needs to be written into the Ordinance. The city cannot act on their Ordinance until State regulations are released. The city would then need to decide which taxes to incorporate into the Ordinance.

Councillor Abreu asked if the city has looked to Colorado's regulations to begin to form an Ordinance. He was told no, that Massachusetts regulations would be different than Colorado's.

Councillor Rebeiro asked about the number of licenses to be granted. She was told eight (8); it is based on 20% of the current liquor store licenses granted. The eight (8) is for retail; it is not for medicinal sales. She stated that she would like to see a percentage of those licenses be available to minorities.

Attorney Gerwatowski reiterated that when the state regulations are done then the city can move forward with its Ordinance. He stressed that is why it is important for the city to approve a moratorium on granting of licenses. This would place a hold on applicant's submitted requests, and give the city enough time to draft a proper Ordinance. He said things like delivery service needs to be addressed.

Councillor Gomes expressed his concerns about delivery service, he asked who is overseeing the applications when submitted, and he was told the applications will be vetted by the State.

Councillor Carney asked if the Federal Law which prohibits the use of recreational marijuana would supersede State law. She was told yes, but that it was a wait and see. The States that have approved use are moving ahead with policy language.

Attorney Gerwatowski stated that if the Federal Government does step in then it would most likely be challenged in the courts.

On motion by Councillor Carney and seconded by Councillor Rebeiro, the Committee VOTED: To table this matter for thirty (30) days at this time. This motion passed on a voice vote.

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Notice, City Clerk of reference of a WRITTEN MOTION, Councillor Abreu, Gomes, Winterson, Council President Lopes, Councillors Martins and Bousquet, requesting, that Police Chief Joseph Cordeiro and Health Director Dr. Brenda Weis, come before the Special Committee on Licensing and Zoning for Cannabis to discuss the November 2016 passage of the Recreational Legalization of Commercial Cannabis and discuss questions or concerns they may have from a law enforcement and overall community health standpoint, and how we can work as a community to insure public safety, health and wellness always remains paramount in light of this new impending piece of legislation (To be Referred to the Special Committee on Licensing and Zoning for Cannabis.) (Ref'd 1/26/17) (2/27/17-tabled) was removed from the table by Councillor Carney and seconded by Councillor Rebeiro. (2)

Joseph Cordeiro, Police Chief was present and gave his input on police department concerns. He presented the Committee with a letter from the Massachusetts Chief of Police Association, which listed concerns. This letter was received and placed on file by Councillor Carney and seconded by Councillor Gomes. The Chief is concerned about the proposed delivery service, what weights are deliverable? How to address OUI's and determine if you are under the influence. It is uncharted territory of the city. He supports the moratorium being proposed and would like to have the licenses issued minimized, he stressed the need for buffer zones to be put in place and how do you screen good applicants from bad ones.

Councillor Gomes shared his concerns on the delivery side.

Councillor Carney asked if you could ban delivery services, she was told no, if it was in the State regulations.

Attorney Gerwatowski did say you could limit delivery services to the licensed vendor which would include time, zone, and the matter in which a delivery is conducted.

Councillor Rebeiro said she was against an outright ban on delivery.

Damon Chaplin, Health Director was present and addressed the Committee saying the Board of Health's concerns are proclivity, substance abuse and use. Where the retail outlets would be allowed, how the language of the host community is written to include taxes on the sales, work place protection and nuisance law. They are especially concerned about the food items, regulation and control. This would be a difficult time from the Board of Health as it relates to enforcement, how you control consumption and access.

Councillor Gomes shared his concerns, but reminded him that this is already taking place on the black market side, that if regulated correctly, it would be a tax revenue benefit for the city.

On motion by Councillor Gomes and seconded by Councillor Rebeiro, the Committee VOTED: To table this matter for thirty (30) days 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 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) (10/25/17-tabled) (3)

On motion by Councillor Gomes and seconded by Councillor Carney, the Committee VOTED: To waive the reading and table this matter for thirty (30) days at this time. This motion passed on a voice vote.

Councillor Gomes made a motion to adjourn, which was seconded by Councillor Rebeiro.

This meeting adjourned @ 8:09 p.m.

ATTEST:

Denis Lawrence, Jr.,
Clerk of Committees