

NEW BEDFORD, MASSACHUSETTS

MEETING: COMMITTEE ON CANNABIS REGULATION AND HOST COMMUNITY AGREEMENTS REVIEW

DATE: MARCH 13, 2019

TIME: 7:03 P.M.

PLACE: CITY COUNCIL CHAMBER, ROOM 214, MUNICIPAL BUILDING

PRESENT: COUNCILLORS IAN ABREU, CHAIRMAN; MARIA GIESTA, VICE CHAIRPERSON; NAOMI CARNEY (7:05); BRIAN GOMES; JOSEPH LOPES; WILLIAM BRAD MARKEY; LINDA MORAD

ABSENT: COUNCILLORS DEBORA COELHO; HUGH DUNN; SCOTT LIMA; DANA REBEIRO

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Councillor Abreu called the Cannabis Committee Meeting to order and took attendance. The Clerk read Communications from Councillors Coelho, Dunn, Lima and Rebeiro explaining their absences from this meeting. These Communications were received and placed on file by Councillor Markey and seconded by Councillor Giesta.

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Notice, City Clerk of reference of a COMMUNICATION, Councillor Abreu, Chairman of the Committee on Cannabis Regulations and Host Community Agreements Review submitting a copy of memo regarding the first upcoming meeting on March 13, 2019 (To be Referred to the Special Committee on Cannabis Regulations and Host Community Agreement Review.) (Ref'd 2/14/19) was received and placed on file by Councillor Giesta and seconded by Councillor Markey. (1)

Mikaela McDermott, City Solicitor was present and addressed the Committee. The Solicitor's Office had begun to see what similar municipalities are doing as far as licensing guidelines. She said they have looked at some, but the city would need to come up with their own and could use some language from other communities. Her office would like to put the licensing authority with the Licensing Board. She stated that Brockton's requirements are more complicated, Taunton's are more stripped down and Brookline's are more in the middle. Once the Board of Review reviews applications for Compliance Host Community Agreement, Special Permit requirements, compliance with State Law, once approved, the Licensing Board would have oversight of enforcement. The Board of Health has drafted the regulations they believe should be enforced, but they have not presented them yet. The Board of Health inspector would recognize violations and they would be referred to the Licensing Board for enforcement.

Councillor Morad asked if the structure of the Licensing Board will have to change. She was told they would need to look into it, but that the size of the Board is dictated by State Law.

Councillor Carney asked if they have looked at Fall River and Wareham yet and she was told they had not.

Councillor Gomes asked Solicitor McDermott for copies of the guidelines of the cities and towns they have looked at and to include Wareham and Fall River and she said she would forward copies.

Councillor Abreu asked Attorney Blair Bailey if the Board of Health had any concerns. Attorney Bailey stated they were concerned more with controlling the sale of edibles, how they are marketed, etc. They were also concerned with multiple permits being issued and believed the Licensing Board having oversight would work. They are also concerned with onsite consumption. The enforcement will be similar to tobacco enforcement; but they are also concerned with kitchen facilities as they relate to the edibles.

Councillor Morad asked if the Board of Health had an interest in issuing edible sales permits. She was told no, that the Board of Health is comfortable with a one shop clearing house for licensing. She asked if the Board of Health has drafted any regulations yet and she was told they have, but they have not been released. They include onsite visits twice a year and if violations were cited it would be reported to the Licensing Board.

Councillor Gomes asked Attorney Bailey how the Board of Health enforcement would be similar to tobacco enforcement, when you must be twenty-one (21) to gain entry to a facility. He was told the Board of Health brought in state regulations, that their regulations do not differ from that of the state, but they do have the ability to adopt and enforce their own regulations. He asked how much more it would cost the industry to be permitted. He was told the Board of Health would report any violations to the Licensing Board. The Licensing Board would hold a hearing and if in violation they could shut down the establishment, but more than likely would issue a warning for a first offence. The Licensing Board has a lot of experience with these types of hearings. The process would not cost a whole lot more and he does not see it being cost prohibitive. The fees would involve Special Permits, Host Agreements, etc.

Councillor Lopes asked Nick Nanopoulos from the Licensing Board if his department has the capacity to oversee compliance and he was told that the administration part would not be a problem. The investigation would be done by other entities. If in violation they would be reported to the Licensing Board and they would follow their way of conducting business. He will be reaching out to other local Licensing Boards to see how they are addressing this issue throughout the State.

Councillor Morad asked how alcohol site visits are conducted and she was told they are done by the Police Department and the blind visits are done from time to time. The fees for liquor licensing per year are currently for hotels \$4,000; retail stores \$2,500 and \$800 for beer and wine establishments. She asked if there would be issues in his office handling violations and she was told no.

Councillor Morad asked Commissioner Romanowicz if he had any concerns and he said he did not and that the way the enforcement is being considered would work. He feels that the Licensing Board is familiar with this process having dealt with similar issues with liquor establishments. He stated his department would be involved with enforcing hours of operation, building regulations, etc.

Councillor Lopes asked if there was a licensing component in place that will look to expand the 3% establishment payment beyond the five (5) years that is currently in place. The city will receive funding from the Host Agreements for a total of five (5) years, after that they would not have a way to still access funding. Is the city looking to increase the licensing process upon renewal? CFO Sky stated he has been told the state is looking to change the language so that it would extend the payment years to a city. Currently after the five (5) years has passed they can no longer collect payments. The money coming in would most likely be used for one-time purchases and improvements; it would not be applied to employment positions for it would not be a permanent revenue stream. To date there has been on-going discussions on how the money will be allocated. He has some thoughts, but it has not been discussed.

Attorney Blair Bailey spoke on behalf of the Planning Board and said they are in favor of the enforcement guidelines being discussed. The Planning Board does not have an inspectional department.

Councillor Morad asked Attorney Gerwatowski for his input. He stated that the licensing process is now being addressed which is the next step. The next step would be to build a structure of how licensing and enforcement is going to be addressed in an Ordinance. It was discussed that any regulations put forth by the Board of Health does not have to be reviewed or approved by the Council per state law. For example, if the state law says twenty-one (21) years old to enter an establishment, the Board of Health can say twenty-five (25) years old, but they more than likely will follow state guidelines. There are no checks and balances when it comes to the Board of Health issues.

Councillor Morad asked that a letter be sent to the Police Chief asking for a list of his concerns within five (5) days. She was disappointed that the Chief was not present at this meeting.

Councillor Gomes asked City Solicitor McDermott to make sure the city's regulations do not conflict with the states.

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

Councillor Giesta made a motion to adjourn, which was seconded by Councillor Carney.

This meeting adjourned @ 7:52 p.m.

ATTEST:

Denis Lawrence, Jr.,
Clerk of Committees