



**Advisory Committee  
Meeting Minutes  
Community Room, Scituate Public Library  
Thursday, May 03, 2018  
7:00 pm**

**Committee Members Present: Lincoln Heineman, Chairperson; Mark Sandham, Vice Chair; Jamie Gilmore; Patrice Metro; Sean deLacy; Anthony Antoniello; Geoff Burns; Jerry Kelly**

**Committee Members Absent: Mike Westort**

**Also in Attendance: Barbara Quinlan, Valerio Romano, Tony Vegnani, Board of Selectmen; Benjamin Bornstein, Planning Board; Laura Minier, Manager of Social Services; Nancy Holt, Director of Finance**

**Jamie Gilmore made a motion to accept the agenda seconded by Mark Sandham; Unanimous vote (8-0)**

**The meeting was called to order at 7:01 PM by Lincoln Heineman**

Lincoln Heineman explained the purpose of the meeting, The Committee decided to meet because they had two previous meetings where they received varying sets of information from experts on both sides in regards to recreational marijuana relating to predictions for financial impact/revenues and Host Agreements (whether or not the Town could reject certain businesses).

The official role of the Advisory Board is the fiscal watchdog for the Town and although Town meeting has already made a decision, it is not a forever decision and it would be worthwhile to understand what the financial impact would be.

Lincoln announced that AnnMarie Galvin from FACTS could not attend the meeting and that Barbara Quinlan was here in her place and that we would hear from the presenters in alphabetical order.

**Barbara Quinlan:**

Barbara said she works for FACTS with Ann Marie. She explained that the tax benefit could be up to about 20%: 10.75% excise, 6.25% sales tax and 3% local tax with an additional option to pursue a host agreement. The host agreement could be an additional 3% tax for the first 5 years of the business which would reimburse expenses incurred from the business, for example additional zoning and law enforcement.

She further stated that the unknown is the revenue that would be received from the business. She said that per capita figures have been published for Colorado as \$191.22. For Scituate, with a population of 18,670, revenue would be \$3.57 million gross sales. The Town would receive a 3% local tax option amounting to approximately \$107,000.

Barbara explained that the additional host agreement “up to” 3% is only to reimburse the Town for cost incurred due to the establishment of the marijuana business so it is not a net gain for the Town.

**Patrice Metro asked Barbara what her role was.**

Barbara explained that she is the assistant to Ann Marie and that she was a pharmacist back in Ireland. She believes there are a lot of medical uses for marijuana including nausea relief from Chemotherapy, epilepsy and seizures. The recreational uses are for a high or mellow feeling.

She said that we see a lot of families asking to get their family members into treatment sometimes from psychoses caused from marijuana. It is a new and emerging industry and having a legal business could possibly help with reducing the black market, but we have a lot more youth in Scituate using alcohol (number one) and marijuana which is the second highest used.

**Patrice asked if the strength of the marijuana that cause psychosis would be sold,** and Barbara said yes and we already see it with black market products. However, towns next door to us will be selling it.

**Jerry asked if there was an advantage of having marijuana grown in a lab, was it more pure.** Barbara said you are buying what you are buying and on the black market you are not sure what you are getting.

Barbara thinks that selling it would make it seem more permissive to teenagers and that it is also a challenge for law enforcement.

Jamie said we have the highest marijuana arrests in Scituate and that police should be ready for everything. **Jamie asked about the wax marijuana products which contain butane and was concerned that kids are buying it on the black market.** He further said that now that it is legal, we can regulate it through stores and products sold. The State has approved it, so just repressing it is not the right answer. Time is working against the old theory. We should teach our youngsters that it is not a good thing to do, but also it should be controlled and you should not go to a drug dealer to get it. The gateway drug theory can start from drug dealers offering other drugs when purchasing marijuana. We do not want to stop a legal business from into coming to our Town. We should try to eliminate the black market; I think that is the benefit. We can now regulate this away from the drug dealers.

**Valerio Romano:**

Valerio said he was a Scituate resident with 3 boys and that he is a lawyer for a company that works with cannabis related issues. He further stated that he firmly believed that banning cannabis is a mistake. He also said that he applauded FACTS and has heard that they do a great job within the Town.

He said that in 2012, twenty four (24) medical marijuana dispensaries opened, one of them makes \$10 million a year in sales and has about 45,000 patients state wide. Some are even doing more. He also said that it is an option to sell both medical and recreation in one business.

Valerio explained that it could be up to 3% of local option tax if we vote on it and 2% if we did not. He further said that another 3 % could come from the host agreement which lasts for 5 years but that you can renegotiate after the 5 years expires. He said that reasonable related costs of the

business in the town are reimbursed, for example: expenses incurred for substance abuse, dispatchers, additional police cars, educations, emergency services and that the money would go into the General Fund. He thought that it would be about 6% of \$10 million that would go to the Town of Scituate.

He said that there are 24 medical dispensaries today, but felt the rate of opening business would slow down and that there would not be that many dispensaries open in the next few years in the Commonwealth, and therefore it could be a lot of money (\$600,000 or more) to the Town of Scituate. He thought that less than 20 people would apply for licenses. He realizes that this is a moral issue for some people and the facts may not play into their decision making process.

He was upset that he posted some of this information on Facebook and it was censored and deleted off the Town of Scituate page. He said it was fact based with cites. Lincoln said it is not moderated by the Town of Scituate and should not be part of this discussion.

Valerio went on to say that adolescent use of marijuana was down in Colorado and that is was also lower than the national average. He felt that these facts showed that the use of marijuana in Scituate should not increase. We have an opioid problem, but it is a substitute for heroin and less people are dying in states where marijuana is legal.

Anthony thinks it will be bought by adults and then passed on to children. He did not want any children to be able to get marijuana if it is legal.

Barbara asked about the number of business applying for licenses, and wanted to know why Valerio thought that there would be less than 20. He explained that it is hard to do. And that not all licenses are for store fronts some are for labs or growing facilities, etc. He said that it is hard to get one of these businesses open just because you put in a license doesn't mean you will open a store. It also takes a lot of money to start up a business. He further said that he doesn't know of anyone who wants to open a business in Scituate and he felt the Article was lazy zoning.

Lincoln said that everything [pro and con] presented prior to and at Town meeting was speculative, and it was presented as a sure thing.

Jerry thinks this is just the beginning and we need a study group to come up with an intelligent decision to go to Town Meeting. He thought that members from Zoning, Advisory, FACTS, Planning, Board of Selectmen and other relative boards should be included in the group.

Jerry said that Brewster passed it and they think it is going be the highest revenue business, but qualified it by saying that there are not a lot of businesses in their town.

**Mark asked about the tax benefits:**

- 3% Local adoption tax
- 3% Community Host Agreement
- 6.25 % State sales tax
- 10.75% Excise tax

He was wondering if this money goes to Beacon Hill and then would trickle back down to the Town; Tony Vegnani said it was never promised. Mark thinks some of the money would come back to towns, and Patrice agreed but thought it would not be shared equally. The Committee thought that towns that banned it might not receive funds from the Government.

**Sean asked how it works in Colorado.** Valerio Romano said they use some of the revenue to give every high school student a scholarship towards college.

**Patrice asked Valerio Romano about the \$10 million and if the prices were the same for medical and recreation** and Valerio said that recreational costs more. **She further asked how much you would have to sell to produce \$10 million in revenue.** Valerio Romano said it would be a challenge with parking and traffic, but that also you will be able to deliver. In sheer volume there are a lot of different products so it is hard to answer without doing a little research. He said that any economic related questions he can find out answers and get back to Advisory.

Jamie asked about the customer count, Valerio Romano said that for medical marijuana it is \$110 per visit coming and those patients come a little more than once a month. It is about \$1,500 per year per customer.

Jerry asked about the amount of money we could receive in taxes and thought we should look at liquor taxes to see if they give it to dry town. Needham and Wellesley were dry towns, but Lincoln thinks they still receive the same amount of local aid. However, it was so long ago the laws could be different.

Sean asked about the host agreements and if you could choose specific products to be sold or limit what we didn't want to be sold, Barbara thinks once you allow it, you cannot restrict the products. Valerio said he has seen a version of that language from a host community agreement and that the host community agreement is supposed to be an agreement of how the business will operation, who they hire (only local people), police oversight, allow for Board of Selectmen review of management, how they will handle sanctions, and will allow limiting specific products like candy or infused product. However he thought that putting restrictions around products could deter the business from coming to the Town.

**Patrice wanted to know about the packaging and was concerned about the edible products and wanted to ensure that children are not attracted to them.** Valerio said they have both tamper evident and child resistant packaging and that they will have a cannabis leaf on the package.

Anthony said you cannot control what happens after someone purchases the product. Valerio said it is now legal in the Commonwealth and we cannot make it less available.

Patrice said it is a legitimate concern and we have to keep it out of the hands of children.

Jerry researched the host community agreement online and felt it was in line with how Valerio had explained it.

Lincoln reminded the group that Chief Stewart had said this is not a forever ban and wanted to know how it could come back for a re-vote, Valerio said it would have to be 2/3 vote during a town meeting which would amend the zoning to allow for recreational marijuana establishments and felt it would be extremely difficult to do. Jerry and Jamie disagreed.

Jamie asked why we do not want to support the laws passed in the State, which was to tax and regulate marijuana.

Lincoln said it was misrepresented that the decision made by the Advisory Board was purely a financial decision and said the decision was also based on the belief that prohibition does not work.

**Tony Vegnani:**

Tony thought it was a great discussion however he felt that the group was missing the point that Scituate voted against making it legal. Although it was close, the fact is that they are not in favor of it. He felt that the revenues of \$10 million were based on 30,000 sq. ft. buildings with big retail facilities and that they would not be that big in Scituate. He further stated that the only tax that is assured is the 3%. The other 3% you would have to have expenses against and that it had to be associated with a new expense. He liked the fact that it was now being controlled, but stated that you can buy it in Marshfield, which is very close. He said that the revenue would go down as more establishments opened and he didn't think it was going to be the revenue draw everyone was counting on, especially with the size and with one opening in Marshfield. He felt that it was a moral issue as well and thought it made sense to see what the fall out was in other communities and what revenue is generated.

Sean said they get funded by private equity, and there is not enough revenue to open a business, so he didn't think that many would be able to open. Tony said the State was also holding up licenses but Valerio said that cap by the State was lifted several years ago.

**Patrice asked about the sales of liquor stores in Scituate** and Tony said that anywhere around \$2 million in sales is good.

It was discussed that with medical marijuana you do not get the guaranteed 3%.

There was some debate between Valerio and Tony about the size of the establishment and the number of employees that would work in a business in Scituate.

**Laura Minier:**

Laura Minier, the manager of Social Services said she had a strong concern that the board was getting a lot of information from someone who does this for a career. Lincoln said if there is someone else who would like to present they are welcome to come to the board. The board did not believe that Valerio had a vested interest, but that he was an expert who was familiar with the circumstances.

Valerio said his data came from accurate, independent sources and that it was a fact based analysis of cannabis and he was not spinning the facts that he is here for Scituate.

Lincoln stated that he wanted to commend everyone for having a respectful and fact filled discussion.

Patrice thinks that if it comes up again we need to give it more attention from the beginning.

Valerio said a lot of towns have established working groups for cannabis.

Jamie thinks that everyone has their own defined cares about cannabis and we should work together because we all want a better society; we should not dwell on existing practice. Jamie said that he didn't think this would solve the marijuana problem, he just thought we should follow the law.

## **Benjamin Bornstein:**

Benjamin Bornstein, Planning Board, said the vote was a 2 to 2 split. He explained that this is a zoning bylaw and a general bylaw. He said that the general bylaw could not be sponsored by the planning board. He explained that he voted against the moratorium because he felt as a zoning article it came too late and the board just received the text and could not give input. He said that he felt it was overly stringent and that it banned all marijuana establishments: dispensaries and cafés as well as testing labs and grow facilities which could be a brick warehouse with a small sign. He could not understand why those establishments were included. He said his personal comment is that he agrees prohibition does not work and we are in a new age and we need to face it. We could do something interesting with a new article and do a study and present a good zoning law. We need to have faith in our community and our elected officials.

Jerry reiterated that the working group, if formed, should be led by the Board of Selectmen. Tony wanted to specify if we were looking for business opportunities, Jerry said we want to look into zoning, medical and financial issues.

Tony said he would bring the idea of a working group/committee to the Board of Selectmen.

Nancy Holt said she would send the local option statue for the host community to the Committee. Nancy wanted to know how a medical marijuana facility worked. Valerio said you have to have a debilitating disease and then you could apply for a card from there. Nancy further stated that the recreational dispensaries may be more plentiful as the customers are only restricted by age limits not like the customer restrictions on medical dispensaries. It wasn't that there would be more revenue but that there would likely be more dispensaries than the 24 for medicinal sales as there would be a larger customer base.

Mark wanted to add that he was not at the Town meeting and he originally voted against the ban (Articles 15 and 16).

## **Approval of Minutes**

**Jamie Gilmore made a motion to accept the minutes as corrected from the April 9, 2018 meeting and Mark Sandham seconded the motion, Unanimous vote (8-0)**

## **New Business**

Lincoln asked if the Committee had any interest in visiting the following sites:

- Middle School
- Sewer Treatment plant
- Water treatment
- Transfer Station
- Town Hall
- New Recreation Space

Anthony thought that the Public Building Commission should come to the Advisory meeting and explain who and why they picked the Senior Center architect. It was discussed that the meeting to interview architects was scheduled for May 8, 2018.

Jamie provided a Waterways Commission update:

- Discussed ice and gave authority to harbormaster to increase the price of ice
- Still correcting language for slip and mooring contract
- Dredging south river, Marshfield may not pay
- Sign used to say welcome to Scituate, still missing
- Shellfish farming, a lot of interest listed out the areas Bassings Beach is most legitimate. They are going to do more research.

Jamie was invited to Ireland to represent Scituate as part of the Advisory Board. While he was there, he toured a lot of facilities and looked into the possibilities of back and forth business between Scituate and Ireland. As part of the tour, he saw an old court house; where they had taken a room and turned it into an information center. Jamie said this is something that Scituate needs and that the Sister Cities Committee is interested in using Pier 44 for this purpose. It could have public access to the harbor, boards with information for hotels, golf course, restaurants and it could be staffed by volunteers. This would be consistent for what that building could be used for with its restrictions.

Jamie said he would like to be the liaison to the Sister Cities Committee.

**A motion was made by Lincoln Heineman and seconded by Mark Sandham to make Jamie Gilmore the liaison to the Sister Cities Committee (7 in favor) Jamie abstained.**

Lincoln asked how the process could be improved for the next Town Meeting and the next series of Advisory meetings; what we should do differently so the booklet is as helpful as possible.

Lincoln also said we had voted to have the Board of Selectmen adopt a remote meeting policy to vote, would still need 5 people in the room.

Lincoln said some of the 3 year terms may be up. Lincoln will look into it

**Lincoln Heineman made a motion to adjourn the meeting at 8:51 PM; seconded by Jamie Gilmore; Unanimous vote (8-0).**

Respectfully submitted by,  
Lianne Cataldo (Recording Secretary)

Follow-up Items:

- Any Economic questions regarding marijuana sales can be sent to Valerio
- Research if banned towns would receive funds from marijuana sales
- Committee for Marijuana zoning research
- Look for ways to improve the Advisory Booklet for Town Meeting
- Follow up on whose 3 year term is up
- Lincoln also said we had voted to have the Board of Selectmen adopt a remote meeting policy to vote, would still need 5 people in the room.
- Invite PBC member(s) to explain architect decision for Senior Center
- Site Visits

Referenced Materials

- *Agenda*

- *O4/09/18 Meeting Minutes*
- *Massachusetts General Law*
- *Marijuana Town Meeting Facts (AnnMarie Galvin write-up)*