

Select Board
Minutes of Wednesday, March 27, 2024
Bourne Veterans' Community Center
Buzzards Bay, MA
and Virtually

TA Marlene McCollem

Select Board

Mary Jane Mastrangelo, Chair
Melissa Ferretti, Vice Chair (remote)
Anne-Marie Siroonian, Clerk
Peter Meier

Others: Attorney Bryan Bertram (remote), Attorney Ivria Fried (remote), and Steve Strojny.

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Zoom Meeting ID: 838 7859 1399 Password: WORKSHOP

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All items within the meeting agenda are subject to deliberation and vote(s).

Chair Mastrangelo said that Jared MacDonald was excused and may be able to come to the meeting late.

1:00 PM Call Public Session to Order in Open Session

1. **Public Comment on Non-Agenda Items** – Public Comments are allowed for up to a total of 12 minutes at the beginning of each meeting. Each speaker is limited to 3 minutes for comment. (Board members are unable to respond due to posting requirements of the Open Meeting Law).
2. **Policy Workshop: Marijuana**
 - a. **Process for developing draft Marijuana review procedures.**

Anne-Marie Siroonian said that she would like to get a handle on specific policies that they are required to have. She would like to know if they are required to have a policy on the social equity piece. Attorney Ivria Fried said that they are still in flux somewhat. She said that the Cannabis Control Commission (CCC) has issued recent guidance on what the Host Community Agreement (HCA) should look like, and they revised their guidelines for communities around host

community agreements. She said that they expect to have some additional guidance on social equity policy obligations.

Atty. Fried said that in terms of obligations, for equity, the regulations say that a municipality is presumed to have satisfied the obligations of the social equity policy if they do one of three things:

- adopt an ordinance that would permit social equity businesses to have exclusive access to these licenses for a 3-year period.
- adopt a model bylaw, or ordinance, governing social equity that is issued by the Commission.
- create a local approval process for equity applicants that is administered on a one-to-one basis with non-social equity applicants.

Chair Mastrangelo asked Atty. Fried to explain what it means about a one-to-one basis with non-social equity applicants. Atty. Fried said that it says that you may choose to administer a one-to-one local approval process until the time that 50% of the applicants are social equity. She said that what you would do is give one license to a social equity applicant, then one to a non-social equity applicant. She said that you could not give all 3 licenses to non-social equity applicants. Chair Mastrangelo asked if the third license would have to be social equity, and Atty. Fried said that they could take the position that it could be either. She said that if the town reserved it for 2 social equity applicants, then they wouldn't have to argue that the policy complies, because the 50 % threshold would be met.

Atty. Fried said that in addition to one of the three things above, the community needs to adopt what they are calling transparent practices and adopt a social equity plan. She said that they are expecting something more definitive to come from the Commission regarding a social equity plan. She said that communities also must come up with some type of scoring rubric that will be utilized to evaluate host community agreements. She said that waivers can be issued.

Atty. Fried said that there are timeline obligations. She said that in May of 2024, Bourne needs to have policies in place. She said that the Commission is authorized to start fining communities that are not in compliance by May 1st of 2025.

b. Comparative criteria & rating scales.

Peter Meier brought up if there would be an RFP or RFQ process, and Chair Mastrangelo said that it will be an RFQ process. Chair Mastrangelo asked about the sample rubrics that Atty. Fried gave the Select Board. There was some discussion about having numerical grading system. Atty. Fried suggested that there be a separate category for social equity that gets 25% of the overall score.

There was some discussion about location having a lower impact on scoring due to the Marijuana Overlay Districts, and about security and business plans. Steve Strojny said that the CCC has control over the security plan and when it gets to the local level, they work together with the

Police Department. Melissa Ferretti said that she has noticed that there is a lot of redaction on security plans on a lot of communities' websites.

Town Administrator Marlene McCollem asked what the towns abilities are to control changes of ownership over time. Atty. Fried said that she would need to get back to her with the answer to this question because she wants to answer the question appropriately. Chair Mastrangelo asked if it would be something in the host community agreement, and Atty. Fried said that historically communities have included conditions in the host community agreement that if a change of ownership were to occur, that it would have to be approved by the Select Board, and that there was some pushback from the cannabis community on those terms. Atty. Fried continued to say that her memory is that they addressed this in a way that limits the ability of communities to restrict transfers, and she wants to follow up with the Select Board because she does not recall the scope of the authority presently. There was more discussion about transferring ownership in the future.

Regarding recurring fees, Ms. McCollem asked if they have any obligation to list any fees that are not under municipal control. Atty. Fried said that they do not. There was some discussion about property tax bills and special assessments, and about what to include in the HCA's. Chair Mastrangelo said that they need to put something down in draft form.

Melissa Ferretti asked what the timeline and process looks like if they decided to not go with a host community agreement and go with the CCC instead. Atty. Fried said that she doesn't have the information regarding the timeline, but she does know that most communities have some kind of zoning review. She said that if a community is trying to avoid the HCA, they still must go through the local process, and some communities have an additional layer of a local license.

Chair Mastrangelo listed pieces that the Board would like to go into a draft of an HCA. There was some discussion about the timeline regarding operational, and about an extension. Atty. Fried said that they will start working on the draft of the HCA.

While using the Boston criteria as a guide, the Select Board talked about what criteria they would like to adopt, and what they would like to rule out. The Select Board talked about how to rank criteria and about interviewing applicants. There was discussion about ownership points in addition to social equity points. The Board decided that social equity, business plan and ownership will each be 30 points, and location would be 10 points.

Chair Mastrangelo talked about setting dates for the application process, and about public hearings. It was decided that the Select Board will hear presentations from all applicants, and based on the number of applicants, presentations may need to be held over multiple days.

c. Order of applications – Planning Board (site plan review/special permit) and select Board (HCA/license).

Chair Mastrangelo said that often the Planning Board starts a public hearing before there is a complete application, so could the Planning Board start the site plan or special permit process

before having assigned an HCA and a complete application. Atty. Bertram said that he will get back to the Select Board about this.

- d. Determining what defines a “complete” application.**
- e. Establishing a local license and determining at what point it should issue.**

Chair Mastrangelo asked both attorneys to give the Select Board what a license would look like, and what fees could be charged.

- f. Seeking funds from Special Town Meeting (May 6, 2024) to provide resources to draft and create all the materials necessary for successful implementation.**

Chair Mastrangelo suggested that they do not do this because they have consulting funds in the Town Administrators Budget.

- g. Minutes:**

None.

- h. Future special meeting schedule.**

The next meeting will be on April 10th at 3:00 PM.

3. Adjourn

Voted: Peter Meier moved, and Anne-Marie Siroonian seconded to adjourn.

Vote: Melissa Ferretti – yes, Anne-Marie Siroonian – yes, Peter Meier – yes, and Chair Mastrangelo – yes. 4-0-0.

This workshop meeting of the Bourne Select Board was adjourned at 2:31 PM.

Respectfully Submitted,

Kim Johnson, Recording Secretary

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