

**Town of Amherst**  
**Minutes of the Select Board**

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May 15, 2017 - 6:00 p.m. - Amherst Regional Middle School, Band Room

Members present: Alisa Brewer, Connie Kruger, Andy Steinberg  
Members Absent: Jim Wald and Doug Slaughter  
Staff present: Town Manager Paul Bockelman and  
Economic Development Director Geoff Kravitz  
Others present: None  
Press present: Scott Merzbach, Daily Hampshire Gazette

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Meeting called to order by Ms. Brewer at 6:00 p.m.

Ms. Brewer noted Messrs. Slaughter and Wald would be absent for this evening's meeting.

Licenses

On a motion by Ms. Kruger, seconded by Mr. Steinberg, the Board voted 3-0 (2 Absent) to approve the applications of Top of the Campus, Inc., for Special All Alcohol Licenses to serve on the premises of the Old Chapel, UMass, Amherst for parent's orientation receptions from 6:30 p.m. to 8:30 p.m. on Monday June 5, 2017, June 12, 2017, June 19, 2017, June 26, 2017, and July 10, 2017; and Thursday, June 8, 2017; June 15, 2017, June 22, 2017, July 6, 2017, and July 13, 2017; Carolyn Nofio, Board Member.

On a motion by Ms. Kruger, seconded by Mr. Steinberg, the Board voted 3-0 (2 Absent) to approve the application of Pioneer Valley Habitat for Humanity for a Special Wine and Malt License to serve on the premises of Cows Building Supply, 125 Sunderland Road on Wednesday, May 17, 2017 for a fundraiser from 5:30 p.m. to 8:00 p.m.; Megan McDonough, Executive Director.

Establish Special Town Meeting Date – Fall 2017

Ms. Brewer noted she will delay a decision on the scheduling of the Fall Special Town Meeting due to the absence of two Select Board members.

First Look: Recreational Marijuana – Principles for Discussion

Mr. Bockelman introduced Geoff Kravitz, Economic Development Director, who provided an overview of the items he had included in the Select Board's packet including letters to the co-chairs of the Joint Committee on Marijuana Policy and a letter to Senator Rosenberg, which were drafted to provide further response to the question of why a 2% local option tax would not be sufficient to cover the Town's anticipated needs.

Mr. Kravitz reported conversations he had had with a journalist who has covered the topic nationwide and both the economic development and GIS director in Pueblo Colorado, who reported a generally positive experience with the legalization of recreational marijuana, most notably a resurgence in building and the economy based on their ability to tax. There is a local

excise tax of 3%. He noted Pueblo is in a bit of a different situation as they primarily focused on cultivation and manufacturing of products, providing nearly 50% of the offerings in Colorado. Legal, planning and code enforcement are some of the areas expenditure has occurred.

Town Counsel has been asked to provide response to numerous questions, which include 1) whether a bylaw should be zoning or general; 2) if a Town had provided approval for a medical facility and subsequently passed a moratorium, could the approval be converted to allow the sale of recreational; 3) off premise alcohol licenses and whether the number issued or total is for all alcohol or wine and malt only; 4) while the law is explicit in limitation on number of establishments, it is unclear if we are able to limit types; and, 5) the recommended option for adoption of a local option.

Mr. Kravitz provided an overview of his advocacy efforts on the part of recreational marijuana, remarking that the Town recognized that a majority of residents voted in favor of the recreational use of marijuana, but that sales in Amherst must be conducted in a safe and responsible manner. He said the Town was arguing for flexibility for acceptance of a local option tax, the time to enact zoning with relation to when the Cannabis Control Commission regulations were due, and additional local control in licensing and with regard to signage, he automatic conversion from medical to recreational, the makeup of the cannabis control commission and advisory board, greater specificity needed in relation to public health issues, i.e. packaging, dosage, concentrates etc., and clarifying the ambiguous language in the legislation. Board members made suggestion to use the information in creation of a statement of principles, offered caution regarding attempting to regulate of content for signage. Ms. Brewer noted the Select Board's appreciation for the work Mr. Kravitz had performed on behalf of the Town. Mr. Bockelman noted he thought it would helpful to have the Select Board issue a policy statement, suggesting the document be shared internally for review and suggestion.

#### Town Meeting

Ms. Steinberg provided background related to Article 30, voting rights for non-citizen residents that was submitted by the Human Rights Commission. In previous years a petition article had been submitted by Vladimir Morales, which the Select Board agreed in 2015 to continue to pursue without going back to Town Meeting. In his investigation, Mr. Steinberg discovered that Representative Story had continued to file the bill, which is making its way through the legislative process. Another similar bill was filed by a Boston legislator that allows communities to act on behalf of their own town relative to local elections. Since our position is specific to the Town Meeting article, it was suggested that the Select Board work with the Human Rights Commission on broadening support regarding next steps.

Ms. Brewer noted in Mr. Slaughter's absence, she will speak to Article 38, zoning in North Amherst.

#### Committee/Board Appointments

Ms. Kruger provided an update on Committee appointments, recommending an extension of one year for the Sister City Committee members whose terms are expiring until a resolution of the committee size is complete. In terms of non-appointment following six years of continuous service, neither the Board of Health nor the Agricultural Commission is an issue at present. It is recommended that anyone wishing an extension beyond the six years of continuous service submit a written request providing the rationale for the request. Additionally, committee liaisons

and/or staff who provide support should speak with individuals and advise the appointing authority if those eligible for further appointment are indeed interested.

Review of the timeline for the Fall Special Town Meeting highlighted a new item entitled Select Board Warrant Review, providing the Select Board review of the warrant prior to the meeting they are being asked to sign. It was noted it may require a Tuesday Select Board meeting following Indigenous Peoples (formally known as Columbus Day) for the signing of the warrant. Approval of the Fall Town Meeting dates should be scheduled for the May 22<sup>nd</sup> agenda.

The meeting adjourned at 6:47 p.m.

Submitted by:

Paul Bockelman  
Town Manager

**List of Documents Presented at the Meeting – Available in the Online Packet for the Meeting  
Date**

05-10-2017 Agenda

05-10-2017 Draft Motions

First Look: Recreational Marijuana MEMO Statement of Principles; Letter to Co-Chairs; and Senator Rosenberg

Special All Alcohol License Applications (10) Old Chapel UMass Various Dates

Special Wine & Malt License Application Pioneer Valley Habitat t5/17/17

Draft Select Board Meeting Schedule May to September 2017