

**MINUTES OF THE ADMINISTRATION AND FINANCE COMMITTEE
MEETING HELD ON AUGUST 5, 2019**

An Administration and Finance Committee Meeting was held on Wednesday, August 5, 2019 at 7:00 P.M. in the City Council office, Room 204.

Committee Members: Committee Chairperson Colin LePage, Councillor Melinda Barrett, Councillor William Macek, Councillor Mary Ellen Daly O'Brien. Council President John Michitson also attended.

Department Heads: City Solicitor William Cox, School Physician Dr. John Maddox
Attendees: Attorney Mark Bobrowski, Caroline Matterson, John Cuneo, Attorney Ted Xenakis, Bernadette Xenakis

The meeting began at 7:10 P.M. and the following items were discussed:

- 1.) **Doc.38-I** – Communication from Councillor Macek to refer City’s Ch. 255 – Zoning, Article XVIII, Solar Energy Systems, Sec. 255-185 thru 255-194 to Administration & Finance Com., and specifically Sec. 255-186(A) Large-scale ground-mounted solar photovoltaic installation; *The Committee members, as well as the City Solicitor, Attorney Bobrowski and Attorney Ted Xenakis discussed the issues that were noted in the April 3, 2019 meeting, including but not limited to “-185 Definitions, -186 Applicability, -187 General requirements, -188 Site plan review, -189 Dimensional requirements, -190 Design and performance standards, -191 Safety and environmental standards, and -194 Special permit criteria.” The discussion participants further commented on other communities’ ordinances on these items, the applicability of MGL, Chapter 40A, Section 3*; the possibility of creating an overlay zone(s) and the potential addition of definitions and criteria for ‘Small-Scale’ and ‘Medium-Scale Installations’ to the ordinance. After a lengthy discussion on all of the matters stated above, a motion was made to have the City Solicitor and Mark Bobrowski further revise and amend the ordinance and schedule a future meeting (date to be determined) with the Committee, passed unanimously.*
- 2.) **Doc. 38-K** – Communication from Councillor Macek requesting to discuss solar panels on proposed commercial buildings; *Councillor Macek provided the Watertown Ordinance to require solar Installations in Certain New Projects*. This item was combined with Doc. 38-I listed above at the April 3, 2019 meeting. A motion was made to remove this item from the Council Study List, passed unanimously.*
- 3.) **Doc. 13-Y** – Communication from Councillor LePage to discuss accounting of revenue funds received from Licensed Marijuana establishments & their allocation to mitigate costs and impacts to city; *The Committee received and reviewed a letter from the “Division of Local Services, MA Department of Revenue, Local Finance Opinion – Money from Marijuana Establishments and Medical Marijuana Treatment Centers”*. An excerpt of the opinion states, “A municipality may use a local acceptance option to dedicate all, or a portion of at least 25%, of the collections of the excise on retail sales of marijuana or payments from a community host and other agreement payments to a general or special purpose stabilization fund established under G.L.c.40 § 5B.” Discussion on the matter focused on the amount or percentage of the excise tax and/or host community payments to be allocated to a stabilization fund, what items and costs those funds would be potentially allocated to and the procedure for appropriation of those funds. A motion was made to have the City Solicitor and City Auditor review the document and provide their opinion on those matters and provide such for full review by the City Council, passed unanimously.*

4.) Doc. 89-D – Communication from Councillors LePage, Michitson and Jordan requesting discussion on reducing the exposure of persons under 21 years of age to outdoor advertising (billboards) of marijuana products as well as zoning regulations pertaining to smoke and/or vapor stores in Haverhill; *Concerning the matter of outdoor advertising (billboards), the Committee discussed an email (dated 7/29) from the City Solicitor stating his opinion on local restrictions for billboard and outside advertising of marijuana products. The Committee received and reviewed a letter delivered by Dr. Maddox from the “Massachusetts Prevention Alliance (MAPA) – Public Health Framework” citing the following from the Cannabis Control Commission (CCC) regulations, 935 CMR 500.000: Section 500.170: Municipal Regulations (1) Marijuana Establishments and marijuana establishment agents shall comply with all local rules, regulations, ordinances and bylaws. (2) Nothing in 935 CMR 500.000 shall be construed so as to prohibit lawful local oversight and regulation, including fee requirements, that does not conflict or interfere with the operation of 935 CMR 500.000 Section 500.105 (4): Marketing and Advertising Requirements, (b) Prohibited Practices. The following advertising, marketing, and branding activities are prohibited: 2. Advertising, marketing and branding by means of television, radio, internet, mobile applications, social media, or other electronic communication, billboard or outdoor advertising, or print publication, unless at least 85% of the audience is reasonably expected to be 21 years of age or older as determined by reliable and current audience composition data. The Committee also received and reviewed photos of nearby communities’ billboards with marijuana related advertisements. After a lengthy discussion on the matter in regards to interpretation of a Somerville Ordinance regulating outdoor alcohol advertising, and the advertising restrictions in the former Haverhill Article II: Public-Private Partnerships Committee, The Committee and Solicitor Cox requested Dr. Maddox to provide a legal opinion of defense from MAPA counsel on a potential proposed local ordinance restricting youth access and exposure to pro-marijuana and social norming from billboard and outdoor advertising. Concerning the matter of zoning regulations pertaining to smoke and/or vapor stores in Haverhill, the Committee received and reviewed a letter from the “Massachusetts Municipal Association (MMA) – Municipal Tobacco Control Technical Assistance Program” concerning the location of Retail Tobacco Stores. After a brief discussion on the matter, the Committee requested that the City Solicitor research and review zoning ordinances and the table of use and parking regulations pertaining to this matter and schedule a future meeting (date to be determined) with the Committee to review those findings, passed unanimously.*

The meeting adjourned at 9:10 P.M.

Respectfully submitted,

Colin LePage, Chairperson
Administration and Finance Committee
Haverhill City Council

August 12, 2019

CL/bsa

- * MGL, Chapter 40A, Section 3 handout
- * DLS, MA DOR Local Finance Opinion (LFO-2018-3; September 24, 2018) handout
- * MAPA Community Stakeholder – Advertising Restrictions handout
- * Photos of billboards of nearby communities with marijuana related advertisements
- * MMA – Municipal Tobacco Control Technical Assistance Program handout

c: Mayor James J. Fiorentini
City Council