



City Council Actions

In City Council

Thursday, September 13, 2018

Present: Councilors Albright, Auchincloss, Baker, Brousal-Glaser, Cote, Crossley, Danberg, Downs, Gentile, Greenberg, Grossman, Kalis, Kelley, Krintzman, Leary, Markiewicz, Noel, Norton, Rice, Schwartz and Laredo.

Absent: Councilors Ciccone, Lappin and Lipof

The City Council discussed the following items on second call:

Referred to Programs & Services Committee

Thursday, September 6, 2018

#468-18

Remove ballot question to limit the number of recreational marijuana establishments
COUNCILORS COTE, NORTON and KELLEY requesting that the City Council remove from the November 2018 special election ballot the question as to whether the City of Newton shall limit the number of retail recreational marijuana establishments operating in Newton to no fewer than two and no more than four, which was approved by the City Council on July 9, 2018.

A motion to amend the item by replacing the ballot question language with the following: Shall the City adopt the following zoning ordinance? The number of recreational marijuana retail establishments shall be not fewer than two (2) nor more than four (4) establishments set by a general ordinance adopted by the City Council notwithstanding M.G.L. Chapter 94 G, Sec 3(a)(2)(ii)." was approved by voice vote.

Programs & Services Approval as Amended Failed to Carry 4-4 (Rice, Kalis, Baker, Schwartz opposed)

Motion to amend the language to the following:

Shall Newton adopt the following zoning ordinance:

If there is no general ordinance prohibiting retail recreational marijuana establishments from operating in the City of Newton, the number of recreational marijuana retail establishments allowed to operate shall be not fewer than two (2) nor more than four (4) establishments set by a general ordinance adopted by the City Council notwithstanding M. G. L. chapter 94G, Sec. 3(a)(2)(ii).

Failed to Carry 11 Nays (Albright, Brousal-Glaser, Crossley, Danberg, Downs, Gentile, Greenberg, Grossman, Krintzman, Leary, Noel), 10 yeas (Councilors Auchincloss, Baker, Cote, Kalis, Kelley, Markiewicz, Norton, Rice, Schwartz, Laredo), 3 Absent (Councilors Ciccone, Lappin and Lipof)

Motion to remove Question from Ballot Failed to Carry 11 Nays (Albright, Brousal-Glaser, Crossley, Danberg, Downs, Greenberg, Grossman, Krintzman, Leary, Markiewicz, Noel), 10 yeas (Councilors Auchincloss, Baker, Cote, Gentile, Kalis, Kelley, Norton, Rice, Schwartz, Laredo), 3 Absent (Councilors Ciccone, Lappin and Lipof)

Clerk's Note:

#469-18 **Place a question on the ballot to prohibit retail recreational marijuana establishments** COUNCILORS BAKER, NORTON, GENTILE, KALIS, COTE, CICCONE, LAREDO, KELLEY, SCHWARTZ and MARKEIWICZ requesting reconsideration of item #312-18 so that the Council can place a question on the ballot that would prohibit retail recreational marijuana establishments in the City at a November 2018 Special Election.
Programs & Services motion to amend the language as follows was Approved:
*"Shall the City adopt the following general ordinance?
All recreational marijuana retail establishments shall be prohibited from operating in the City of Newton."*
Programs & Services Approved as Amended 8-0
Approved 21 Yeas, 3 Absent (Councilors Ciccone, Lappin and Lipof)

Clerk's Note:

#470-18 **Ballot question prohibiting recreational marijuana establishments with exceptions** SUZANNE BENDER ET AL., submitting an Initiative petition pursuant to the City of Newton Charter and signed by 10% of the registered voters, requesting that the City Council place a question on the November 6, 2018 ballot as to whether the City of Newton will adopt the following ordinance:
"Operation of recreational (non-medical) marijuana establishments as defined in M.G.L. Chapter 94G is prohibited in Newton, provided that a marijuana establishment that was licensed and approved to operate as a Medical Marijuana Treatment Center (Registered Marijuana Dispensary) in the City of Newton prior to July 1, 2017 may, if otherwise allowed by zoning, (a) cultivate non-medical marijuana; (b) manufacture and/or produce non-medical marijuana related products; (c) test non-medical marijuana and the products derived therefrom; (d) engage in wholesale distribution of non-medical marijuana and non-medical marijuana products, but not to include retail sales thereof in the City of Newton."
Programs & Services voted No Action Necessary 8-0
No Action Necessary 21 Yeas, 3 Absent (Councilors Ciccone, Lappin and Lipof)

Clerk's Note:

#471-18

Means to determine which marijuana question prevails if both are approved

PRESIDENT LAREDO requesting discussion and vote on a means to enable Newton voters to determine which of two ballot questions limiting retail marijuana sales will prevail if both appear on the November ballot and both receive a majority vote of the electorate, recognizing that a subsequent implementing ordinance may still be required.

Programs & Services Approved 4-2-2 that if more than one question passes, the question with the highest number of votes will prevail. (Kalis, Baker opposed; Schwartz, Rice abstaining)

Motion to substitute the following text:

“that if more than one question passes, the question that bans all recreational marijuana retail establishments will prevail.

Failed to Carry 13 Nays (Councilors Albright, Brousal-Glaser, Crossley, Danberg, Downs, Gentile, Greenberg, Grossman, Kalis, Krintzman, Leary, Markiewicz, Noel), 8 Yeas (Councilors Auchincloss, Baker, Cote, Kelley, Norton, Rice, Schwartz, Laredo), 3 Absent (Councilors Ciccone, Lappin and Lipof)

Approved the Programs & Services text 13 Yeas (Councilors Albright, Brousal-Glaser, Crossley, Danberg, Downs, Gentile, Greenberg, Grossman, Kalis, Krintzman, Leary, Markiewicz, Noel), 8 Nays (Councilors Auchincloss, Baker, Cote, Kelley, Norton, Rice, Schwartz, Laredo), 3 Absent (Councilors Ciccone, Lappin and Lipof)

Clerk’s Note:

#441-18

Set the date of November 6, 2018 for a Special Municipal Election

CITY CLERK requesting the City Council set the date of November 6, 2018 as the date for a Special Municipal Election to submit to the voters question(s) related to limiting retail marijuana in Newton.

Programs & Services Approved 8-0

Approved 21 Yeas, 3 Absent (Councilors Ciccone, Lappin and Lipof)

Clerk’s Note:

#476-18

Proposed ballot questions re recreational marijuana retail establishments

HER HONOR THE MAYOR requesting the three following questions be placed on the ballot for a special election in November:

Question 1.

Shall the City adopt the following general ordinance?

All recreational marijuana retail establishments shall be prohibited from operating in the City of Newton.

Question 2.

Shall the City adopt the following zoning ordinance?

The number of recreational marijuana retail establishments shall be not fewer than two (2) nor more than four (4) establishments set by a general ordinance adopted by the City Council notwithstanding M.G.L. Chapter 94 G, Sec 3(a)(2)(ii).

Question 3.

Shall the City adopt the following zoning ordinance?

The number of recreational marijuana retail establishments shall be not fewer than two (2) nor more than eight (8) establishments set by a general ordinance adopted by the City Council notwithstanding M.G.L. Chapter 94 G, Sec 3(a)(2)(ii).

Programs & Services voted No Action Necessary 8-0

Question divided into 3 parts

Question 1 Voice Vote Approved No Action Necessary

Question 3 Voice Vote Approved No Action Necessary

Question 2 Motion to replace the previously adopted language for a 2-4 ballot question with the following language:

Shall Newton adopt the following zoning ordinance:

The number of recreational marijuana retail establishments shall be not fewer than two (2) nor more than four (4) establishments set by a general ordinance adopted by the City Council.

Approved 20 Yeas, 4 Absent (Councilors Ciccone, Gentile, Lappin and Lipof)

Clerk's Note: