

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Wednesday, February 10, 2021
Meeting held remotely via online video with no physical presence

Board Members Present: Georgianne Mora, Thomas Cavanagh, Taylor Prouty, Vincent Annunziata, and James Fleming (via telephone).

Board Members Absent: None.

Others in Attendance: Town Officials – Town Administrator Shane O’Keefe, Town Clerk Kelly Pajala, Planning Commission Chair Sharon Crossman, Town Health Officer Richard Phelan. Others – The Collaborative Executive Director Maryann Morris.

1. Call meeting to order

Selectboard Chair George Mora called the meeting to order at 6:03 PM.

She noted that in response the Governor Scott’s January 20, 2020 declaration of a State of Emergency due to the spreading COVID-19 pandemic, and his “Stay Home, Stay Safe” executive order restricting and minimizing all unnecessary activities outside of the home, and in accordance with Act 92, signed into law on by the Governor on March 30, 2020, which allows for changes to the Vermont Open Meeting Law to protect the health and welfare of the public, that the meeting was being held entirely remotely with no physical presence.

She added that the meeting was being conducted entirely on Zoom meeting software and that the Board members and staff were participating by video except for Board member Jim Fleming, who was participating via telephone. She noted that the public was permitted to participate via video or telephone. And that the agenda posted on February 5, 2021, and still available on the Town’s website, provided information on how the public could participate in the meeting.

She noted a few matters of meeting process, including the requirement that all non-unanimous votes by the Board must be taken by roll call vote, with each member stating their name and vote.

Mora provided some technical guidance for participation by both phone and video. Each of the Board members than vocally identified themselves.

2. Additions or deletions to the agenda

None.

3. Old Business

a. Discuss special Town Meeting on retail cannabis sales and local option tax

Mora gave an overview of the potential for aa Australian ballot special Town Meeting on whether to allow for retail cannabis sales in town and a separate but related vote on establishing a local options tax. She explained that the only way to take advantage of cannabis-related taxes is to have a local option tax.

She stated that she felt trying to have a special Town Meeting in April would be rushing it because there is so much information that we do not know as a community. The Board reviewed

information from the Vermont League of Cities and Towns legislative update on the new cannabis legislation (Act 164).

Mora clarified that there are five integrated licenses state-wide instead of the seven previously mentioned. There was further discussion about these types of licensees. Kelly Pajala noted that the Town has three cannabis opt-in voting options: to authorize cannabis retailers, to authorize integrated licenses, or both. Taylor Prouty noted that the decision on which article or articles to vote on is a critical decision.

There was discussion about integrated licenses and whether such a facility can be located in Londonderry. Also discussed was the extent of authority of a local Cannabis Control Commission. It was noted that the rules on this have not yet been developed at the State level so there is little definition or guidance for the community. Jim Fleming read from the VLCT report that “local voters will only have a little say about whether to allow retail establishments in their community”.

Maryann Morris showed a presentation that included timelines for the State to act and for local actions as well, which target 2022 licensing for the most part, and therefore there is time for the community to get it right. She added that the State is behind scheduled already. Pajala noted that there are likely to be some changes to the current law this year.

Mora noted the following passage from the VLCT report:

Local Licensing and regulatory authority. Municipalities that host cannabis establishments may create a local cannabis control commission. This commission (for examples, a selectboard or city council) must administer the rules furnished to them by the Cannabis Control Board. No additional local standards will be allowed beyond signage and nuisance ordinances and very specific zoning provisions of 24 VSA 4414. It should be noted that local governments may already regulate signage, nuisances and 24 VSA 4414. Therefore this provision is meaningless and adds no new authority to towns. Rather, it restricts the local regulatory authority a town may use that currently exists under state and local laws. Local governments are forbidden from adopting local ordinances to regulate the time, place, and manner of cannabis operations as part of local licenses and permits. These licenses will be perfunctory, and cannabis control commissions are designed to be the “rubber stamping” approval entity of local licenses from municipalities.

There was general concern from Board members about the concept of the local commission simply acting as a rubber stamp for licensees. There was discussion about whether a petition must be added to the annual Town Meeting or whether it can be addressed in a special Town Meeting. Timing of a special Town Meeting in the future beyond the annual Town Meeting was considered.

Morris inquired about and suggested waiting on any decision until such time as the State develops its rules and procedures on Cannabis sales. She offered to continue to work with the Board on public health education on the subject.

There was a discussion on how the existing and proposed new Zoning Bylaw addresses cannabis establishments. Sharon Crossman mentioned that the first draft of the new Bylaw will go public in mid-March with public hearings with possible changes over some months thereafter. The Board reviewed the proposed language in the most current draft, which addresses licensed facilities. Whether to include cannabis enterprises in the new Bylaw now or later once State rules are in place was discussed.

Mora stated that she is not prepared for the Board to call a special Town Meeting at this time.

Regarding integrated licensees, Cavanagh read from the VLCT report:

Voter approval of cannabis operations. Local voters will only have a little say about whether to allow a retail establishment in their communities. To allow retail sales in their community, they must opt in, however they have no voice in whether growers, manufacturers, laboratories, or processors are allowed. Some communities that currently have medical cannabis dispensaries will also be able to vote on integrated licenses in addition to retail establishments. An integrated license allows a licensee to engage in cultivation, wholesale, manufacturing, retail, and testing and are only available to applicants that hold a dispensary registration...

Pajala noted that this was not her understanding on the law. The integrated license matter may be moot given the VLCT report. It was agreed that O’Keefe would follow up with VLCT to get better information about integrated licenses and report back to the Board. Pajala also offered to ask the legislative counsel.

It was the general position of the Board members that they were not necessarily opposed to retail cannabis sales, but just want to see that the process is done properly, thoroughly and with due diligence.

While the Board previously signaled that it would be setting a special meeting at the next regular meeting, Mora stated that it was her feeling that the Board is not prepared, despite reviewing available documents and presentations on the matter, to set a special meeting date at this time because there is insufficient information available to make a reasonable decision about the needs of the town.

4. Adjourn

Vincent Annunziata moved to adjourn the meeting, seconded by George Mora, passed unanimously.

The meeting adjourned at 7:05 PM. The next regular meeting of the Selectboard is scheduled for February 15, 2021.

Respectfully Submitted,



Shane P. O’Keefe
Town Administrator

Approved February 15, 2021.

LONDONDERRY SELECTBOARD



Georgianne Mora, Chair