



**Gary Christenson, Mayor**

**CANNABIS LICENSING AND ENFORCEMENT COMMISSION**

**Malden Police Department Community Room, 800 Eastern Avenue, Malden, MA  
Wednesday, August 28, 2019 at 5 PM**

<b>Committee Members in Attendance</b>		
√	Ron Hogan, Chair	Finance
√	Kevin Molis	Chief of Police
√	Nelson Miller	Bldg. Commissioner
√	Diana Jeong	Mayor's Appt.
√	Jenelle DeVits	Council Appt.
√	Kathleen Manning Hall	Clerk <i>Non-voting mem.</i>

*Also in attendance:* A Commercial R.E. Broker from Burlington representing a cultivation facility, Malden residents Warren Lynch, Jeff Taylor, another resident.

## **MINUTES**

- 1. Roll Call of Committee Members:** Meeting was called to order at 5:11 PM to accommodate a CLEC member who was running late. A quorum of the members was present to conduct business.
- 2. Review and approval of August 21, 2019 Minutes.** Motion by Nelson Miller to approve the Minutes of August 21, 2019, seconded by Diana Jeong. Motion approved by all members but Jenelle DeVits who abstained as she hadn't reviewed minutes yet.
- 3. Discussion of deliberation process of candidates who came before the CLEC.** First round of eight applicant interviews has ended. The role of the CLEC is to determine which candidates are best situated to move onto the next step based upon the ordinance criteria. The CLEC must decide who in aggregate have applications and proposals that should proceed.
  - Nelson Miller believes that applicant Misty Mountain Shop stood out as a really good candidate with experience in the industry, an extensive history, solid financial background and financial plan, with an ideal location. *Motion by Nelson Miller to move Misty Mountain shop forward in the process. Motion by Jenelle DeVits to table.* Jenelle feels the is Motion premature and suggested that the CLEC first set up criteria by which to measure all applicants in an effort to be transparent. She

believes the best use of the meeting would be to discuss the process by which candidates will move forward. *Nelson Miller withdrew his Motion.*

- Further discussion ensued about methods to best determine which candidates have met the criteria and are ready to move forward in a deliberative, transparent way. Ron Hogan believes that the City’s ordinance speaks to the criteria by which the CLEC should measure the candidates:
  1. Experience of applicant in the industry
  2. Support of the Ward Councillor
  3. Financial strength of the applicant and strength of business plan
  4. Location being properly zoned
  5. Managers, directors, investors, free disqualifying criminal convictions
  6. Any and all other factors that the Commission determines are in the best interest of the City to consider.

Ron believes that the application process is an indication of how prepared an applicant is to deliver on the proposal and operate a business in a new field successfully. The strength of plan and how thoughtful and complete the application was is meaningful. This process is not unsimilar to the liquor license process.

- Chief Molis believes a few of the applicants were stronger than others, had a solid plan not just a “vision,” have met the standards and he would feel comfortable moving them on to the next step. He believes some candidates had all their “eggs in the basket” if not disqualified for another reason.
- Diana Jeong suggested using a scoresheet to narrow the candidates.
- Nelson Miller feels that a rating system may not be the best way to move someone forward as we should have had that initially and there are some candidates who may have not met all of the criteria initially and have submitted additional materials.
- Jenelle feels that the criteria is vague and can be left to interpretation by each individual and it is difficult to compare. For instance, how would CLEC handle applicants who have a lot of “eggs in the basket” but for instance may not have the sole use of the building, or something else.
- Ron Hogan believes that the ordinance was well discussed with the City Council, it was a very thoughtful process – for example the zoning case law says “the” principal use which means there can only be one use. At some point the CLEC will have to make a determination on the current applicants and can’t keep giving them time to cure deficiencies.
- Discussion ensued about the timeline for reopening the process and also whether to accept additional applicants on a rolling basis or to wait. Once applicants are moved forward, it is unknown how long it will take them to get through the rest of the process, it may be best to wait until they go through the opening process and then reopen to new applicants. Applicants who are not advanced this time around will have the option to reapply.

- For the next meeting CLEC members should have notes on each applicant with the intention to come to consensus to move applicants forward.
4. **Additional Information Requests of applicants.** Kathleen will inform candidates that the deadline for accepting additional and supplemental materials will be Friday, August 30<sup>th</sup> at 12 Noon.
  5. **New Business.** No new business.
  6. **Next meeting:** Wednesday, September 4<sup>th</sup> at 5 PM.

Motion to adjourn at 6:25 PM by Nelson Miller and seconded by Jenelle DeVits. All in favor, meeting adjourned.