

A special meeting of the City Council was held on Thursday, July 16, 2020 in the City Council Chambers, 2<sup>nd</sup> floor of City Hall, 45 School St., Brockton, MA. President Asack presiding. The meeting was called to order at 7:05 PM with eleven members present.

This meeting is being held in accordance with Governor Charlie Baker's signed open meeting law order dated March 12, 2020 which relieves a public body from the requirement of section 20 of chapter 30A that it conduct its meetings in a public place that is open and physically accessible to the public, provided that the public body makes provision to ensure public access to the deliberations of the public body for interested members of the public through adequate, alternative means.

Councilor Eaniri recognized the sudden loss of an important person in the City, Brian Rogan, the Principal at the Kennedy School. His loss is a great loss to the City, his staff and children at his school. He made the Kennedy School what it is today and made it feel like John F. Kennedy went to that school. Councilor Eaniri asked for a moment of silence. President Asack added that he will be truly missed and was a gift to Brockton. The School Superintendent will be having an event to honor him.

President Asack explained that the meeting is being held in Council Chambers with all safety measures in place. The custodial staff is available to clean the podium in between speakers. Everyone is required to wear a mask and social distance while in City Hall. Due to limits, there will be only one applicant group in Chambers at a time. When each group is done, they will be asked to step back into the hallway. Two large screen televisions have been installed in the hall for viewing the meeting. This special meeting is a public hearing for recreational marijuana applications. After each application, The Council will be voting on each application.

Attorney Resnick read the three sections of the ordinance for the marijuana application process. They are application requirements, action on applications and marijuana establishments grounds for denial.

1. Call of the meeting  
Accepted and placed on file
2. Officer's Return of Notice  
Accepted and placed on file
3. Granting of marijuana licenses to six petitioners as follows:
  1. The Holistic Concepts, Inc. d/b/a The Holistic Concepts located at 1915 Main St. St. Brockton MA 02301
  2. Green World, LLC d/b/a Green Heart, located at 897 North Montello St. Brockton MA 02301.
  3. Hycorp, LLC d/b/a Green Star, located at 327 North Pearl St. Brockton MA 02301
  4. Green Stratus Corp., located at 255 North Pearl St. Brockton MA 02301.
  5. Nature's Embrace, Inc. located at 747 Centre St. Brockton MA 02301.
  6. Legal Greens, LLC, located at 73-75 Pleasant St., Brockton, MA 02301

Councilor Farwell stated he has spoken with the attorney for Applicant #6 and there are additional materials that need to be submitted with the application. Councilor Farwell motioned to take Application #6 (Legal Greens, LLC) out of order and was properly seconded. Motion carried by a hand vote.

Councilor Farwell motioned to continue the hearing on Legal Greens, LLC to July 27, 2020.

Councilor Rodrigues stated he was going to vote against this because there is something missing from every application before Council. If this particular one is going to be continued, then all should be continued. He believes it is unfair to only select one to continue.

Councilor Farwell stated he understands his point of view, but there can be inadvertent omissions or substantive omissions of information.

Councilor Rodrigues stated a violation is a violation and that should not matter.

Councilor Cardoso asked if the applicant was present, which she was.

Motion carried by a roll call vote taken by “yeas” and “nays”, eleven members present with six voting in the affirmative. Councilors Asack, Cardoso, Eaniri, Mendes and Rodrigues voting in the negative.

President Asack stepped down. Councilor Eaniri presiding. Councilor Eaniri opened the hearing for The Holistic Concepts, Inc. d/b/a The Holistic Concepts located at 1915 Main St. St. Brockton MA 02301, asking for anyone in favor.

Attorney David Asack, President of Holistic Concepts Inc. spoke in favor.

Councilor Farwell stated he will be asking the same group of questions to each applicant for the benefit of having it on the record and making the public aware of the process. Councilor Farwell asked if they have reviewed the City Ordinances relating to marijuana businesses, to which the reply was yes. He asked if they understood the provisions of the Ordinances and that violate of them could be grounds for suspension or revocation of any license, to which the reply was yes. He asked if they understood that any false or misleading statements during this procedure could be revocation of any license, to which the reply was yes. Councilor Farwell asked if there were any City employees, appointed or elected, that has a financial or any other interest in this venture, to which the reply was no. Councilor Farwell asked for the principal investors for the company and the approximate amounts being invested. Attorney Asack replied there are three partners, himself, David Asack, Willow Craffey and Christine Asack. Ms. Craffey has invested \$125K at the time of the application. Attorney Asack provided \$75K and his available funding is \$325K. Ms. Asack provided \$75K and has available funding of \$100-125K. each of the three partners own investment property that is available to be sold if further financing is needed. Councilor Farwell asked if there was any type of ownership agreement with anyone not mentioned tonight, to which the answer was no. He asked if they knew who the day to manager would be. Attorney Asack said it was too soon to determine. Councilor Farwell asked if they current owned any other marijuana licenses or businesses in Massachusetts or any other state, to which the answer was no. He asked if there were any pending applications for any other licenses for marijuana with any other communities, to which Attorney Asack replied no. Councilor Farwell asked if this business was to operate for more than a year, to which the response was yes. He asked if they have executed a host community agreement with any other municipality in Massachusetts, which was answered no. Councilor Farwell asked when they would expect to be ready to begin operations. Attorney Asack stated they would be ready in 3 to 5 months.

Councilor Cardoso asked about their community safety plan, positive impact to the community and what programs you are looking to sponsor and how will complaints be handled. Attorney Asack stated his security consultant was present. Security will be compliant with the ordinance. Off duty police officers will be used for security, if they are not present, a manager will be instructed on security protocols. There will be no hesitation to call police if necessary. To comply with the ordinance, there will be no windows to the establishment. They will be able to track people through the waiting area. The showroom will be locked and people will need to be escorted in. They intend to have the highest tech security to confirm a person's identity and age. Councilor Cardoso asked with COVID-19 if transactions would be handled quickly to keep traffic flowing. Attorney Asack said he was acutely aware and all protocols would be in place. Regarding positive community impact, Attorney Asack stated he has a brief presentation to do that will included that information. Regarding the handling of complaints, Attorney Asack explained that all complaints will go directly to the three board of directors to be addressed immediately. They will have a license to protect and he can't allow people who want to destroy that. He will not have any tolerance for anyone who is dishonest or sloppy.

Councilor Mendes stated her biggest concern was children under 5. Her question was what do you have for education for the people purchasing these products to make sure little kids are protected. Attorney Asack said there will be signage and pamphlets for all customers about the responsibilities that come with their purchases.

Councilor Mendes asked for the status of their provisional license approval with the State. Attorney Asack stated the CCC (Cannabis Control Commission) approves license at their monthly meeting. Their license is pending approval from the City and will be up for approval at the August meeting. The Commission has accepted and closed their application. Attorney Asack also learned that 540 applications have been approved with only 4 being rejected, which were all from the same owner committing fraud.

Councilor Mendes asked where will they be getting their product. Attorney Asack said he has spoken with a cultivation company in Brockton and has been told that right now there is not enough product. They will have to establish relationships across the State in order to get enough product, but their preference is to buy locally.

Councilor Rodrigues asked what will be done regarding job creation. Attorney Asack expected that the employees will reflect the clientele from the City and will reflect diversity. He further stated they expect to create 22 jobs, including management. Councilor Rodrigues asked if they planned to hire Brocktonians first and foremost. Attorney Asack they would hire people that were qualified or people they could qualify, then secondly Brockton residents. Councilor Rodrigues then asked about diversity in the business. Councilor Rodrigues commented that of the five applicants now before the Council, there is not a single black or African-American applicant for a license. Attorney Asack said one of his partners is an HR director for 14 years and that diversity is a passion of hers.

Councilor Nicastro confirmed that this location is the former location for Jiffy Lube. She stated that most information in the application was dated last year. She asked if their registered domestic business corporation is current. Attorney Asack said it has been updated with a certificate of good standing.

Councilor Nicastro clarified if this was for both the Secretary of State and Department of Revenue, to which the reply was yes. Councilor Nicastro stated their application provided the CCC background check application but not the confirmation. Attorney Resnick clarified that once their provisional license is received, they will receive a letter that says their background checks are confirmed. Councilor Nicastro noted that they have been before the Planning Board for site plan approval and Zoning Board of Appeals for a special permit. There are conditions on both certificates and asked for acknowledgement that those conditions will be satisfied, to which the reply was yes but not sure that they will open as early as the approved hours of operation of 8AM-8PM.

Councilor Nicastro, speaking regarding security, wanted some explanation regarding their security plan. Attorney Asack expected there would be a police presence for most if not all of the day, but he couldn't promise that. He did promise that would be someone other than police certified for security. He said the electronics that will be used will prevent under age admission. The waiting room will screen people before entry in the locked showroom.

Councilor Eaniri stated that there was a prepared power point presentation and allowed Attorney Asack to present this information. The topics covered included their mission, board of director, social equity, location, diversity plan and positive impact plan.

Councilor Eaniri closed that portion of the hearing.

Councilor Eaniri asked if there was anyone in opposition. There was none. Councilor Eaniri closed that portion of the hearing.

Councilor Mendes motioned to grant the license contingent upon State approval within six months of today's date and was properly seconded. Councilor Farwell asked to include an amendment that would also be contingent of the execution of a valid host community agreement with the Mayor and the filing of that agreement with the City Clerk's office, which Councilor Mendes accepted.

Granted by a roll call vote taken with “yeas” and “nays”, eleven members present with all voting in the affirmative.

Councilor Farwell motioned for reconsideration in the hopes that this would not prevail and was properly seconded and was properly seconded. Motion failed by a hand vote.

President Asack returned and presided over the meeting. President Asack opened the hearing for Green World, LLC d/b/a Green Heart, located at 897 North Montello St. Brockton MA 02301 and asked for anyone in favor.

Appearing in favor were Attorney Jay Creedon, Attorney Scott Rubin and applicant Sunny Aroustamian. Atty. Creedon stated that Atty. Rubin would make the presentation for this applicant. He stated that his office has been involved in this process since day one. His office has interfaced weekly with the Control Commission in Boston to help establish opinions and rules. His office has also assisted the City of Brockton and Solicitor’s office clarifying a number of points and procedures.

Attorney Rubin stated the location was formally Papa Gino’s restaurant that has been vacant for some time. The location is at an intersection in need of revitalization. Sunny Aroustamian is a business owner in the City that owns businesses in all corners of the City and is a strong supporter of the City of Brockton. This is something Sunny has desperately wanted to do and has been involved in this process since September 2018, when the host community agreement was received. They have been associated with this location since February 2019. It has been a long, thorough and expensive process to get to this point. Their State application was filed in May 2019. They received their provisional license in May 2020. They have gone through the City process, planning and zoning boards and spent funds and done due diligence with development at this location. The CCC (Cannabis Control Commission) has approved their application and hope to move to the next stage after tonight. They expect this will be over a \$1 million investment in this location and have spent over \$200k so far. They are leasing the property and have been paying rent since February 2019. Sunny is a successful business owner and employs a great number of people in Brockton and has a diverse number of employees in all of his locations and expect this to extend to this as well. Sunny has partnered with Gawar Sarabikin, otherwise known as George, in a 51/49 partnership, who will bring his experience from Colorado, who owns and operates a couple of businesses there. He was one of the first licensees in Colorado and has been operating since the beginning of the industry and comes with a wealth of information. This venture will provide the City with construction jobs and they expect to employ 20-25 FTE equivalent positions. Attorney Rubin believes they have the perfect blend of someone with business experience in the City and someone with the background in the marijuana industry to make this business successful.

Councilor Cardoso stated we have a lot of issues with racial inequities and substance abuse and asked Mr. Aroustamian what have you done in a relation to preventative programs and thoughts on programs he could contribute to. Attorney Rubin stated that they have a positive impact plan that provides partnerships with local charities, Charity Guild and Abigail’s Place. Councilor Cardoso stated she would like to see business owners invest in the issues of the community. She encourages business owners to speak to people in the community to find out what is important. Attorney Rubin clarified that because of the marijuana, some of the partnerships they could get involved with are complicated.

Councilor Cardoso asked how would they respond to complaints from the community. Attorney Rubin stated that Mr. Aroustamian lives in Brockton and is available basically 24/7, along with their Director of Security, and there would be no issue with addressing any complaint. They understand this is a highly regulated industry by the State and City and that the primary focus is to be a good neighbor and keeping a safe environment for customers.

Councilor Farwell asked if they have reviewed the City Ordinances relating to marijuana businesses, to which the reply was yes. He asked if they understood the provisions of the Ordinances and that violate of them could be grounds for suspension or revocation of any license, to which the reply was yes. He asked if they understood that any false or misleading statements during this procedure could be revocation of any license, to which the reply was yes.

Councilor Farwell asked if there were any City employees, appointed or elected, that has a  
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financial or any other interest in this venture, to which the reply was no. Councilor Farwell confirmed the principal investors for the company then asked if there was any type of ownership agreement with anyone not mentioned tonight, to which the answer was no. He asked if they knew who the day to manager would be, to which Mr. Aroustamian said it would be him initially. Councilor Farwell asked if they current owned any other marijuana licenses or businesses in Massachusetts or any other state. Attorney Rubin replied that the co-owner runs two businesses in Colorado, but that ownership has nothing to do with his partner. He asked if there were any pending applications for any other licenses for marijuana with any other communities. Attorney Rubin stated there are no pending applications, but are considering looking into Fall River for future expansion for retail and cultivation. Councilor Farwell asked if this business was to operate for more than a year, to which the response was yes. He asked if they have executed a host community agreement with any other municipality in Massachusetts, which was answered yes in Fall River. Councilor Farwell asked what was needed for their conditional license before being fully licensed. Attorney Rubin stated they need to submit an architectural review which is required before any renovations and once inspections are completed they could then seek a final license from the State. Councilor Farwell asked when they would expect to be ready to begin operations. Attorney Rubin stated they have a contractor ready and estimated a 2 ½ to 3 months timeline for renovations with a target date of December 1, 2020, pending CCC approval.

Councilor Mendes asked if a traffic study has been done at that location and what was the outcome. Attorney Rubin stated there was a traffic study when they did tech review for the Planning board and there was very little impact to what is already a busy intersection.

Councilor Mendes asked where do they expect to get their product. Attorney Rubin said they hoped to buy as much product in Brockton as possible. If they are unable to get product in Brockton, they are number of cultivators in the State that are coming on line.

Councilor Mendes expressed her concern about children under 5 and asked what type of education will be done with customers. Attorney Rubin responded that there would be pamphlets available and that all packaging will be regulated by the CCC. All customers will receive information on how to store their products and products are all in childproof containers. He continued that, ultimately, the customer needs to be responsible and that children are not who they are catering to as customers and has noticed an increase in advertisements from the CCC to make the public aware.

Councilor Rodrigues asked how many jobs will be created, to which the reply was 20-25 FTE equivalent positions, depending on the number of part time positions. Councilor Rodrigues asked if they would pledge to do what they can to hire Brocktonians, to which they answered yes. The CCC has identified Brockton as an area of disproportionate impact and businesses in other areas should be focusing on areas of disproportionate impact. Their goal is to comply with their diversity plan and to employ as many Brockton residents as possible.

Councilor Rodrigues commented that out of the list before the Council, there is not a single black business owner. He asked if they would make a significant effort to diversify their staff at all levels. Attorney Rubin answered they thought it was important to do that. Mr. Aroustamian currently employees over 120 employees and a high percentage are Brockton residents and minorities. Councilor Rodrigues commented that this product was illegal only a few months ago and there are currently people doing time for selling or using the products in the past and it bothers him that more effort is not being done to include these people in this effort. His hope is that they will do their due diligence to try to include these people.

Councilor Nicastro stated that the documents in the application are dated from last year. She asked if the corporation is in good standing with the Secretary of State and Department of Revenue. Attorney Rubin said he believed they were with both.

Councilor Nicastro also pointed out that there are conditions on the site plan approval and their special permit and asked that they will be complying with those. Attorney Rubin answered yes. Councilor Nicastro echoed Councilor Rodrigues's comments regarding hiring Brockton

residents.

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President Asack said to go on the record since the business is in Ward 7, that she is very familiar with the applicant and attended his community meeting and is in support of this business.

President Asack closed that portion of the hearing.

President Asack if there was anyone in opposition. There was none. President Asack closed that portion of the hearing.

Councilor Farwell motioned to grant the license contingent upon the negotiation and execution of a valid host community agreement between the Mayor and the applicant and the filing of the agreement with the City Clerk's office and was properly seconded.

Granted by a roll call vote taken with "yeas" and "nays", eleven members present with all voting in the affirmative.

Councilor Farwell motioned for reconsideration in the hopes that this would not prevail and was properly seconded and was properly seconded. Motion failed by a hand vote.

President Asack opened the hearing for Hycorp, LLC d/b/a Green Star, located at 327 North Pearl St. Brockton MA 02301 and asked for anyone in favor.

Appearing in favor were Attorney Jay Creedon, Attorney Scott Rubin and applicant Paul Merian of Hycorp. Attorney Creedon stated the application for this business will be similar to the previous application for Green World. Attorney Rubin said the location for this application is 327 N. Pearl St., on the Brockton/Stoughton line in what was the old Tommy Doyle's. Mr. Merian and his partner Ms. Markosian from Colorado purchased the property in June 2019 for \$600k in anticipation of having received a host community agreement in February 2019. Mr. Merian has already pulled a building permit for when the CCC approves the architectural plan and is prepared to begin renovations right away. The total investment will be approximately \$1.2 million and is a 50/50 partnership. Mr. Merian has been dedicated to the City of Brockton, serving customers downtown for decades and is very familiar with the City and its clientele. With Ms. Markosian's operations experience in Colorado, they believe this is an important aspect dealing with the retail end. Their provisional license was received on May 13, 2020. He believes they have an appropriate location for retail, with access to the highway and Rt. 27 into Stoughton. With the Council's approval, the hope would be to open around December 2020.

Councilor Farwell asked if they have reviewed the City Ordinances relating to marijuana businesses, to which the reply was yes. He asked if they understood the provisions of the Ordinances and that violate of them could be grounds for suspension or revocation of any license, to which the reply was yes. He asked if they understood that any false or misleading statements during this procedure could be revocation of any license, to which the reply was yes. Councilor Farwell asked if there were any City employees, appointed or elected, that has a financial or any other interest in this venture, to which the reply was no. Councilor Farwell asked to confirm the principal investors and the amounts for the company then asked if there was any type of ownership agreement with anyone not mentioned tonight, to which the answer was no. Attorney Rubin confirmed this is a 50/50 partnership. He asked if they knew who the day to manager would be, to which Mr. Merian said it would be himself. Councilor Farwell asked if they current owned any other marijuana licenses or businesses in Massachusetts or any other state. Attorney Rubin replied that the co-owner owns businesses in Colorado, that have nothing to do with Mr. Merian. He asked if there were any pending applications for any other licenses for marijuana with any other communities, to which the reply was no. Councilor Farwell asked if this business was to operate for more than a year, to which the response was yes. He asked if they have executed a host community agreement with any other municipality in Massachusetts, which was answered no. Councilor Farwell asked what was needed for their conditional license before being fully licensed. Attorney Rubin stated they need to submit an architectural review and approval inspections are needed for the final license from the State. Councilor Farwell asked

if there was any information about hiring practices or diversity. Attorney Rubin stated they updated their diversity plan with the provisional license, but the application is not reopened until it is ready for resubmission. Councilor Farwell asked when they would expect to be ready to begin operations. Attorney Rubin stated a target date of December 2020, pending CCC approval. They are currently in the early stages with the CCC and are at their liberty and have to wait to get an answer.

Councilor Rodrigues asked how many jobs will be created. Mr. Merian answered as many as he can after background checks. He stated he lives in Brockton and all employees from his current business are from Brockton. Councilor Rodrigues reminded that one of the license criteria is to help people affected by the war on marijuana. If you run a CORI check, these offenses will appear and to keep that in mind. Attorney Rubin stated that you would need an agent registration card from the CCC. You run the background check and submit that and the CCC clears the employee. Councilor Rodrigues asked if they would pledge to use local cultivators, to which they answered yes. Councilor Rodrigues stated the City will receive revenue from the local cultivators. If we can encourage using local cultivators, this will benefit the City.

Councilor Cardoso stated she is looking for business owners in the community to invest in our youth. Outside of this marijuana business, she asked how would you be able to help our youth. Mr. Merian stated for years he has done an annual trip with junior high students on a history tour of roughly 15 landmarks throughout Brockton.

Councilor Nicastro stated that the documents in the application are dated from last year. She asked if the corporation is in good standing with the Secretary of State and Department of Revenue. Mr. Meriam said yes to both. Councilor Nicastro also asked if Mr. Meriam partner will be relocating to Boston. Mr. Merian stated she will come out here to help start the company. Ms. Markosian has a family, so he is unsure if it would be a permanent or temporary relocation. Councilor Nicastro asked if she is involved in any other Massachusetts business, to which the reply was no. Councilor Nicastro questioned the hours of operation in the application. Some listed as 8 to 8, others 8 to 10. She clarified that the requirement is 8 to 8. Attorney Rubin said some initial filings with the State may have had that, but all will be changed to be compliant.

Councilor Nicastro also pointed out that there are conditions on the site plan approval and their special permit subject to conditions and asked that they will be complying with those conditions. Attorney Rubin answered yes. Councilor Nicastro also commented to please hire from Brockton, subject to the limitations discussed.

Councilor Mendes asked what steps will be taken for security. Attorney Rubin said that security is highly regulated by the State and their security plan has been accepted by the CCC. The property will need to be secured from the outside and can't be visible on the inside at street level. There will be key card access to the building, key pad access within the facility. Security personnel will know who is allowed in. Inside the facility, employees will have limited access to certain areas. The cultivators have to tell what route is taken so police will know. There will be video monitoring with back up.

Councilor Cruise stated that Mr. Merian and his brother have a strong track record in the City and he knows they will do a great job with this. President Asack seconded this.

Councilor Nicastro noted that currently Mr. Merian is on the License Commission and if license is approved, he will be resigning his seat. Mr. Merian agreed.

President Asack closed that portion of the hearing.

President Asack if there was anyone in opposition. There was none. President Asack closed that portion of the hearing.

Councilor Farwell motioned to approve the license contingent upon the negotiation and execution of a valid host community agreement between the Mayor and the applicant and the filing of the agreement with the City Clerk's office and was properly seconded.

Granted by a roll call vote taken with “yeas” and “nays”, eleven members present with all voting  
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in the affirmative.

Councilor Cruise motioned for reconsideration in the hopes that this would not prevail and was properly seconded. Motion failed by a hand vote.

President Asack opened the hearing for Green Stratus Corp., located at 255 North Pearl St. Brockton MA 02301 and asked for anyone in favor.

Appearing in favor was Attorney Patrick Sullivan, representing the applicant, Green Stratus Corporation at 255 N. Pearl St. Brockton. Attorney Sullivan stated they started working with the City in early on and had a thorough vetting with the Planning Board for site plan approval and the Zoning Board of Appeals for the special permit, which was received in July 2019. They have met all State requirements to date. Also present is Kinjal Patel, the principal for Green Stratus Corp., Chirag Patel, consultant and Eric Diaz, engineer from Strongpoint Engineering.

Ms. Patel gave a brief introduction of her background. She is from a first-generation immigrant family that has been operating businesses in Brockton since 1998. She has also been the sole owner and operator of two liquor stores in Brockton for the last 8 years. The company was created in 2018 and is 100% minority owned. Of the 227 applicants, only 2% are women owned. Green Stratus is committed to operating with the highest degree of integrity, responsibility and transparency. The hours of operation will be 8AM-8PM, 7 days a week. They will have a staff of 20-25 employees. The company takes security very seriously. The site is equipped with comprehensive security which included 24/7 surveillance cameras. No one will be allowed to consume marijuana on site. All products will be lab tested, packaged, tamper proof, child resistant and labeled with warning strain information. Customers will have limits per transaction. Green Stratus has received its provisional license from the CCC and is submitting architectural drawings to the CCC. Construction is planned for August, lasting 10-12 weeks. They plan to open at the end of 2020 if all goes accordingly. Ms. Patel believes this is her opportunity to serve the Brockton community with an honest and responsible retail dispensary.

Councilor Cardoso asked if Ms. Patel would be open to mentoring young ladies in the City to help them understand her business and how to get into business, to which she replied that she would love to.

Councilor Farwell stated that their application was one of the best presentations he has seen in his years in government. Councilor Farwell asked if they have reviewed the City Ordinances relating to marijuana businesses, to which the reply was yes. He asked if they understood the provisions of the Ordinances and that violate of them could be grounds for suspension or revocation of any license, to which the reply was yes. He asked if they understood that any false or misleading statements during this procedure could be revocation of any license, to which the reply was yes. Councilor Farwell asked if there were any City employees, appointed or elected, that has a financial or any other interest in this venture, to which the reply was no. Councilor Farwell asked to confirm the principal investor is 100% for Ms. Patel, which was confirmed. Councilor Farwell stated that the initial contribution was only \$25K and the cost for this will be much more. He asked where additional funding would come from. Ms. Patel stated she would come up with any additional funds herself. He asked if there was any ownership agreement with any other parties, to which the reply was no. Councilor Farwell asked if they currently owned any other marijuana licenses or businesses in Massachusetts or any other state, to which the reply was not yet. He asked if there were any pending applications for any other licenses for marijuana with any other communities, to which the reply was no. Councilor Farwell asked if this business was to operate for more than a year, to which the response was yes. He asked if they have executed a host community agreement with any other municipality in Massachusetts, which was answered no. Councilor Farwell asked what was needed for their conditional license before being fully licensed. Ms. Patel replied that she needs to an architectural review and approval inspections are needed for the final license from the State. Councilor Farwell asked if they would expect to be ready to begin operations by December 2020, which Ms. Patel said pending all



license approvals, which Ms. Patel replied yes.

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Councilor Monahan concurred that the presentation was excellent. He stated that the applicants run a business in his ward and they have always presented themselves professionally and have been an asset to the business community in Brockton.

Councilor Rodrigues mentioned that he noticed this location is within a rock's throw to a location previously approved. He asked how do you intend to make this profitable. Mr. Patel answered stating he is the owner of the property and that Ms. Patel will be leasing it from him. The advantage of the location is that they are a little closer to the highway exit and they have a much larger parking area. If you compare the marijuana industry to liquor stores, Mr. Patel continued that there are plenty of businesses next to each other and is just healthy competition. He expects that as the industry grows, there will be a variety of products and they may carry different products than their competitors or may have different pricing. Councilor Rodrigues stated that one of the issues are that there are only six licenses available for the City and that he wouldn't want to waste a license with too many businesses in the same area.

Councilor Rodrigues asked how many jobs would be created, Mr. Patel stated she plans on hiring 20-25 employees. In their diversity plan, they have a percentage goal for the first year around 30% diversity and that would increase over the course of year one, two and three, following the benchmarks set by the CCC. They also have a goal for Brockton residents, 30% year one, 50% year two, 75% year three. Councilor Rodrigues stated that you cannot use marijuana funds to do anything with children and stated there are plenty of adult based organizations that could be approached in the community. Mr. Patel commented that his understanding was that the limitation on age was more for marketing reasons and that there were no restrictions on non-profit organizations. The only obstacle would be if the non-profit was federally funded. In their positive impact plan, Mr. Patel stated they are working the Brockton Area Preventative Collaborative and the Champion Plan as well as PACC. They extend their hands further by volunteering education on the dos and don'ts of usage. Councilor Cardoso added that empowering our youth does not have to be monetary.

Councilor Mendes asked for clarification regarding the building, if #259 is attached and if all of the building would be for retail marijuana. Mr. Patel stated that #251 is occupied by his own office space and #255 and #259 will be combined for the retail business, identified as #255 for 3,000 sq. ft. of retail space, with 1,000 sq. ft. of separate office space.

Councilor Eaniri asked if the purchase of all of former owner Wainwright's property belongs to Mr. Patel, to which he replied yes. Councilor Eaniri stated he has always been bothered by the sign on this property for the Foxy Lady. He asked if Mr. Patel has spoken to Mr. Caswell regarding the agreement for the sign and Councilor Eaniri would ask for that sign to go away. Mr. Patel stated there is an easement on the property where the sign is located and this is something that they cannot have removed.

Councilor Nicastro wanted to make sure that since the documentation in the presentation was dated 2019, that the corporation was still in good standing with the Secretary of State and Department of Revenue, to which the reply was yes. Councilor Nicastro also wanted to confirm that the hours of operation would be 8Am-8PM 7 days a week, to which the reply was yes. Councilor Nicastro said there were conditions to the site plan review approval and the special permit from Zoning Board of Appeals and wanted to confirm that they would comply with all, to which the reply was yes.

President Asack congratulated Ms. Patel as a woman owned businessperson and stated we need more like her and is proud to see women putting themselves out there.

President Asack closed that portion of the hearing.

President Asack if there was anyone in opposition. There was none. President Asack closed that portion of the hearing.

Councilor Farwell motioned to approve the license contingent upon the negotiation and execution of a valid host community agreement between the Mayor and the applicant and the filing of the agreement with the City Clerk's office and was properly seconded.

Granted by a roll call vote taken with "yeas" and "nays", eleven members present with all voting in the affirmative.

Councilor Farwell motioned for reconsideration in the hopes that this would not prevail and was properly seconded. Motion failed by a hand vote.

President Asack opened the hearing for Nature's Embrace, Inc. located at 747 Centre St. Brockton MA 02301 and asked for anyone in favor.

Appearing in favor was Attorney Patrick Sullivan, representing the applicant, Nature's Embrace at 747 Centre St. Brockton. Attorney Sullivan stated they received a host community agreement from the City early on and have worked diligently with the Planning Board and the Zoning Board of Appeals and made a lot of accommodations to make sure the site was properly cited for traffic, parking and making sure those boards were satisfied. They have met all State requirements to date. Also present is Joe Feeney the principal for Nature's Embrace.

Mr. Feeney stated he is a recently retired fire chief from Whitman and that he also worked in the insurance field as a commercial inspector and has experience inspecting businesses before and after they open. The location for their application is the former Webster Bank building, which has been vacant for years. He believes they have a good management team with a background in retail, technology, security and safety.

Councilor Farwell asked if they have reviewed the City Ordinances relating to marijuana businesses, to which the reply was yes. He asked if they understood the provisions of the Ordinances and that a violation of them could be grounds for suspension or revocation of any license, to which the reply was yes. He asked if they understood that any false or misleading statements during this procedure could be revocation of any license, to which the reply was yes. Councilor Farwell asked if there were any City employees, appointed or elected, that has a financial or any other interest in this venture, to which the reply was no. Councilor Farwell asked to confirm Mr. Feeney as the principal investor with contributions of \$300K. Mr. Feeney said Robert Murphy of Hyannis is also an investor, making a larger contribution. He asked if there was any ownership agreement with any other parties, to which the reply was no. he asked if they have chosen a day to day manager, to which Mr. Feeney replied he would be part of this, but nothing definite yet. Councilor Farwell asked if they currently owned any other marijuana licenses or businesses in Massachusetts or any other state, to which the reply was no. He asked if there were any pending applications for any other licenses for marijuana with any other communities, to which the reply was no. Councilor Farwell asked if this business was to operate for more than a year, to which the response was yes. He asked if they have executed a host community agreement with any other municipality in Massachusetts, which was answered no.

Councilor Farwell asked what was needed for their conditional license before being fully licensed. Mr. Feeney replied that she needs to an architectural review and approval inspections are needed for the final license from the State. Councilor Farwell asked when they would expect to be ready to begin operations and the reply was by December 2020.

Councilor Cardoso asked what would be done for the betterment of our City. My Feeney introduced Germain Patel, as a consultant on the project to answer. Mr. Patel said that at least 50% of the employees will be Brockton residents or minorities. They have a program to make donations and to assist people who had minor drug offenses, to come into the industry.

Councilor Cardoso asked how complaints would be handled. Attorney Sullivan stated that the applicant was very cognizant of this site and worked thoroughly with the Planning Board and Zoning Board of Appeals. They are very aware of concerns about traffic and have adjusted at the site. Councilor Cardoso noted that there are always things that you can't anticipate and would

like to know how these will be handled. Mr. Feeney continued that the flow of traffic will be

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managed on site. Councilor Cardoso asked if, once a manager is in place, would that be the go-to person for issues, to which Mr. Feeney replied yes. Mr. Patel explained they would be community-oriented employees that will want to make sure the positive impact plan is adhered to.

Councilor Thompson stated that this proposed shop will be located in Ward 5 and he has worked with these people to make this location a good location for the shop. Speaking to traffic issues, they addressed some of those issues by moving the entrance and exit. He feels this will be an asset to the area, since the bank had been unoccupied for years.

Councilor Nicastro stated she went over their incorporation documents and are missing the 2020 annual report and asked that this be taken care off, to which the reply was yes. Councilor Nicastro then asked are they in good standing with the Secretary of State and department of Revenue, to which the reply was yes. Councilor Nicastro also noted in the Articles of Organization, David Clifford is all over this, but was not listed as one of the principles of the business. Mr. Feeney explained that he was involved in a couple other businesses and didn't have the time to stick with this. Councilor Nicastro questioned the language in the Articles of Organization in which Board of Director members have no liability. Attorney Sullivan said he did not handle the incorporation, but as a general principle of corporate governance, the board members, as long as they don't act with gross negligence, wouldn't have any personal liability for their acts in pursuit of the corporate purpose. Attorney Sullivan said he would be happy to follow up to answer any question, but it is common to addendums to Articles of Organization. Councilor Nicastro mentioned that the material talks about a possible cultivation license will be sought. Mr. Patel stated that initially they were considering this, but not at this time. Councilor Nicastro then asked about a revised timeline to open, which Mr. Feeney answered hopefully December 2020. Councilor Nicastro noted a comment and asked how this business will revitalize Centre St. Mr. Feeney said by taking occupancy in an otherwise vacant building will. Councilor Nicastro said they have their site plan approval and special permit and one talks about erecting a fence and asked if they will comply with all conditions, to which the reply was yes.

President Asack closed that portion of the hearing.

President Asack if there was anyone in opposition. There was none. President Asack closed that portion of the hearing.

Councilor Farwell motioned to grant a license contingent upon the negotiation and execution of a valid host community agreement between the Mayor and the applicant and the filing of the agreement with the City Clerk's office and was properly seconded.

Granted by a roll call vote taken with "yeas" and "nays", eleven members present with all voting in the affirmative.

Councilor Farwell motioned for reconsideration in the hopes that this would not prevail and was properly seconded. Motion failed by a hand vote.

Councilor Rodrigues stated he was disgusted by the act of what happened tonight. He said he wanted to vote against every single one of these applications, but felt by doing so would be punishing people deserving of these applications. He said we granted five applications tonight. Four to white candidates and one to a female candidate not from Brockton. Every license that was granted tonight was incomplete. The most important piece of documentation that is required is the host community agreement which all do not have a valid one, but contingencies were made. We had one applicant that had a valid license as far as this body is concerned. She had a current community host agreement signed by him, along with an up-to-date standing agreement with the Commonwealth, but we chose to postpone that. Councilor Rodrigues continued she's the only African-American, black female that applied to the body for a license and we sent a beautiful message to the community that while you are black in this community, do not apply for anything the City does. He finds it offense that we could have done the same thing that was done for every other applicant, but chose not to do that. Councilor Rodrigues said the young lady is in the audience with no idea what is missing from her application because no one will tell her. Time

may have passed in the City, but very little has changed in the mentality of this City.

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Councilor Farwell said that to suggest that anything that went on tonight was related to someone's race, culture or background as absolutely absurd and inappropriate. The young lady that was referenced had a defective application with no financial information, information on site review, information of Zoning Board of Appeals action. He went to her attorney said we don't want to risk having her application turned down and don't want to unreasonably delay acting on her application. He asked him to consult with her and ask if she would agree to postpone this until July 27<sup>th</sup>. That's 11 days from now and she is still at the top of the list and will be the first one considered on the 27<sup>th</sup> because we have a rolling plan. Councilor Farwell continued that when we passed the marijuana business regulations ordinances, everyone had access and knew about it. There were multiple meetings that were well attended and there was nothing that would have prevented anyone who was white, black, brown, Asian, Alaskan, Native Indian, lesbian, transgendered, gay or bisexual from putting together an application, finding a location and putting an application for a license before this body. You did not have to have CCC licensure to do so. Councilor Farwell stated it's not his problem to tell people this is what you need to do and had a conversation with legislative council and was cautioned against doing that because you may not help a particular applicant. They have to read the ordinance, go through the checklist and determine what is necessary to be submitted. If you remember, he continued, that was one of the allegations in the Lopes case that somehow applicants got extra help. Councilor Farwell said you can criticize him or any of his colleagues here, but to suggest that anyone I know here in this body would do anything negative towards an applicant because of insensitivity or dislike because of bias against a person of color is absolutely outrageous. He said we bent over backwards so that young lady wouldn't be embarrassed tonight and could have her application heard in a timely manner in July 27<sup>th</sup>.

Councilor Cardoso stated a level playing field does not exist when it comes to minorities and there are a lot of inequities that need to be dealt with that are bigger than what we are doing here. It was an embarrassment to listen to any of the cases tonight and all could have been postponed to the 27<sup>th</sup>. Nobody is going to open their shops tomorrow and it would have been better to postpone them all. Councilor Cardoso said she wanted to walk out from embarrassment.

Councilor Farwell said he was only speaking to one particular issue. He agreed there is not a level playing field and agrees there is a lot of work to do, but on this particular narrow issue on that applicant and why he made the motion he did and contacted the attorney, that is what he was talking about. He will be emailing the ordinance to the attorney tomorrow. There was absolutely nothing done racially this evening regarding that narrow issue. As for the rest of society, of course we have problems, that we have seen on national television. Councilor Farwell does not believe he sits here with a group of racists, because we happened to postpone something to the 27<sup>th</sup> of July.

Councilor Eaniri said he has to stand by Councilor Farwell because what he is hearing sounds like what they dealt with when they had difficulty hiring teachers because we weren't doing it right 30 years ago. He said how many times did they want to put the right people in a classroom, but couldn't because nobody could present them with qualified people. It didn't matter what color, code or creed it was, but they would always have that difficulty. Councilor Eaniri continued that what he has seen in the last few months is the same as he saw as a boy in the 60's and it was called desegregation. He doesn't see how that was meant to be for this evening. You needed a large lump sum of cash to even make an application and if you don't have that then how can you go forward. City people are not going to put up with it and are not putting up with it now. He has been involved in the City for a number of years and it is not what it used to be and we all know that. He again agreed with Councilor Farwell that nothing that was done here was racist. He did not care who stood in front of him, as long as they had the right information presented in the correct way. Councilor Eaniri didn't understand how the applicant got through the Zoning Board to want to be located on Pleasant St. and he has all intentions of voting against it. It doesn't belong in that location and has nothing to do with the applicant. He believes she will have a tough time with a business there because it is not the right spot.

Councilor Cardoso said it's not our job to teach them.

Councilor Rodrigues said he was only saying exemptions were made tonight for the other applicants that happened to be of a certain race. We are trying to level the playing field. As Councilor Eaniri said that the City folks will not put up with this, Councilor Rodrigues continued that there are a lot of City folks that are tired of this as well. When you make an exception to certain individuals and are not willing to make it across the board, this is how people start having problems in the community. We could have passed that application with contingencies. Councilor Rodrigues asked what if mayor Sullivan decides not to sign a community host agreement. We have to go back to ground zero and start this all over, which could happen. She had a valid community host agreement. The others were done behind closed doors and no one knew anything about them. That's why we opened this up to give these individuals an opportunity, but all of a sudden it seems like that became invalid and we are not willing to work with those individuals that have been given that opportunity.

Councilor Nicastro said that she takes very seriously that Legal Greens is an economic empowerment candidate. She has read the state law and the regulations and she supports economic empowerment candidates, but felt with the things missing from this application she would not vote for it and didn't want to not vote for it and was pleased that this was postponed so that what comes with us later is valid and complete.

All other Council related matters

Councilor Cruise said that next Thursday he will be hosting a meeting at the Hancock School at 7PM for a neighborhood meeting with the proposed developers of the Braemoor Nursing Home to an apartment complex. Social distancing will be strictly observed and masks will be required. He asked all councilors to attend as they will have a vote on this.

Meeting adjourned at 9:42PM