

In City Council, April 27, 2021

Council Chambers,
2nd. Flr.
City Hall,
45 School St.,
Brockton, MA 02301
6:00PM

SPECIAL MEETING

This Special City Council 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. The City Council members, staff, and certain invited guests with matters on the agenda will attend the meeting in-person in Council Chambers at Brockton City Hall. Out of respect for public health and in response to the Governor's declared state of emergency, this meeting will be closed to the public and interested parties can instead access the deliberations via a livestream <https://www.youtube.com/user/TheBrocktonChannels/live>.

A special meeting of the City Council was held on Tuesday April 27, 2021, in the Council Chambers, 2nd. Floor, City Hall. President Farwell presiding. The meeting was called to order at 7:00 PM with nine members present. Councillor Monahan absent.

224 Call of the meeting

Accepted and placed on file

225 Officer's return of notice

Accepted and placed on file

The Council President announces that he is going to recuse himself from participating on item #3 on the agenda. He will be passing the gavel to the senior councilor, Councillor Eaniri and he has a statement that he wants read into the records so it is crystal clear why he is recusing himself and not fulfilling his duties as Councillor-At-Large.

The clerk read the attached memorandum.

Petition of Terrasol, LLC Ian Woods requesting an Adult Use Retail Marijuana License located at 702 N. Montello St., Brockton, MA 02301

Councillor Eaniri stated it is a hearing but not a public hearing. He asked that the first petitioner come forward and state their name and address.

The hearing was opened.

Ian Woods of 87 East Ashland St. appeared in favor.

Councillor Asack stated that she wanted to let him know that she would be supporting his petition this evening, regardless of the actions taken beforehand. The reason is, she will be supporting all of the applicants, because the applicants before them this evening as well as the other applicants that have come before them last summer have already been approved through the state, through our boards, through the zoning, conservation, planning, tech review and before the Mayor for a host agreement. So, by the time the applicants have come before the council, to be honest there are questions on all of them.

No one's application is perfect, but at this point she doesn't find a reason to reject an application. When she was Council President, she offered him an open and fair hearing when he came before the council. She is not holding any actions against him or taking it personally. She thinks they have to look at the City of Brockton and him as a business owner and she hopes he runs his business well if you are approved and that you really take pride in your city. You go into business to do well and make money and to help support the city. The reason she supports this is not personal. It has nothing to do with what was said or done or accusations that were made. She believes once an applicant has gotten to this point, there is very little that she can do to say you don't deserve this application after you've been before everybody else.

Councillor Cardoso thanked Mr. Woods for being present and for not speaking, because he has spoken enough. She appreciates all of his efforts and he has paved the way for many other social equity applicants to have a fair process. She apologizes for how he was treated by this council and they should be ashamed off themselves. He should not be there today. His business should be open and flourishing by now. She has learned a lot from him and hopes every other social equity applicant that gets up tonight says thank you to you, because if it wasn't for him highlighting some of the injustices and inequalities that existed in the application process, we wouldn't be here. She stated that he knows he has her vote and hopes that his business booms and that he shows them what a black man can do in this city.

Councillor Rodrigues stated that he knows Mr. Woods has some litigation against the City of Brockton based on the City not providing him with the license. He asked is he prepared to drop those litigations or is he going to continue with those litigations?

Mr. Woods stated that he doesn't want to speak on that right now. They can reach out to his attorney and go from there.

Councillor Nicastro stated that she can not hear the applicant. She thanked Mr. Woods for being here. She is wondering after review of his material, if he has a current host agreement.

Mr. Woods stated that the host community agreement has expired. The other applicants that were passed in August 2020, had expired host agreements, so it is the same situation as other applicants they approved.

Councillor Nicastro stated that she is having trouble hearing him and asked if he said that he doesn't have a current host agreement.

Mr. Woods stated that he is in the same status as the other applicants that got approved August of 2020, that the host community agreement has expired.

Councillor Nicastro questioned if he had received a new host agreement from the Mayor's Office.

Mr. Woods stated that yes, he had received an amended host community agreement.

Councillor Nicastro asked if he had had it for a while.

Mr. Woods stated that yes, he has had it since around November of 2020 when he had come before them.

Councillor Nicastro asked if he had signed it.

Mr. Woods stated that until that time they had been waiting for the license.

Like he said since August of 2020, the council had approved 6 applicants with expired HCA's, so he didn't know if the council was going to treat him different than the other groups.

Councillor Nicastro stated that she has no interest in treating him differently than anyone. She would just like to know about your community host agreement that you said you have received a new one but you have not signed it.

83.

Mr. Woods stated that yes, he had received an amended host agreement. He has not signed it.

Councillor Nicastro asked if anything had changed in the representations that are in his book.

Mr. Woods stated no. They would have provided anything if the council had requested it. There were no requests for updated information.

Councillor Nicastro stated that she thinks it is his responsibility to provide any updated information. It is not the council's responsibility to ask for updated information.

Mr. Woods stated nothing had changes.

Nicastro questioned the location of the business, if it was on the corner of Ames and Montello St., and were there any other businesses in that building.

Mr. Woods stated no, at the moment there are businesses, but when they move in, there won't be any businesses. Only Terrasol, LLC.

Councillor Nicastro asked is there is a business there now?

Mr. Woods stated there is, there are 2 businesses now, a radio repair shop and a hydroponics store.

Councillor Nicastro asked if she understand correctly, is he going to co-relocate with one of those businesses.

Mr. Woods stated he is not.

Councillor Thompson asked Mr. Woods why he has not signed the HCA.

Mr. Woods said he thought he would be treated like the other applicants that were approved with expired HCA's.

Councillor Thompson stated that those other applicants were not extended, extensions of their HCA.

Mr. Woods said none of them were extensions they were all expired.

Councillor Thompson stated that the City had not negotiated offers to other applicants new updated HCA's, so do you intend to sign the HCA?

Mr. Woods said like he had said, it is an amended HCA. The other applicants weren't held to sign the agreement. He doesn't understand if he is held to sign the HCA, unlike the other applicants. Is Councillor Thompson asking him to sign the HCA. Is that the issue?

Councillor Thompson stated that he wondered if the packet is complete. Mr. Woods mentioned the other applicants. At the time they were approved, they were in negotiations for an extension of their HCA.

Mr. Woods stated that they were already expired.

Councillor Thompson stated exactly. Their agreements were expired and they were in negotiations to renew their HCA, so the circumstances are different. They were not offered extensions of their HCA by the time they were in front of the council. So Mr. Woods stated that he was offered it, but you have not yet signed it, he is wondering, is there a problem with it, does he intend to sign it? Or why has Mr. Woods not yet signed it?

Mr. Woods stated because it was an amended host agreement. The attorney is speaking to his attorney, so Councillor Thompson can speak to her about it.

Councillor Thompson said that Mr. Woods is aware that it was amended, and that it was offered to him.

84.

Mr. Woods stated that the other applicants were pushed through with expired host community agreements. He didn't know if the council was going to treat him different and he has to sign his host community agreement before, though they were approved before with contingencies, so does Councillor Thompson wish not to approve him with contingencies?

Councillor Thompson stated he wants to better understand the situation. Mr. Woods keeps mentioning other people and how the council is unfair and honestly, he disagrees. What he wants to understand is why has he not yet signed it? Does he have a problem with the HCA?

Mr. Woods stated he thought that they were going to go through the same formalities as the other applicants, which is why they did not sign. They were not forced to sign the host community agreement before the council approved them.

Councillor Lally, as a point of information, the applicants that were passed were under expired HCA's, were all passed with the stipulation that they sign or agree to a new HCA. He thinks Councillor Thompson, Councillor Nicastro and Mr. Woods are all correct. They could pass it with the same stipulation that they passed the others on.

Milton Nasciopoulos 678 Torrey St., Brockton appeared in favor. He stated that they would be signing the host agreement, but they are going to do it based on the stipulation, like everyone else.

Councillor Eaniri stated that it needs to be done, so that they can move this thing forward. It has gone on long enough and they need to start to move forward.

Councillor Nicastro was asked to ask questions that was asked of the other applicants:

Has Mr. Woods reviewed the City Ordinance related to marijuana business regulations?

Mr. Woods stated he had.

Does he understand the provisions of the license, that a violation of them could be grounds for suspension or revocation of any license granted by the city council?

Mr. Woods stated yes.

Councillor Nicastro questioned does Mr. Woods understand and acknowledge that any false or misleading statements during this application procedure could be grounds for revocation of any license?

Mr. Woods stated yes.

Councillor Nicastro questioned are there any public employees of the city appointed or elected who have a financial or other interest in your application? And for purposes of this question, other is defined as investment, potential employment or management role.

Mr. Woods stated no.

Councillor Nicastro questioned who are the principal investor in this business. Please state their names.

Mr. Woods stated Terrasol, LLC, Marson 3, LLC

What amounts have each invested?

Marson has invested \$20,000, Terrasol has invested the host community agreement.

Councillor Nicastro questioned what are the percentages of total investment?

Mr. Woods stated 60% Terrasol, 40% Marson.

Councillor Nicastro questioned does he have an ownership agreement with other individuals? If so, who are the participants in the agreement and what are their perspective roles?

85.

Mr. Woods stated no.

Councillor Nicastro questioned who will be the day to day manager of the business?

Mr. Woods stated he will.

Councillor Nicastro questioned does he currently own any other marijuana license business in MA or any other state?

Mr. Woods stated no.

Councillor Nicastro questioned does he have a pending application for any other marijuana license in Ma or another state?

Mr. Woods stated yes. A precertification for delivery.

Councillor Nicastro questioned is the business for which he seeks precertification for one year or longer?

Mr. Woods stated yes.

Councillor Nicastro questioned what is his short term and long term business plan? And do you plan to retain ownership or sell or transfer after a period of time?

Mr. Woods stated yes. He plans on retaining ownership.

Councillor Nicastro questioned does he have a host agreement in any other municipality in MA?

Mr. Woods stated no.

Councillor Nicastro questioned if he has a conditional license granted by the CCC, what further requirements must he meet for a full license approval?

Mr. Woods stated City Council approval.

Councillor Nicastro questioned so he has a conditional license?

Mr. Woods stated yes, he has a provisional license.

Councillor Nicastro questioned on what date does he believe the business will be open once the approvals are granted?

Mr. Woods stated as long as there are no delays, 3 months from now.

Councillor Rodrigues motioned to grant the license and was properly seconded.

Councillor Lally, on the motion asked if he would consider adding the stipulation?

Councillor Rodrigues motioned to grant the license with the stipulation that the host agreement be signed at some point.

Councillor Nicastro motioned to place a stipulation on this that the business has to be open and operating within 6 months of approval.

Councillor Rodrigues stated that he doesn't think so, because they didn't do that with the other businesses. In fact there's a license that's been pending for the last couple years so he thinks that they have to take it from Mr. Woods that he thinks he will be in operation in 3 months. That's more than sufficient as far as he is concerned.

The motion as stipulated carried by a roll call vote taken by "yeas" and "nays"; eight members present with seven voting in the affirmative. Councillor Nicastro voting in the negative. Councillor Farwell absent.

Council President Farwell stepped back in as Council President.

Petition of Commonwealth Alternative Care, Inc. of 26 Watson St., Cambridge, MA, requesting an Adult Use Retail Marijuana License located at 1090 West Chestnut St., Brockton, MA 02302

Attorney Burke appeared in favor of the petitioner and Gary Santos was also present. Gary is the President of Tilt Holdings and Commonwealth Alternative Care is a fully owned subsidiary of Tilt Holdings and Tilt Holdings is a public corporation on the Canadian stock exchange and they are an experienced operator of all forms of operation of cannabis in Ma. He has the good fortune of being granted a license by the CCC for medical marijuana in the City of Brockton. They hold a medical and cultivation facility in the city of Taunton. They also hold a medical marijuana license for the City of Cambridge. What they are here for today is a recreational license to be issued at their facility on West Chestnut St. They made a presentation to the board a few months ago and rather than rehash all of the information provided within that, he suggests Mr. Santos is here and they are ready to begin operations on the medical marijuana facility as soon as they receive their final license within a week. The building is totally built and been inspected by CCC and approved and ready for operation. They are fully staffed and this is the same for the recreational license. They have heard from the CCC that they are on their final steps of reaching a resolution of an old concern with prior management of the CAC and that is being resolved to the point that they expect to have a provisional license within the next few months, which hopefully will allow them to apply for a final license readily with a facility that is ready to go and to begin operations earning money for the City of Brockton.

Gary Santos of 25 Washington Sq., No. Salem, MA appeared in favor. They have been in constant contact with the Cannabis Commission. They have been working with them last year and all of this year regarding some investigatory matters of prior management which were removed from the company about 2 years now. They completed the last of those about 2 months ago. They were told 2 weeks ago, that the investigation was completed. That a recommendation would be forthcoming. In fact, it was supposed to come last week. They spoke with them on Friday and they are expecting a resolution in the next few days. The resolution will probably involve a fine and then they will be free to move ahead with other licenses. The actions of the CCC are indicative of where they are leaning. They approved the doubling of their cultivation facility in Taunton. They have approved 8 additional rooms for growing. If they were hopelessly broken with the CCC, they wouldn't approve or would slow walk them.

Councillor Rodrigues questioned the applicant on who h has hired. Gary stated that they are in the process of hiring a general manager. Moving forward they have landscaping going on and are in the process of hiring a GM who will then actively go and hire from the local Brockton community.

\ Councillor Rodrigues questioned how many employees will that be, does he know?

Gary Santos stated that n their Taunton facility, they have about 20-30. They will probably start on the lower end doing just medical only., but the facility would house anywhere from 30-40 once they are fully functional.

Councillor Rodrigues questioned are there any plans on their behalf to diversify their work pool?

Gary Santos stated they have just hired a new SVP HR and one of the things he's putting into their mission statement is diversity and inclusion, so they are looking to do what they can to be as diverse and representative of the Brockton neighborhood as they can be.

Councillor Cardoso asks Gary Santos to speak a little bit about what they had to

go through to get their license and the challenges they had as a nonsocial equity applicant and imagine how hard it is for the applicant that does have a social equity. She appreciates the conversations that they had, although heated, but something that came out of that was his willingness to try to advocate for Mr. Ian Woods in letting this council know there is a license available not only for CAC but for him as well. She doesn't forget that. She asks him to speak about his challenges and privileges as someone who is not of color and to let folks know how hard it is to get to where they are in this process.

Gary Santos stated that even more than just a racial view, if you look at the resources that are needed to get to this point with the business in the commonwealth in particular the cannabis business segment, it's not easy. They have had a lot of money and a lot of legal representation and it hasn't been an easy road for them to go through. Now that being said, some of the regulations, the ink is wet on some and the way they are being interpreted and being enforced, so it is difficult to give a road map to someone about exactly here's how you should do it and when you should do it, but his prior management had a few missteps. They did things that thought were appropriate under the then enforced regulations. Those regulations were changed which should've resulted on some changes on their part. They missed that to be perfectly honest and that is what put them in the place they were in. The investigation has been going on for 2 years with thousands of documents that they have had to supply and emails going back to 2017. Even before the company was fully incorporated. Trying to go back in history, 2, 3 4 years ago, it has not been an easy task. The one thing that has been most important though that has helped them frankly is a willingness to put the lawyers to the side. No offense to all the attorneys. To talk as a business directly to the commissioners and to be able raise their hand and be accountable and get it right. They didn't get it right 100% of the time but they made their best efforts. They did what they could to resolve thing once they knew there was an issue. He thinks since they stepped forward to do that, there's been an engagement level every step of the way and then following through on those things. If you say you are going to do that by Friday, do it by Friday. Or else those things could be held against you. So they tried to do those things that they can to live that every step of the way and even when it came to this particular council, they saw there was an opportunity not to have to have a fight but that there was a path forward. Those are the kinds of things they had to do. What he does think is important for social equity is he thinks they we try to empower people but we don't give them all the tools they need to succeed. So, to Mr. Woods, whatever they can do to help him, he is going to need product, he is going to need help. If they can't get it right with millions of dollars in their pocket, and lawyers and everything else, there's going to be those missteps and so we should be there to help them. It's kind of incumbent on the first wave of them who have done this, to start to blaze the path for the next wave. At the end of the day to build this into a real industry, not some kind of interesting experiment.

Councillor Cardoso asks Gary Santos to speak on some of the community impact programs he has planned.

Gary Santos stated that their new head of HR and Attorney Burke has a list of things that they want them to do. They are going to take a deeper look at where they can be most impactful possible and not just in donating dollars, they could and they will donate dollars, but they want to do more of what they have been doing at the Brockton location, which is running resume workshops to try to teach people to turn an interest in cannabis into an actual career, how to go through the application process, how to fill out a resume. They will keep looking for opportunities like that. The don't have a list off the top of his head right now, but they do have somebody who is focusing on that not just in this neighborhood, but in Cambridge and Taunton and through their organization also, in Arizona and Colorado.

88.

Councillor Cardoso stated that there a lot of young folk that would love to learn the industry, so if you ever need some help finding these people, let her know.

Councillor Eaniri commends Gary Santos and Attorney Burke on hanging tough over the last few years and going through what they had to go through. He knows because he was briefed on it many times through our attorney to their attorney. He kept the councilor up to speed as to what was happening with CAC. That is all behind them now. The most important thing now is another location in Brockton and on West Chestnut St the other marijuana facility that is In Good Health. They do a tremendous job and they will be neighbors. The CAC is doing a lot of work right now and is brightening up that corner for us. He hopes they are successful and will be able to put money back into our coffer, the City of Brockton. That is what is supposed to be about. Everyone that has this type of business, that is what the council is looking for. They hope everyone does fine. Some do, some don't as is typical in business. Some car dealers survive, some car dealers don't survive. That's business. He congratulates them and wishes them luck.

Councillor Asack stated that she was disappointed that it took so long, even for the medicinal license, but she is happy that they are finally moving forward and looking forward to having your business flourish. Hopefully this passes this evening and congratulations. The building is beautiful. She goes by there all the time.

Councillor Nicastro has a few questions. She asked if they had the medical marijuana license for 4 years in Brockton.

Attorney Burke stated he didn't recall 4 years. He would say 3-4 years.

Councillor Nicastro stated she believes it was in 2017. Why haven't they ever opened for medical marijuana?

Attorney Burke stated that they wanted all issues resolved that were outstanding even though the medical marijuana was ready to go. They spent 2 million 7 hundred thousand dollars on that facility. Believe him, it was their interest to get the facility up and moving as quickly as possible. At the hearing they had at the last council meeting that they were at, that they would be ready within a week of when they receive the final license they would be ready to go and they are absolutely ready. It is not through lack of effort on their behalf. It was part of an administrative bureaucratic morais that they had to get themselves extricated from.

Councillor Nicastro asked what is left to be satisfied on the medical marijuana license?

Attorney Burke said nothing other than the final issuance of the medical marijuana license from the CCC. They have everything ready to go. It's possible, they may ask for another inspection, but they did receive one final inspection. It said the facility met the standards, the cameras were in the right place the security systems were appropriate and they are ready to go. All they need is the issuance of the final license. The CCC are satisfied with the steps they have taken and they believe in the near future they will have a decision on that, which would lead to a resolution which would probably be some sort of a fine. That is consistent with some of the actions. They would immediately pay it and move forward with the license.

Gary Santos stated that is an important point. The CCC brought the issues that the medical marijuana had over into the other areas. They put a stop to all stages of the licenses until the investigation is complete.

Councillor Nicastro stated that she was very pleased on the investment in the business in our community, but that both license issues are taking a long time. She is glad that they explained it.

Councillor Rodrigues motioned to grant with the stipulation that the host agreement is signed and was properly seconded. The motion carried by a roll call vote taken by “yeas” and “nays”; nine members present with nine voting in the affirmative. Councillor Monahan absent.

The Council President stated that Councillor Monahan contacted him to state that he had a work emergency and could not attend tonight.

Petition of Elevation, Inc., requesting an Adult Use Retail Marijuana License located at 156-160 Main St., Brockton, MA 02301

Attorney Jim Valeriani of the Mensing Law Group, office at 100 State St Boston appeared in favor of the petitioner Elevation, Inc. Elevation, Inc. is a newly formed company owners Jose Andrade and Victor Teixeira. Victor Teixeira is a resident of Brockton and he has owned several businesses in the city. Jose owns a business in the city. He recently moved to Taunton. They are seeking this final approval at the local level this evening. Elevation has obtained its special permit in November and signed site plan approval from the Planning Board in January. They do have a signed community host agreement for a three year term. It was signed in February by the Mayor. They do have their provisional license which was issued in March. That took longer than they desired, but that was due to the manner in which the Mayor’s Office responded. They needed to get their site plan and special permit. The Mayor sent a letter to the CCC to tell them that they are in compliance with the local approvals from a zoning standpoint. Certainly, they still need this license this evening. The site they are seeking a license for is 156-162 Main St. right up the street. The Protentis Plaza building. Built in the 1930s and is on the Ma Historical Register. They will be operating on the second floor, which is required in the CE zone, 25% of retail licenses are preserved for the C3 zone. This is the second applicant to pursue a location in the c3 zone. On the second floor, they will fit out about 22,000 square feet , about a third of the second floor for their retail operation. There are a number of offices up there. He doesn’t believe they are very much occupied. It will be a real boost to the Protentis Bldg and a boost to the downtown. The building is listed on the Brockton Urban Revitalization Plan from 2016 as a candidate for rehabilitation. A good deal of rehabilitation can happen after they do their build out on the second floor. They will have 6-8 employees. 2 will be security guards, one on the second floor one on the first floor. There is an entrance to the building on Main. There is a second entrance on E. Main across from the D.A.’s office that has an elevator. That elevator will be used for handicapped patrons to the business. All marijuana facilities need to be handicapped accessible. The security guard will be on the first floor inside the building checking I.D.s then the patrons will have their IDs checked at the security booth and they will head upstairs either by elevator or by the stairs and be there approximately 15 minutes. There will be approximately eight people at the busiest time patrons making purchases in the establishment. There will be 6 to 8 employees, six serving the customers and two security guards. There is no parking on site as per C3 zones it is not required. The employees will make use of the parking garage on Crescent St. or the parking lot across from City Hall. Patrons will as well but there is plenty of on street parking Metered parking on main and West Elm. With the City Council license that they are seeking this evening, once they obtain this, the company can proceed with construction plans and select a contractor. In addition, and this is with all the licenses, there are certain post conditions with the special permits such as a DPH waste removal. That’s a post condition. It does not have to be done prior to this evening and a final emergency response plan with the fire department and police jointly. They have already

90.

obtained a review by the police and it is consistent with the CCC requirements. Their application was quite complete when they submitted it. All it was missing was the provisional, which they got in March and the HCA which was executed in February for a term of three years.

Councillor Asack questioned the attorney. She stated that the two owners were business owners, what businesses are they owners of?

Victor Teixeira stated that he owned a body shop which he sold in 2019 to proceed with this business. He also owns an auto glass business that is also going up for sale. Jose Andrade is part owner of Bella Vista Real Estate on 423 Belmont St.

Councillor Asack thanked them to for investing in Brockton. She stated that they spoke about the construction, what happens if the construction doesn't work out. What are the plans? Do they have a Plan B?

Mr. Teixeira stated that they do have a Plan B. They would still stay in Brockton. From the beginning they had a location chosen, but because of the ordinance that was drafted by the council they got the host agreement kind of late and if it doesn't work out with this location they would go to the other location in mind.

Councillor Asack questioned if the second floor needed a lot of work. She has never been in the second floor.

Victor Teixeira stated that it doesn't need that much work. They have already spent 80-90 grand in there.

Councillor Asack asked when do they think they would be ready to go there? What is their timeline If everything goes well?

Victor Teixeira stated probably around six months they would get the final. Then right after that they would open.

Councillor Asack stated that she is glad that they are getting the business going. She stated that she thinks they are the first ones to get a location going in the C3 zone.

Councillor Mendes stated that she has reviewed their application and she was looking for the financial statements. She asked them if they Included the financial statements because she went through the packet and didn't see it. She asked how much funding do they have at this point?

Victor stated at this point, he is going to put over 200K by himself and they do have investors if they need them, but he doesn't believe that they will. Councillor Mendes asks what their startup costs will be, all the operational costs they will need to get started.

Victor stated according to the people he has spoken to that have businesses, he won't be spending over \$100,000 to start.

Councillor Mendes asks he has enough investors that he feels confident that he will be able to get this type of money?

Victor Teixeira stated they do have private investors if they need them, but at this point they will be using their own personal funds to start the business.

Councillor Cardoso ask the gentleman about signage. Have they thought about how they will promote their business? That location looks tricky as far as signage.

91.

The Attorney stated that they will have signage on the door on West Elm and it will comply with the city's ordinance on signs as far as size and dimensions and on Main Street as well and the Main Street sign will over to East Elm. Up on the second floor there may be a sign but those windows will be tinted so No product is visible Counselor Cardoso stated that is too bad. The owners should have a loud for first floor in the downtown. She thinks it's silly but she hopes they are able to get some signs up there in promote their business. Logistically it will be hard to play signs to have. The attorney stated that the planning board asked them to work with the owner of the building about possibly using the sign that sticks out in the front of the building but they will remove it while construction is going on which was requested by the Planning Board.

Councillor Rodrigues was going to question them on the employees but a portion of that was answered by them. He asked if the total number of employees would be six.

The attorney stated that would be at one time. There would be up to 24 employees total.

Councillor Rodrigues asked him if they are focusing on hiring Brocktonians.

The attorney stated absolutely. That is part of their positive impact plan.

Councillor Rodrigues said the only issue that we have is that we are the only marijuana community in this area and if we are the only marijuana community in this area, he wants to make sure that we are the only employees in the marijuana establishments. Councillor Rodrigues stated that he wanted to say that the ordinance that was created took a long time and a lot of people were calling them names for dragging their feet on this issue. The intention was to put two in downtown and for any other outskirts of the city. That has not been the case to be honest. He hopes that they can make it work in the downtown area. If it doesn't work he doesn't want them to be so restrictive that they can't make it work. They are investing so much money into it they should do what they need to do to make it work.

Councillor Nicastro stated that she has the date of December 9 on their material. She asked if anything has changed since then?

The attorney stated just the host agreement signed and the provisional.

Councillor Nicastro questioned if they had reviewed the marijuana ordinance and regulations.

Victor Teixeira stated yes.

Councillor Nicastro questioned do they understand the provisions of the ordinance and violation of it could be grounds for revocation of any license?

Victor Teixeira stated yes.

Councillor Nicastro questioned do they understand any false and misleading evidence during this period could because for revocation?

Victor Teixeira stated yes.

Councillor Nicastro questioned are there any public employees with her appointed are elected they have a financial or other interest in the business?

Victor Teixeira stated no.

92.

Councillor Nicastro asked who the principal business investors were.

The Attorney stated Victor Teixeira and Jose Andrade.

Councillor Nicastro questioned how much they have invested.

The attorney stated they have invested enough to get the CCC approval and everything they needed up until this point.

Councillor Nicastro questioned what the costs look like.

The attorney said it would probably be about \$120,000.

Councillor Nicastro questioned how much they spent so far and Victor Teixeira stated about 75 grand.

Councillor Nicastro asked what the percentages were of investment?

Victor Teixeira said about 50-50.

Councillor Nicastro questioned if there was an ownership agreement with other individuals and if so who are the participants in the agreement in their roles?

Victor Teixeira stated that they don't.

Councillor Nicastro asked who would be the day to day manager?

Victor Teixeira said that they both will be.

Councillor Nicastro questioned if they owned any other marijuana license businesses in the city or in Massachusetts or in any other state?

Victor Teixeira said no.

Councillor Nicastro asked if they have a pending license in Massachusetts or any other state?

Victor Teixeira said no.

Councillor Nicastro questioned if the business to which they are looking for a license will be for a year or longer?

Victor Teixeira said longer.

Councillor Nicastro questioned what is the short term and long term business plan? Do they plan to sell it or retain ownership after a period of time?

Victor Teixeira said retain it.

Councillor Nicastro asked if they had a host agreement?

Victor Teixeira said yes.

Councillor Nicastro asked if they had a host agreement in any other city in Massachusetts or any other state?

Victor Teixeira said no.

Councillor Nicastro asked what else do they need to be finalized to get full approval?

93.

Attorney Valeriani stated the post condition reviews from the fire department and health. Also the construction they will need a building permit from the building department and a certificate of occupancy once it is ready to open and the final inspection by the CCC which is the final step.

Councillor Nicastro asked when they expect to begin operations?

The attorney stated about six months.

Councillor Asack motioned to approve and was properly seconded. The motion carried by a roll call vote taken by “yeas” and “nays”: Nine members present in all voting in the affirmative. Councilor Monahan absent.

Petition of Leaf Relief, Inc., requesting an Adult Use Retail Marijuana License located at 165 Westgate Dr., Brockton MA 02302

Scott Rubin, Attorney of Silverstein and Creedon appeared on behalf of the petitioner. He stated that this process started October 2018 and they were one of the original applicants to get a signed host agreement. They do have a renewed signed agreement that they got in November 2020 and it should be in the packet. They filed completed the applications for the CCC in December 2020 and received the license in April 2021. He knows that one of the questions coming is has anything changed? They did provide additional supplement to the council. He believes location is very suitable for this license. It has been vetted by the CCC and have received the provisional license in April 2021. The location is accessible by bus or car. It will attract a different mix of customers given the variety of businesses there such as a car wash, Aldi's, Market Basket and the new stores in the mall such as Xfinity. There are also restaurants and fast food places such as Chick-fil-A. There is lots of activity starting at 8 AM in the morning up until 8 PM which is the hours that the applicant would like the business to be open. They think this particular location will draw a variety of customers. There are no specific conditions on the license that are different from any other applicant. If you are familiar with the area it is in the strip mall on the outskirts of the mall passed Lowe's on the right. It is a plain box right now and can be fixed up pretty quickly once they get the building permit from the building department. Eric Holstein Is here tonight and he is one of the principles. He has an extensive background in the food industry as a consultant and owner operator. His partner Mr. Anthony Ackil is not here tonight but also has extensive background in the food industry in the country but specifically the Northeast. He believes the two of them have extensive knowledge and understand of compliance as that is important in the food industry such as in the areas of food handling and sanitation and are highly successful responsible business owners already.

Councillor Asack states that this is in Ward 7 so she has been following it since the beginning. She said the location is great as it is separate from the mall and not located in the Westgate Mall. She hasn't received any calls or concerns from residence regarding their license. She welcomes them and wishes them well.

Councillor Cardoso questioned if any of the owners are from Brockton?

Mr. Holstein stated no, but that him and his partner looked at Brockton because it is an amazing city. They looked at the diner's and restaurants in the area.

Councillor Cardoso asks if he had any thoughts on giving back to the community?

Mr. Holstein stated that they have a full diversity plan which is in the packet and there is an impact study as well.

Councillor Cardoso questioned if they've had any feedback from the surrounding businesses near them.

94.

Mr. Holstein said there's nothing that they have seen.

Councillor Asack through the chair stated that Councillor Cardoso asked about if they were residence of Brockton but the Ackil family has roots in Brockton, so they do have ties to Brockton and Mr. Ackil is world renowned award-winning entrepreneur.

Mr. Holstein stated that Mr. Ackil started the company B Good.

Councillor Rodrigues wanted to ask them about jobs and asked how many positions they were looking to create?

Mr. Holstein stated their assumption is between 12 and 14 once they are fully staffed and they will be 100% looking at Brockton. They will be looking at everyone but they will be starting in Brockton to hire locally.

Councillor Nicastro asked if they have reviewed the ordinance relative to marijuana businesses and regulations? Do they understand the provisions of the ordinances and acknowledge that a violation of them could be grounds for suspension or revocation of the license? Do they understand that any false or misleading information could result in revocation of the license?

Mr. Holstein stated yes.

Councillor Nicastro asked are there any public employees either appointed or elected that have financial or other interest in the business?

Mr. Holstein stated no.

Councillor Nicastro asked who are the principal investors in the business?

Mr. Holstein stated himself, Anthony Ackil and John Jeha.

Councillor Nicastro asked how much they have invested so far?

Mr. Holstein stated about \$50,000.

Councillor Nicastro asked how much to start up with costs altogether?

Mr. Holstein stated probably around 400 to \$500,000.

Councillor Nicastro asked the split of the investment?

Mr. Holstein is 30% Mr. Ackil is 20% and John Jeha is 50%.

Councillor Nicastro asked do they have an ownership agreement and if so who are the other participants?

Mr. Holstein stated no.

Councillor Nicastro asked who will be the manager for the day-to-day business?

Mr. Holstein stated they are currently looking to hire one. He will be available to answer any questions or handle any complaints.

Councillor Nicastro asked if they currently own any other marijuana licenses?

Mr. Holstein stated no.

Councillor Nicastro asked do they have a pending marijuana license in the state or any other state?

Mr. Holstein stated no.

Councillor Nicastro asked if the business in which they seek a license for is going to be open long-term or short term or transferred?

Attorney Rubin stated long term.

Councillor Nicastro question do they have a current host agreement?

Attorney Rubin stated yes they do.

Councillor Nicastro questioned if they have a provisional license granted by the CCC, what additional requirements are needed?

Attorney Rubin stated the standard provisional license requirements.; complete the final license and get the build out and finish the final inspections. There's nothing specific just the same things as every other applicant has to do.

Councillor Nicastro asked when do they think they would begin operations after all State and local licensing has been obtained?

Attorney Rubin stated September maybe October depending on construction and availability of Materials and supplies.

Councillor Nicastro said so in the neighborhood of six months or so.

Attorney Rubin stated yes that is their guess.

Councillor Nicastro stated she received the documents that were emailed to her and other than those It looks like the bulk of the information that she has is daily for December. Have there been any changes?

Attorney Rubin stated no.

Councillor Asack motioned to grant the license and was properly seconded. The motion carried by a roll call vote taken by "yeas" and "nays"; nine members present and all voting in the affirmative. Councillor Monahan absent.

**Petition of Atlantic Medicinal Partners, Inc., requesting an Adult Use
Retail Marijuana License located at 4 Main St., Brockton, MA 02301**

Attorney Brandon Kurtzman a partner in Vicente Sederberg, appeared on behalf of the petitioner AMP is a marijuana veteran in the state of Massachusetts. Right now they have an operational adult use cultivation and manufacturing and medical facility currently in Fitchburg Mass. They hold a provisional license for adult use retail in Salem Ma. and they have a provisional license for a retail at the Brockton location. The Fitchburg location is a 50,000 square-foot facility and that incorporates cultivation and manufacturing and retail in both adult use medical and recreational Side. It's been operational for roughly 9 months with no regulatory violations so business is good in operations have been going real well. They are looking forward to shortly starting to build out to the Salem facility and likewise expect to be ready to start the build out at the Brockton facility pending the council's approval tonight. The facility is an a C3 district. This facility has gone through all the approvals such a site plan review, Planning approval with the Planning Board special permit with no issues. They have brought some material to show the council. Though it is on Main Street the entrance is on Court Street and that is important to realize. They showed the layout of the facility. He stated that they have the same drawings in the packet given to the Councillors. They don't plan to make any major structural changes. It's going to be a retrofit. The

96.

interior is going to look very similar to the Fitchburg location. He states they can go on the website and check the Fitchburg facility to see what the interior looks like. It's modern and sleek. The only change to the site is that they are going to have 12 dedicated spots for the customers based on a study. He thinks he covered the overview. Obviously, they are not within 500 feet of a school. It's near a bus stop on School Street so it's accessible to the public. It is 700 feet from the commuter rail. They are a compliant operator, so they are going to hold themselves to the same standards. No one under 21 will have access to the facility as mandated by the state. There will be multiple ID checks before they come in and at the point of sale. Given that they have not only a provisional license for this location but also the next step which is at the state process the ARC approval, they are ready to break ground pending a building permit from the city. They have the funds and are ready to move forward on this.

Councillor Asack stated that she is familiar with the location. It is the old Cablevision building. Are they going on the second floor? She thinks it is a multilevel building.

Attorney Kurtzman stated that it was the subground entrance in the basement. He stated that it is multilevel.

Councillor Asack questioned if they are the only occupant in the building? She knows that there are a lot of separate offices.

Attorney Kurtzman stated that there are a few offices being used but they will remain upstairs, but the ground level they will be using, they will be the only ones.

Councillor Asack questioned what made them choose this location and the reason she asks is that everyone who is from Brockton knows that we have a homeless shelter not too far from there and our local cable station is right across the street from there that constantly get complaints of drug paraphernalia and a homeless issue there. How will they be dealing with that? She is happy to see them go into this location. She just wanted them to know as they are not from Brockton and are not familiar with the area.

Frank Cieri of 58 Eldridge Lane, N. Andover, MA. spoke. They are familiar with the area. They chose this location for the physical building and it fit within the zone in Brockton. They looked at number of locations in Brockton and they loved it. It was on Main St., they loved that they would have their own entrance on the bottom floor, it was easy for security, so this was their first choice of locations.

Councillor Asack thinks that is great. She didn't want that to discourage them, so they wanted them to be prepared to see how you are going to deal with that in the future. Hopefully it will help clean up that area.

The Council President just asked the Legal Counsel, they have a prohibition event about being on the ground floor, but not the subground floor, so they are in perfect compliance with respect to zoning in a C3 for this operation and he wanted that entered into the record.

Councillor Rodrigues he is going to ask the same questions he asked of the previous applicants. They are not from Brockton but it is their hope that they will hire from Brockton. How many people are they looking to employ?

Mr. Cieri stated that they will be hiring between 15-20 employees and will give Brockton resident preferential treatment.

Councillor Rodrigues asked looking at the building where do they foresee the signage? They probably discussed this at site plan review.

Attorney Kurtzman stated that it would have to be approved but there will be at least a weight bearing sign and the name of the business on Court St. entrance. On the Main St. entrance, it will be determined if there can be some weight

bearing signage on the Main St. side. Being that Court St. is the entrance, they may want to put something on Main St. indicating that the main entrance is on Court St. side not on the Main St. side.

Councillor Rodrigues asked when you are talking Court St., you are looking at the parking lot, so where on Court St. itself?

Attorney Kurtzman showed the plans and stated the sign would be right near the entrance of the building. To be determined, additional signage may be along the building to lead patrons to the entrance as necessary, just to make sure that everybody knows that even though the address is on Main S., we want to make sure that it's clear that to access you need to go through the parking lot to get to the Court St. entrance.

Councillor Rodrigues wanted to echo the same sentiments as Councillor Asack, but for different reason, because you could be quite successful in that area, so he knows we have our problems like every major city does. He has been Mayor in the city and the homeless people that we deal with on a regular basis in this community are not people from Brockton. The vast majority of people that we find OD'ing or suffering from the issues of overdoes are not from Brockton, but people that come from outside the community, because this is where the services are. They should be a little bit more cheerleaders to promote the daylights out of our city, but he is glad that she brought this up and he wants to make sure that they are successful in the area that they are in and whatever they can do to help, let them know.

Councillor Mendes questioned the MCAS test scores as the other applications didn't have that. It also has a statement that in response to RFI receipt from CCC on August 2019, do they want to elaborate on that? Is that just to prove that it is not near a school or something in regards to that?

Attorney Kurtzman stated that he believes she is looking at a printout of the state's school commission or something along those lines, which indicates certain schools within the proximity to the facility. He believes that information was provided to clarify that they are not within 500 feet of a school. The scores that are part of that report don't necessarily have anything to do with them, it's just part of the showing that they are not within the 500 feet of a school.

Councillor Nicastro stated that asking these questions have been delegated to her. The first one is she has had the material since January. Has there been any changes?

Attorney Kurtzman stated no.

Councillor Nicastro asked if they had reviewed the city ordinances relating to marijuana business regulations?

Attorney Kurtzman stated yes.

Councillor Nicastro asked if they understood the provisions of the ordinances and acknowledge that a violation could be grounds for suspension or revocation of any license granted?

Attorney Kurtzman stated yes.

Councillor Nicastro asked if they understood that any false or misleading statements during this application process could be grounds for revocation?

Attorney Kurtzman stated yes.

Councillor Nicastro asked if there were any public employees of the city either appointed or elected have financial or other interest in your application?

Attorney Kurtzman stated no.

Councillor Nicastro asked who are the principle investors in the company, their names?

The attorney stated that the 3 main investors are Frank Cieri, himself and Steve Perkins and Jeff Perkins and they have a group of investors that own bout 20% of the business and the three of them own 80%.

Councillor Nicastro asked who are the other individuals that own the 20%?

Mr. Cieri stated Michael Sullivan, Peter Coco, Michelle Lawler, Chris Reddy, Victoria Waters.

Jeff Perkins Creek Rd., Billerica, Ma stated that they are all minority 1 or 2% shareholders.

Councillor Nicastro asked the amount that they have invested?

Mr. Cieri stated that they have a total of about 15 million invested up until this point.

Councillor Nicastro asked if they have an ownership agreement among the individuals?

Mr. Cieri stated yes.

Councillor Nicastro asked who will be the day to day manager of the business?

Mr. Cieri stated that they have 3; Jeff Perkins, Steve Perkins and Elizabeth Cieri, his daughter.

Councillor Nicastro asked if they currently own any other marijuana license businesses in Ma or another state? They said they did.

Mr. Cieri stated that they do. They are fully functional in Fitchburg where they are cultivating and processing and they also have medical in Fitchburg and they will be opening in Salem Ma. They have all the licenses in Salem, they have the building permit and will begin construction shortly. No other states.

Councillor Nicastro asked if they have a pending application in any other city or state than Ma?

Mr. Cieri stated no, just the pending applications that they are dealing with.

Councillor Nicastro asked if the business in which they seek a license for is to be operated for more than a year or longer?

Mr. Cieri stated absolutely. Much longer than a year.

Councillor Nicastro asked what is their short term and long term business plan?

Mr. Cieri stated short term plan is to open, long term plan is to have a functional long term business.

Councillor Nicastro asked do they have a host agreement? They said that they had.

Mr. Cieri stated that they had had one, but it expired, so they need a new one and they absolutely will sign a new host agreement.

Councillor Nicastro asked do they have a host agreement in any other community in the state?

Mr. Cieri stated absolutely. The attorney stated that it is a state requirement, so in Fitchburg and Salem they have host agreements.

99.

Councillor Nicastro asked if they have a conditional license granted by the CCC, what further requirements have to be satisfied?

Attorney Kurtzman stated once the buildout occurs they will request the PPLI which is the post provisional license inspection to ensure that that they are ready for operations. After the inspection, they will be awarded a final license by the commission then they have to go through and request their final license and after that is awarded they can commence operations and open 3 days later.

Councillor Nicastro asked on what date do they intend to begin operations once all state and local approvals are obtained?

Mr. Cieri stated once they get approvals, they will open immediately. Hopefully less than 6 months.

Councillor Asack stated that she didn't mean that as a negative comment. She is very happy that they are coming into Brockton. She just wanted them to know, not being from Brockton, she wanted them to be prepared to deal with certain issues that may come up, but she doesn't see it as a negative. She loves this city and everything that goes with it. She wants them to succeed and thought their application was very well done. She was very impressed.

Councillor Asack motioned to grant with the stipulation that they get their signed host agreement and was properly seconded. The motion carried by a roll call vote taken by "yeas" and "nays"; nine members present and all voting in the affirmative. Councillor Monahan absent.

The Council President thanked the councilors for being prepared tonight and focusing in on relevant questions and thinks it is important for the public to see and hopefully all petitioners will be successful, because it does mean revenue for the city.

All other related matters

Councilor's Recognition

All council business as listed on the agenda have been emailed to the City Council members in their complete form, with exception of oversized material, such as maps, photos, etc. Recommendations are based on reports from committees.

Adjourned 8:35pm

In City Council, April 27, 2021

Statement from Councilor at Large Winthrop Farwell, Jr.

In the matter of Ian Woods and Terrasol, LLC – Application for Retail Marijuana License

I am recusing myself from voting on this license application and will not preside during the deliberations and discussion of this matter for the following reasons:

On November 14, 2020, at 6:13PM, a letter was forwarded to all members of the council from Mr. Ian Woods. The letter is attached, and I ask it become part of this statement and included in the minutes of this meeting.

In that letter he accused councilors of “continuing Discrimination, Violation of my civil and Federal and State Constitutional Rights and your Violation of your own ordinances. (sic)

Mr. Woods alleged the council “can continue down the road of corruption and lies or you can embrace the truth, and vote to correct some of the past injustices.”

Mr. Woods further alleged: “The Carpenter administration began this criminal enterprise by refusing to give a host community agreement to a black person...” Woods continues his allegations: “the employees in the Law Department were implicit in this charade.”

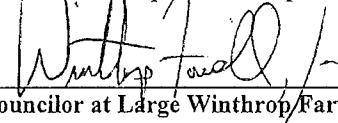
In his letter he alleges “dereliction of your sworn duty as city councilors.” He alleges legislative counsel (Attorney Shannon Resnick) purposely withheld information from the council.

Allegations in a public document of corruption and/or misconduct by Attorney Resnick, Councilors Thompson, Nicastro and Mendes, all licensed to practice in the Commonwealth of Massachusetts, is especially appalling.

In my opinion it is one thing to apply to the city council for a license. It is quite another to attempt to gain that license by false accusations of a “criminal enterprise” or accusing members of the council of violating civil rights and possibly other laws. This is serious.

The allegations by Mr. Woods should be thoroughly investigated by the Massachusetts Attorney General or the United States Attorney. Mr. Woods should be interviewed and requested to produce witnesses, documents, and evidence to substantiate his claims that city officials have violated laws or have participated in any “criminal enterprise.”

For the reasons cited I will not participate in this license application review and strongly believe the only appropriate action is to request an independent investigation.



Councilor at Large Winthrop Farwell, Jr.

Attachments: (4) pages