

**Westborough Board of Selectmen
Meeting Minutes
December 17, 2012
6:00 p.m. – 6:27 p.m.**

Present: Chairman Emery, Vice Chairman Johnson, Selectman Barrette

Also Present: Jim Malloy, Town Manager; Gregory Franks, Town Counsel

Selectman Emery asked for a moment of silence for the victims and families of the recent tragedy in Newtown, CT.

Discuss Delaying the Implementation of the Medical Marijuana Law

Mr. Malloy explained that some sections of the Medical Marijuana Law that recently passed become effective January 1, 2013, but there is a requirement that the State register those who are allowed to grow it and those who are licensed to purchase it for medical reasons. The State has 120 days to implement this and there is confusion as to the actual effective date. Towns have been asking for a delay in the implementation until the State has been able to pass the regulations to acquire or to grow. Selectman Dodd, who brought the issue forward, and Selectman Drewry were unable to attend this evening.

Mr. Malloy informed the Board that he and Mr. Walden have been looking into smart phone applications and innovative work order systems and met with a provider whose systems would cost \$8,000 per year to implement. Mr. Malloy recently submitted an application as one of the 35 communities to share in the City of Boston's project that allows residents to use a smart phone application to report issues directly to the Town. Boston received a grant for this project and Westborough was chosen as one of the 35 communities required by the grant to participate. He explained the process and the information that is provided once an issue is reported to the Town. There is no cost for the first three years and if the program is utilized the Town may continue it for approximately \$4,900 per year. This program is identical to the \$8,000 application.

Mr. Hensley, Planning Board Chair, came before the Board to explain what the Planning Board is doing in relationship to the Town's consideration of the implications of the Medical Marijuana Law implementation. He pointed out that while there is confusion regarding the effective date, there are some aspects that will be implemented January 1, 2013, such as that a written certification from a physician represents a registration card for a qualifying patient to use or grow the marijuana. Mr. Hensley provided the Board with a briefing packet and reviewed the contents. Included is a draft letter that the Board can send to the legislators to endorse the implementation delay. The Planning Board is using the pre-cautionary principle which provides guidelines for making public policy in situations when there is no consensus around an issue. It will aid in the determination if there is a plausible risk to implement the law.

Mr. Hensley pointed out other areas of concern and that there is evidence there is a plausible risk. The packet also includes a list of states that have implemented the law and they all delayed the enactment. He reviewed the reasons why the way it was written in the initiative petition was

not good public policy and that the Department of Public Health needs more time to insure that what was voted is achieved. Mr. Hensley suggested that the Board consider drafting a letter to the legislators supporting a delay in the enactment of the law.

The Board discussed whether to send a letter now as there is not a full Board present, there is no downside to delaying the implementation and that it is in the Town's best interest to support a delay.

Selectman Barrette's motion that a letter be written to the legislators based on the template provided by the Town of Sandwich, that it asks the legislature to delay the enactment six months was seconded by Selectman Johnson. Discussion: Selectman Johnson stated that there is still the support from the Town but that the letter allows communities the extra time to do it right the first time. Selectman Emery supports the law as long as it is done in a careful and protective manner with the necessary regulations in place. Vote: 3-0

Mr. Hensley suggested that the Planning Board could come before the Board to discuss their proposed bylaw changes.

Selectman Johnson's motion to enter into Executive Session for the purpose of discussing collective bargaining as an Open Session would have a detrimental effect on the Town's bargaining position.

A Roll Call vote was taken: Selectman Barrette – yes; Selectman Emery – yes; Selectman Johnson – yes.

Submitted by Paula M. Covino

Chairman Emery

Vice Chairman Johnson

Selectman Dodd

Selectman Barrette

Selectman Drewry