



## **Programs & Services Committee Report**

### **City of Newton** **In City Council**

**Wednesday, June 6, 2018**

Present: Councilors Rice (Chair), Brousal-Glaser (Vice Chair), Albright, Krintzman, Kalis, Schwartz and Baker

Absent: Councilor Greenberg

Also Present: Councilors Cote, Auchincloss, Noel and Markiewicz

City Staff Present: Jonathan Yeo (Chief Operating Officer), Bob DeRubeis (Commissioner, Parks & Recreation), Josh Morse (Commissioner, Public Buildings), Ouida Young (Acting City Solicitor), Noah Rivkin (Executive Aide), Karyn Dean (Committee Clerk)

**#313-18      Appointment of Bharat Bhushan as Library Trustee**

HER HONOR THE MAYOR appointing BHARAT BHUSHAN, 2 Terrace Avenue, Newton Highlands, as a Trustee of the NEWTON LIBRARY for a term to expire June 30, 2023.

**Action:      Programs & Services Approved 4-0 (Councilors Kalis, Schwartz, Baker not voting)**

**Note:** Bharat Bhushan joined the Committee. He explained that he has been a library aficionado for many years and visits many libraries in the state. About 6 years ago, he developed a mobile app, but it did not catch on. Since then, technology has allowed everyone to have apps like that. He has always felt that a library is more than just a place where books are – it is a community space with many activities. He would like to work on ways to modernize the library in the world where the internet itself is now a library and continue to find ways to keep the brick and mortar building and all those goes in there, relevant.

A Councilor asked Mr. Bhushan if he felt the technology needs upgrading. He felt that the library is doing well with technology including the automated check in/check out machines and good computers, as well as technology-related activities for children. He believed that some of the smaller and wealthier towns may have more to offer such as virtual reality, but Newton is doing well and has a 3D printer, which is valuable. Newton should wait for the technology to advance another year or so on virtual reality equipment. The Councilor asked Mr. Bhushan to let the Library Director know if he thinks there should be any technological upgrades going forward.

Councilor Albright moved approval and the Committee voted in favor unanimously, with thanks to Mr. Bhushan.

**#314-18      Appointment of Chris Kirby as Library Trustee**

HER HONOR THE MAYOR appointing CHRIS KIRBY, 60 Kenilworth Street, Newton, as a Trustee of the NEWTON LIBRARY for a term to expire June 30, 2023.

**Action:      Programs & Services Approved 4-0 (Councilors Kalis, Schwartz, Baker not voting)**

**Note:** Chris Kirby joined the Committee and explained that has two young boys and has spent the last ten years taking them to the library for programming from the time they were toddlers. He felt the library was a fantastic resource for families and wanted to get more involved. The in-library use by his children has trailed off because the kids room is just not that welcoming. They still take out books, but there is no desire to sit there with the crowded quarters. He would like to help with some of the remodeling of the kids room.

A Councilor noted that the Tween Room is going to be developed. Mr. Kirby said a library representative came to his son's fifth grade class to talk to them about how to stay involved over the summer with that room. They are looking forward to the programming that room will bring. Looking at other libraries in other communities, money has been going into children's rooms and seems to be a trend.

Councilor Albright moved approval and the Committee voted in favor unanimously, with thanks to Mr. Kirby.

**Referred to Programs & Services and Finance Committees**

**#329-18      Transfer of \$75,000 for the installation of a PA system at the Library**

HER HONOR THE MAYOR requesting authorization to transfer the sum of seventy-five thousand dollars (\$75,000) from the Main Library Full-time Salaries Account to the Main Library Building Improvements Account for the purpose of installing a public address system.

**Action:      Programs & Services Approved 6-0 (Councilor Baker not voting)**

**Note:** Josh Morse, Commissioner of Public Buildings joined the Committee. He explained that the Public Buildings Department would like to make improvements to the existing library PA system. The current system is made up of less than a dozen speakers scattered throughout the building. It is not adequate to reach all the areas of the library and that is a major safety concern. This problem was highlighted following the terrible stabbing incident at the Winchester library. The Library Director and the Trustees evaluated the security in the building and realized that communication is extremely important in an emergency. The current inability to communicate fully with staff and patrons throughout the building was very problematic.

The Commissioner looked at expanding on the current system, but at 25 years old, that was not possible. A few contractors evaluated the system with the City's IT Department and offered several options. It was decided that the best course of action would be to use the current Voice Over IP system, which has the capacity to do PA, then expand on that with speakers in the areas that do not have phone systems. It is the most cost-effective means to achieve the security goals,

as well as a means to communicate routine announcements. A hardwired system was approximately \$350,000 and would have required significant ceiling openings. This system will cost \$75,000, will require only minimal intrusion into the ceilings, and will provide the same audio level and coverage throughout the building as the more expensive option.

The \$75,000 figure is broken up into the actual cost of the project and includes \$3,625 in contingency. This item will go to Finance Committee on June 11 and if the full City Council votes it out on June 18, the Public Buildings Department would like to start the work the next day.

A Committee member asked why there was money in the salaries account. The Commissioner and the Chair explained that various situations lead to unexpended money in that account including retirements, lag-time in filling positions, or hiring personnel at a lower rate when a longer-term employee leaves.. Salary accounts generally have money in them throughout the City departments.

A Councilor noted that the safety aspect is extremely important and supported this project and asked if there was a direct line to the police department as there is in the school buildings. The Commissioner said there are several different options for direct communication to the police within the schools. There had been some conversations about adding some of that to the library, but there are other pressing needs.

This item will be heard in Finance Committee on June 11, 2018.

A Councilor made a motion to approve and the Committee voted in favor, unanimously.

### **Referred to Programs & Services and Finance Committees**

#### **#330-18      Appropriate \$100,000 to repair fences**

HER HONOR THE MAYOR requesting authorization to appropriate and expend one hundred thousand dollars (\$100,000) from Free Cash for the purpose of funding the repair of fences damaged in winter storms over the past few years at several locations throughout the City under the direction of the Commissioner of Parks and Recreation.

**Action:      Programs & Services Approved 6-0 (Councilor Baker not voting)**

**Note:** Commissioner of Parks & Recreation, Bob DeRubeis joined the Committee. He explained that this request for \$100,000 is to cover repair costs to fences that were damaged, primarily from snow plows, over the last few years. Thirty-three sites have been identified for repair and the City's current fence contractor provided a quote of \$100,000 to do the work :\$89,000 for public fences and \$16,000 for private. The Commissioner noted that the current vendor's three-year contract will expire on June 30th, but he believes a new contractor would provide a similar estimate.

A Councilor asked if the fence at Countryside has been identified as one of the fences for repair. The Commissioner said that is not on the list, but he will investigate.

A Committee member asked if this work could be done in-house and the Commissioner explained that the magnitude of work would be prohibitive for his staff. The Department is responsible for all chain link and wooden fences in the City and they have routinely had a contract with a vendor to do this work. The Commissioner said that when he gets a full list together, he will provide it to the Committee.

This item will be heard in Finance Committee on June 11, 2018.

A Councilor moved approval and the Committee voted in favor unanimously.

**Referred to Finance and Programs & Services Committees**

**#322-18**      **Home Rule Legislation to modify the 41A tax deferral program for seniors**  
HER HONOR THE MAYOR seeking Home Rule Legislation allowing the City to modify the local cl. 41A tax deferral program for seniors by increasing the income limit for qualifying and participating property owners.  
Finance Committee Approved 4-0 on 5/30/18

**Action:**      **Programs & Services Approved 6-0 (Councilor Baker not voting)**

**Note:** Councilor Rice noted that this item was approved in Finance Committee on May 30, and he voted in favor. As was explained in Finance Committee by the Chief Financial Officer, Maureen Lemieux, this Home Rule Legislation is to allow the City to modify the local cl. 41A tax deferral program. The program allows qualifying seniors to delay payment of their property taxes without discharging the tax obligation. The City eventually collects any deferred payments at the time of the sale of the property or the owner passes away. The program allows qualifying seniors the ability to defray living expenses by deferring some or all of their property taxes.

The City was granted Home Rule Legislation in 2004 to increase the State's income eligibility limit from \$40,000 to the new maximum limit of \$60,000. The income level for Newton has not been changed since 2004. The City currently has 64 qualifying property owners who use the tax deferral program, which is the highest in the State; however, an increase in the income limit would help more seniors living in Newton.

This request is only for the special act to adopt a maximum qualifying gross receipts amount of more than \$40,000 but no more than the maximum qualifying gross receipts amount for the senior citizen circuit breaker tax credit. The Administration is in the process of determining the appropriate income limit. When the Administration has an appropriate limit and the State has acted on the requested Home Rule Legislation, it will be back to the Council to set the income eligibility level. The Administration is hoping that the State legislature acts on the proposed Home Rule Legislation this fall.

Jonathan Yeo, Chief Operating Officer, added that the administration has not yet developed a proposal, but there will be a discussion when the Home Rule Legislation returns from the state. He noted that Newton has to most robust program of this type in the state. The Home Rule Legislation would allow the City to exercise the local option to modify the program.

Councilor Kalis moved approval and the Committee voted in favor, unanimously.

**#312-18      Citizens Petition requesting ballot question on recreational marijuana establishments with exceptions**

SUZANNE BENDER ET AL., submitting a group petition pursuant to Section 10-2 of the City of Newton Charter, requesting that the City Council place a question on the November 6, 2018 ballot as to whether the City of Newton will adopt the following ordinance:

*“Operation of recreational (non-medical) marijuana establishments as defined in M.G.L. Chapter 94G is prohibited in Newton, provided that a marijuana establishment that was licensed and approved to operate as a Medical Marijuana Treatment Center (Registered Marijuana Dispensary) in the City of Newton prior to July 1, 2017 may, if otherwise allowed by zoning, (a) cultivate non-medical marijuana; (b) manufacture and/or produce non-medical marijuana related products; (c) test non-medical marijuana and the products derived therefrom; (d) engage in wholesale distribution of non-medical marijuana and non-medical marijuana products, but not to include retail sales thereof in the City of Newton.”*

**Action:      Programs & Services Approved 3-1-2 (Councilor Albright opposed; Councilors Krintzman and Brousal-Glaser abstaining; Councilor Baker not voting)**

**Note:** John Rice, Chair of the Programs & Services Committee explained that a 50-person petition was submitted to the City Council pursuant to Section 10-2 of the City of Newton Charter. The petition was certified by the City Clerk and therefore, the Charter requires that the appropriate Committee of the City Council hold a public hearing. The petitioners have asked that a question be placed on a November 2018 ballot, to ban retail sales of marijuana in the City of Newton. Per the City Charter, there are three ways to get such a question on a ballot: City Council could approve this request and place the question on the ballot; petitioners could submit approximately 6,000 signatures (10% of all registered voters) and the City Council could approve to put the question on the ballot; or petitioners could submit an additional approximately 3,000 signatures (additional 5% of all registered voters) which would put the question on the ballot with no need of City Council approval. Councilor Rice opened the public hearing.

Dr. Suzanne Bender, principle petitioner, addressed the Committee. She explained that she is representing Opt Out Newton which is a grass-roots organization consisting of parents, educators, community organizers and physicians. Their request is to allow the Newton voters to decide on retail marijuana sales in the City. Dr. Bender provided a PowerPoint, which is attached. Please refer to it for details of her presentation.

Dr. Mike Jellinek addressed the Committee. He said that increased recreational sales will increase the access of adolescents to marijuana. In his lifetime, he saw actors smoke and doctors advertise cigarettes. Cigarettes were sold next to candy bars. He saw the increased use of cigarettes by teenagers. It has taken almost 40 years and a tremendous effort to reverse that and millions of lives have been saved by decreasing the extent of smoking in teenagers. In Newton, the numbers have been halved and this past month, the legislature increased the age to buy tobacco from 18-21.

He used to see actors drink alcohol on TV. The advertising and society's acceptance of alcohol led to a tremendous increase in adolescent drinking. Prior to opioids, alcohol deaths secondary to drunk driving was the leading cause of death in adolescents. He is very concerned as a child psychiatrist and pediatrician that Newton as a community send a message that its highest priority is to protect teenagers from certain ills. He believes that marijuana for adults is fine, but for teenagers it is a real issue. He has seen the issues in practice and in consultations. Adolescent use will go up if retail stores are in the City. This is his single concern.

The City does not need this as a source of revenue. He believes that what the community and the Committee does sends a clear message to our teenagers. The risks of tobacco have been made clear, the risks of alcohol are becoming clearer and the risk of marijuana should be made equally clear. The City has a right to set its own culture and this would be a cultural vote. It will show our values, what we care about and what we want to promote and not promote. The community needs to send a message through this vote.

#### Committee Comments/Questions

Councilor Schwartz said he was supportive of putting this question on the ballot. He would like the citizenry to be as informed as possible because this issue is fraught with facts and fears, some good data and some concerning data. When people make decisions in their gut, they sometimes do not pay attention to other information around them. He shares concern for the impact of marijuana on the growing brain, for anyone driving under the influence and for the industry's role and its profits and motivations.

He read a piece in the New England Journal about "big marijuana". When tobacco was not a product that was industrialized or promoted, it perhaps was not as addictive or damaging. Once it was industrialized and altered, it became much more dangerous and addictive. Many adults have benefited from using marijuana legally. There are the issues of prevention and harm reduction. There is a lot of use already among young people and the product is more dangerous as an unregulated illegal product. Some have said that that harm and danger could be reduced by having a legal product. He asked if Dr. Bender and Dr. Jellinek give any credence to that potential benefit of a legal product. Dr. Bender said illegal production and distribution continues even when there is legal product available. Also, the product in the legal establishments is becoming more and more potent. Councilor Schwartz said the illegal products on the street are also being laced with other dangerous drugs, and while the legal product might be more potent than in the past, it would still

be safer. Dr. Jellinek said that the difference would be negligible compared to the impact of having more access. This product is supposed to be sold to only 21 and older so the advantage of getting “cleaner or safer” product for teenagers does not exist. However, the more access there is in general, the easier it will be for teenagers to get it. The safer product is not worth the increased access. Councilor Schwartz pointed out that a strong piece of the argument being made by Dr. Bender is that even though this product is directed to and only legally available to adults, it will get in the hands of children. One has to acknowledge that as a fact, however. The business owners have said they will be implementing strong security measures with closed, locked vestibules and special IDs and electronic lists, etc. to restrict the access by minors. All these issues need to be discussed and none of them should be caricatured.

Councilor Cote said he will support the opt out option going on the ballot. From his interaction with high schoolers and teenagers, he has seen that they believe it is legal to them and they are not thinking about it being an adult product, just that it is going to be more readily available. He felt the City Council owed it to the residents to put this on the ballot for a vote.

Councilor Kalis asked what the outcome would be if the ballot measure were approved by the voters. Dr. Bender said it would mean that medical marijuana sales would still be allowed and not affected. This would make Newton’s law consistent with Needham, Weston and Wellesley. Garden Remedies could develop a recreational product for wholesale, but not for retail sales.

Councilor Albright said she had read an article from 2017 in the LA Times about a mouth swab test to determine if someone is under the influence of marijuana. It is being used in California. Dr. Bender said she was not aware of it. In Boston, police do not know what to do so they let people go. Dr. Jellinek’s son is an LA police officer and he is not aware of any test.

Councilor Auchincloss will support putting the question on the ballot. This is more about the City having some control over how the drug should be sold and how it is made available.

Councilor Krintzman noted that Dr. Bender said in her presentation that Newton is mandated to have 8 establishments. From what he understands, the city is prohibited from adopting an ordinance that limits the number of licenses than fewer than 8, but nothing compels the City to open a dispensary if it does not meet the zoning and other requirements of the City. The City has to allow at least 8 qualified applicants. If there are fewer than 8 qualified applicants, the City does not have to allow an unqualified establishment. Councilor Schwartz said the dispensaries are limited to Business 2 and 5 and Mixed Use 1 districts. Some are near residential zones but are not in residential zones.

### **Public Comment**

Yong Cai, 26 Fuller Street said there is an increase in car accidents and car accident deaths in Colorado from using marijuana. She is worried the kids will get curious when they see adults smoking marijuana. Some people are thinking about leaving Newton because of this. Newton

should opt out like other towns around us. Newton has great schools but she is embarrassed to tell her friends there will marijuana stores here.

Laurie Palepu, 170 Chestnut Street said she is on the steering committee for Opt Out Newton. She said that there are 40 cities/towns that voted for legalization and have put the question on the ballot or will be soon. Of those, so far, 80% have opted out. In almost all “yes” towns the City Council put the question on the ballot. In towns that required signatures, those requirements were between 100 and 230 signatures. Asking Newton to gather more than 26 times more than any other town is not fair. She has more research on all 351 Massachusetts cities and towns and offered to share it.

Dr. Ronna Krozy, 14 Carthay Circle said the doctors have expressed her concerns. She thinks that medical marijuana is appropriate, however, she is in favor of opt out because of the health and safety issues that have been mentioned. She is also concerned about being able to sell her house with a marijuana store around the corner. The psychological, biological, social, economic negatives have been stated. There are not benefits. Legalizing it has made young people think smoking marijuana is ok. The City needs some control and wants this on the ballot.

Ginny Gardner, 48 William Street said she voted no for legalization. She said that the original ballot question said that cities and towns could regulate it similar to alcoholic beverages. She is a member of the Crime Committee and DA Marian Ryan said there is no test available to test for driving under the influence of marijuana – it is about 5 years out. Lt. Bruce Apotheker echoed that answer as well. A state trooper was hit and killed by a driver under the influence of marijuana and a pedestrian in another town was killed in a similar way. She asked the Committee to vote to put this on the ballot.

Weilang Qiu, 193 Jackson Street said one good consequence of stores is some revenue for the City. The bad consequence is that people can become addicted and some people might encourage their children to use marijuana.

Randall King, 195 Morton Street said he a professor of cell biology at Harvard Medical School. He is familiar with how marijuana and alcohol are metabolized. He is in support of the opt out question. The original ballot question gives the citizens the right to vote. He was not aware that 8 stores would be allowed when he voted for this. There is not a way to assess if someone is impaired by marijuana the way there is for alcohol, which will lead to problems with people driving under the influence in the city.

Qingli Jian, 652 Chestnut Street said she became a citizen of the US ten years ago because she admires the mutual respect and tolerance of the people. Tolerance goes in both directions so she does not want to get in the way of those who want to use recreational marijuana. She opposes it though and wants to opt out. She has the freedom to keep her community and family as is. She does not want more traffic or accidents by impaired drivers or see her property value decrease. She does not want anyone telling her kids it is ok just because they want to make money. There is



not enough data to determine the impact on a community so it is not fair to impose this on people who oppose it. She does not want a store close to her home.

Martin Samuels, 390 Newtonville Avenue said he was almost killed by a drunk driver 60 years ago. This is a democracy and he feels he should be able to vote on all subjects that the public requests a vote on.

Martha Lawlor, 3 Bowdoin Street said she supports opting out. She thinks being a teenager is hard enough so she does not want to make it harder. She has seen first hand the damage drug abuse can do.

Qing Pan, 26 Langlen Road said he supports the opt out petition. His daughter is a sophomore at Newton North High School. She said the bathroom at school smells like weed. There is a medical marijuana store a couple blocks from his home and it might become a recreational marijuana store and he will not want his daughter to walk home because of safety concerns. He is also concerned about the increase in car accidents from people driving under the influence.

James Fann, 55 Farwell Street said he moved to Newton a year ago and he did not move here for marijuana. His neighbor sent a video of a strange person walking in their condo hallway and he is concerned about burglaries. He is also concerned about car accidents and the insurance is already very high. Marijuana will make that even worse. His friend's kids got addicted and he is terrified and it costs a lot for treatment. The residents should have a voice.

Anatoli Rastorgonev, 41 Beaconwood Road, said there was a meeting at the South Pacific restaurant because the community is overwhelmed. They are worried about safety and property values. They did not see any support from the Council. He saw a bunch of kids smoking weed in Cold Spring Park and they got in a car and drove off. A police officer told him that they have no tests for driving under the influence.

George Shen, 18 Fredana Road said he is a first generation immigrant who came here speaking freedom and liberty. They chose Newton because it is so beautiful and safe and he is proud to be here. He has three boys in public school here. Every voter should have a chance to vote on this and he supports opting out so Newton can stay safe and beautiful. Culturally, the impact will be big so please vote to opt out.

James Gilbert, 38 Oak Avenue said he is in favor of opting out. Kids will self esteem issues will use marijuana as an escape instead of seeking real help. Kids will get the drug in spite of the 21 year old prohibition. (Inaudible – speaking too close to microphone).

Jenny Gao, 48 Maplewood Avenue said she is a medical doctor and also has a PhD in pharmacology. She supports medical marijuana and to a certain degree, recreational marijuana. However, she is opposed to opening retail stores in Newton. Marijuana usage in teenagers can

cause substance abuse later in life. It is a big topic among doctors. The industry needs a lot of regulation and it is going to cause harm to our safe community.

Lisa Li, 18 Fredana Road said she has three children and she had a Juul in her hand which she said she picked up outside the high school today. Kids use it to smoke pot but it has a sticker on it that says keep away from children. If Newton has more than 8 stores, it will be very easy for kids to have access even if they are not supposed to sell to minors. More availability of drugs will mean easy access for kids. Research shows that teens are the most vulnerable group because they are curious and they will get addicted. One out of 6 who try weed, will get addicted. Every town around Newton opted out so everyone will come here for pot. She was worried about accidents, crime and safety.

Sally Pian, 38 Kenmore Street said she is supporting the opt out movement and wants everyone to be able to vote. She said there is art and culture so she does not understand why people have to use drugs. It is a sign of the times.

Shana Zandman, 45 Ashton Avenue said she is a pediatrician and a mom. She echoed the concerns of her fellow physicians on the safety of marijuana on children. The issue is that Newton is required to have 8 stores and she did not think most people knew that. Her husband voted in favor but he now says he did not understand that 8 stores would be allowed.

Jacob Foster, 59 Hancock Avenue is a high school student. He thinks that the marijuana stores would be problematic for youth. There would also be an increased incidence of traffic accidents and youth fatalities. One clear factor that is more likely to kill a teenager, is a car. He drives to school everyday and passes South Pacific that is being considered as a site. The Highway Safety Association found that drugs were present in 43% of lethal car accidents and alcohol was present in only 37%. This shows that increasing access would make the streets in Newton more dangerous. Use of Juuls is more popular with teens.

Grace Cai, 26 Spier Road said she is a student at Oak Hill Middle School. She does not want a marijuana shop in Newton because it causes long term health consequences including schizophrenia and permanent loss of IQ. It will increase traffic accidents.

Carolyn Gabbay, 11 Doris Circle said Question 4 was crafted in a way to be sure people did not understand the implications for their community. She is a lawyer and knows this from experience. The millions of dollars in the marijuana industry made sure they knew exactly what they were doing. She completely opposes opening recreational marijuana stores in Newton and being the magnet for all communities surrounding Newton that opted out. The question here however, is whether the people get the right to vote. The City Council should have little or no problem approving that right. It is no access for an adult to go somewhere to buy marijuana – she does not want people buying it near her.

Darya Priklopskaya, 10B Hargrave Circle said she supports the opt out movement. It is not an underground operation and she talks to people quite a bit and posts on Facebook and various schools. There are risks, consequences, and unknowns. The question was formatted in such a way that was confusing. She supports medical marijuana but not recreational. She does not want a store at four corners because kids congregate there all day long. Her kids will become curious. Subsidized housing is in that area as well and temptation should not be put in front of the children who live there.

Reo Wang, 44 Parker Avenue said she is a 6<sup>th</sup> grader and marijuana is a very important issue to talk about. It causes many deaths and traffic accidents. Kids are curious and will want to try it and will get addicted. Addiction is a big problem in America.

Olivia Matthews, 42 Chesley Road said she lives near Murray's Liquors and has 3 children. She has been reading as much as she can about this issue. People who voted for legalization did not know they were voted to have it sold throughout Newton. In towns where recreational stores opened, there was an increase in teen use. Let the voters decide.

Lex Matthews, 42 Chesley Road said he is in support of the opt out movement. Guns and gun control show that more access equals more shootings and death. Access matters. He has been a principal in Boston and Somerville and has seen thousands of kids. He sees how kids start with a little bit of pot and ends up being a huge problem and kids dropping out of school. It is not the same as alcohol. He has seen the people that go to the marijuana stores and they are not people he wants near his house. He can't believe that putting a store in Newton Centre is even up for discussion. People will be coming from the opt out town to buy their marijuana in Newton.

Esther Israel, 19 Alden Street said she is a pediatrician and says that marijuana is bad for kids' brains. She is speaking as a resident of the city and a democratic country. The people of Newton need and deserve the option to opt out, or opt in, but they should have the opportunity to vote. People did not realize what they were voting for when they voted for legalization – they did not know they would have stores in their city.

John Madfis, 95 Central Street said marijuana is easily available for junior high and high school kids. If you want kids to have less access this is the way to do it. Jocelyn Elders, former US Surgeon General said the illegality of cannabis is outrageous and any impediment to the full utilization of a drug which helps produce the serenity and fellowship so desperately needed in the mad and dangerous world. Nixon created a commission to look at marijuana and said it should be legal and decriminalized.

Dave Newman, 46 Shornecliffe Road says he has worked on anti-tobacco initiatives that have helped to advance public health related to tobacco. Many campaigns have started at the local level and Newton has always been a leader to pass public health measures to protect children and workers. New products like juuls and vapes and recreational marijuana are growing in popularity. The impact of marijuana will have is largely unknown. We may find ourselves dealing with social issues related to this for years to come. Acting locally to limit widespread exposure and access is

something that should be done. He acts for the opportunity to let people vote and supports opting out.

Lisa Gordon, 76 Elgin Street asked who read the many paged ballot question 4. She said many of the people in opt out supported legalization. This is about the right to have a ballot question. The proposed law would allow cities to impose reasonable regulations and to limit the number of establishments. She asked the Councilors to take this seriously. The only way to hear what they want is to have the question on the ballot. Students perceive the use of marijuana to be less risky than using other substances.

Ruth Sasakimi agreed with the other doctors who spoke. There are also edibles that will be sold and they can be very dangerous and look like candy. Adolescent kids will be attracted to these but younger kids who do not know how to read could ingest them. Edibles take much longer to take effect than smoking marijuana. Therefore, people start eating more because they do not feel the effects, which lead to overdoses. Allow people to vote.

Anthony Pellegrine, Nonantum said he does a lot of work in the community with children. He was concerned about the edibles as well. He did not know there would be 8 stores in the City. Garden Remedies is looking for a recreational license. Kids will be walking by there and the legal product will be purchased and then sell it illegally and maybe lace it with other drugs. He knows too many kids who smoke too much pot and they are not working and were smoking too much marijuana in school. Having access throughout the City is not reasonable.

Boris Gellar, 1274 Beacon Street said he has been traveling to Seattle and San Francisco and he saw changes there after recreational use was legalized. He would not want to see those changes happen here. Newton is being targeted and our kids are being profiled and targeted. There is a reason why the stores are being proposed near ice cream stores and dunkin donuts and near school bus stops. He would like the chance for the residents to vote for this. He has not idea about the quota on shops.

Carol Wein, 70 Mary Ellen Road – submitted written comments attached.

Brain Washburn, 151 Ridge Avenue said that more than 100,000 signatures were required to get the original question on the ballot in the state election. More than 25,000 Newton residents voted in favor of legalization in the City. The people that voted for this knew there was a retail provision and have been waiting for 18 months for that to be allowed. Based on the high bar that has been set to get the measures on the ballots it should take an equally high bar to get them reversed. Opt Out Newton has said there is a large majority in favor of opting out, so getting the 6,000 signatures should not be difficult. That would be about 45 signatures for each of the people present at the public hearing.

Douglas Jensen, 16 Rockwood Terrace said he and his family moved to Newton for all the wonderful reasons others have mentioned. He does not think any of that will change with the sale

of recreational marijuana. It will probably fade under the radar, much like liquor stores. He wondered if waiving 6,000 signatures should be allowed and he felt it would be too hard to decide who should or should get a waiver. The opt out organization has been operating under the radar. He recommended that people walk through the neighborhoods and talk to people and tell everyone their position instead of just online petitioning. Also, the stores are for adults. Instead of legislating, better parenting might go a longer way if you are worried your children are curious.

The Committee voted to close the public hearing.

#### Committee Discussion

It was asked how consumption of premises is dealt with. Jennifer Caira, Planner, said that social consumption on-site is not allowed unless opted into by a vote of the residents.

A Councilor asked if the City must accept 8 establishments. Ouida Young, Acting City Solicitor said regulating fewer than 8 establishments would require a ballot question and a vote by the residents. Councilor Albright mentioned that she and Councilor Schwartz discussed docketing an item to put a question on the ballot to regulate the number of establishments to less than 8. She asked if would be acceptable to have two ballot questions. Ms. Young said there is no prohibition to having more than one question. The City's Charter states that an initiative or referendum competing items are on a ballot, the one with the highest number of votes would prevail. She has a call into the state to determine if the same circumstances would apply to these questions.

There is a timeline for getting questions on a ballot, however, Ms. Young believes there would be time to get a question on the ballot if passed through City Council by the end of August. The Chair said he spoke with the City Clerk who reminded him that there would be two ballots – a state ballot and the local ballot. Early voting would push the timelines a little bit, but there would be time. The Clerk would need to have something approved through the City Council by the beginning of September at the latest.

A Councilor asked about the required signatures associated with the ballot question. The Chair explained the requirements are in the City Charter. A petitioner must get signatures of 10% of the registered voters (6,000) in order for the City Council to consider a ballot question; or to completely bypass the City Council, signatures of 15% of the registered voters (an additional 3,000).

It was asked if edibles only could be banned or regulated. Ms. Young said that was not possible.

A Councilor asked if the City could put a ballot question on after this year. Ms. Young said she would have to check, but she did not think there would be a prohibition to opt out at a future time.

The Chair asked if residents voted to opt out, what would the effect be on existing establishments. Ms. Young said it would depend on which principle might be applicable. She will be looking into this further and be fertile ground for future litigation.

The City Council has 90 days from the close of the public hearing to get this voted through City Council. There is only one City Council meeting in July and one in August, so timing needs to be carefully considered. The Council does not like to take up controversial votes over the summer.

There was some discussion as to whether the Committee can amend the petitioner's question from banning retail use, to limiting the number of establishments. The Committee Clerk felt that docketing a separate item for limiting the number of establishments would be a better course of action. It could then go on the June 18<sup>th</sup> docket and be discussed in Programs & Services on June 20<sup>th</sup>.

A few Councilors felt the petition, as submitted, should be put to the City Council for a vote and it should not be amended. The Committee heard from the public on this particular item and not on an amended version of it.

Many Committee members felt this item should be moved on to the full City Council for discussion and vote.

Councilor Albright said she was not in favor of a full ban, but would be in favor of limiting the number of establishments. She was not in favor of legislating by 50-person petition. There are a whole host of controversial items that could be coming up and putting a question on a ballot with just 50 signatures does not seem like a high enough bar. She will not vote in favor of putting this on the ballot. She also stated that all the laws that pertain to smoking tobacco in public would apply to marijuana as well.

Councilor Kalis felt that very few people read the entire Question 4 and many did not know how legalization would truly affect the City, which is why moving this forward is necessary.

Councilor Brousal-Glaser said she will abstain because there are many questions of the Law Department that need to be answered including what might happen with Garden Remedies. Having just one recreational shop and having it in Newtonville would not be satisfactory to her. She also feels the marketing of edibles to children is disturbing. In Massachusetts, whoever has money to open a shop will be making a lot of money from this industry which also concerns her.

Councilor Rice said he feels the full City Council should discuss this and would like to move it forward, particularly considering the limiting timeline.

Councilor Schwartz moved approval and the Committee voted in favor 3-1-2 with Councilor Albright opposed and Councilors Brousal-Glaser and Krintzman abstaining.

**Respectfully Submitted,**

**John B. Rice, Chair**

# LET NEWTON VOTERS DECIDE ON RETAIL MARIJUANA SALES IN OUR CITY



Suzanne Bender, MD

Newton parent, resident for 18 years

Child psychiatrist, Newton private practice and MGH

Assistant Professor of Psychiatry, Harvard Medical School, Part-Time

# Details of Question #4

## (The ballot measure to legalize marijuana)

- Every community is required to sell recreational marijuana unless it OPTS OUT
- Newton is mandated by state law to have **at least 8** retail marijuana dispensaries. (20% of our liquor stores)
- To support local control, Question #4 allows towns to OPT OUT and regulate –It is our legal right to explore both
- Procedure for a community to OPT OUT of retail marijuana sales
  - Ballot measure –voters decide
  - City Council Vote



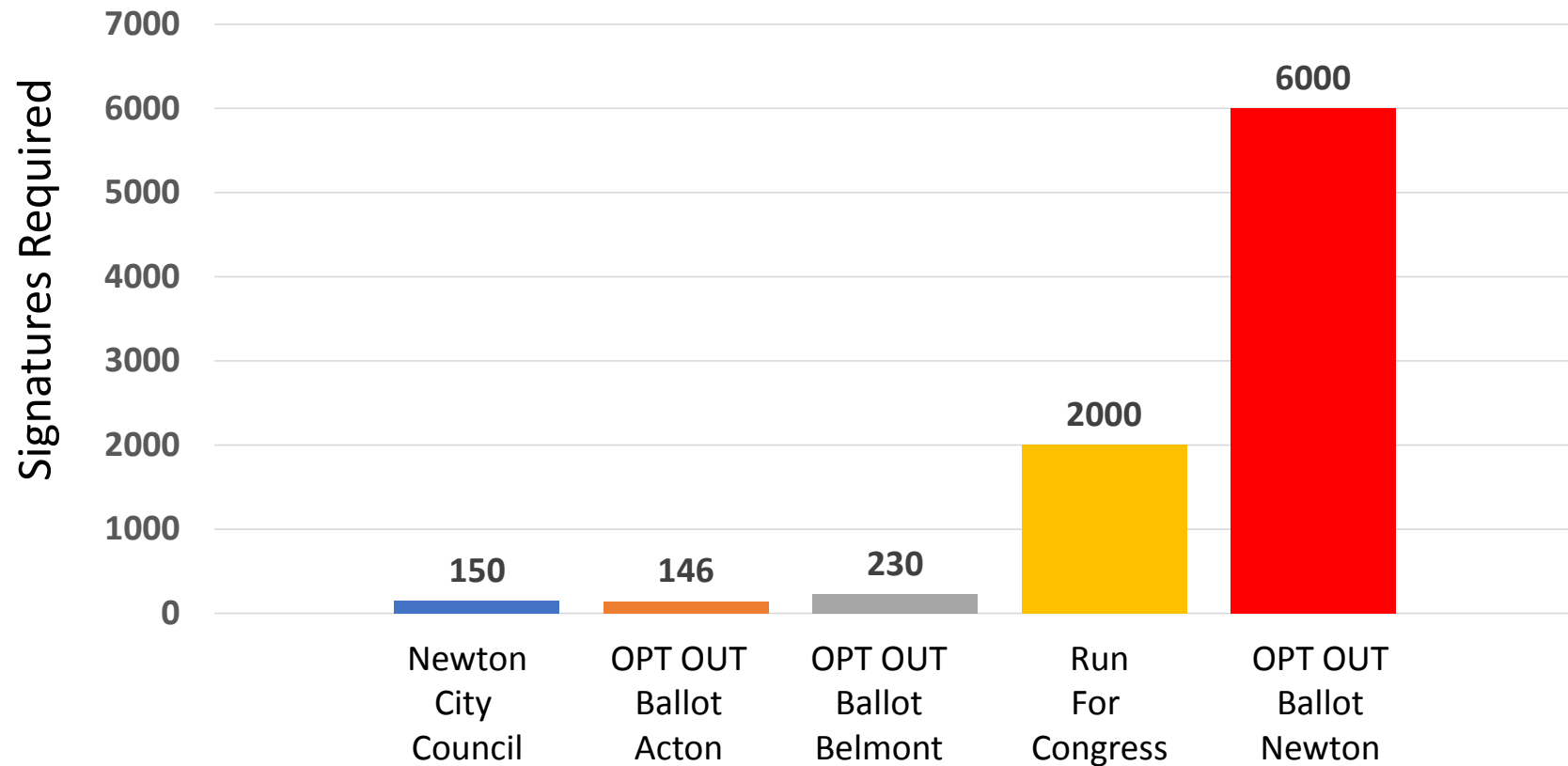
# What are we asking for today?

- We are asking the City Council to let the Newton voters decide in a November ballot measure if we want retail marijuana shops in our community
- At least 26 City/Town Councils (in towns that voted YES) have allowed their constituents vote on this issue as it is supported by state law

# Three ways to a ballot measure

- City Council approves a ballot measure for voters to decide
- 6000 signatures to City Clerk for a ballot measure and City Council concurs
- 9000 signatures to City Clerk and no need for City Council approval

The requirement for 6000 signatures is unreasonable



## OPTING OUT of retail sales does not affect an adult's right to use marijuana

- Adult right to use marijuana recreationally is protected
- Medical marijuana use and stores are protected
- Adult right to grow marijuana is protected
- Home delivery would be allowed

Proposed sites are near family friendly areas  
Unclear if residents can influence placement of stores

- Murray's Liquors in Newton Centre by Bill's Pizzeria
- The former South Pacific restaurant location in Four Corners
  - On the walking route of the Zervas elementary school children
- The former site of Green Tea restaurant by CVS near Route 9

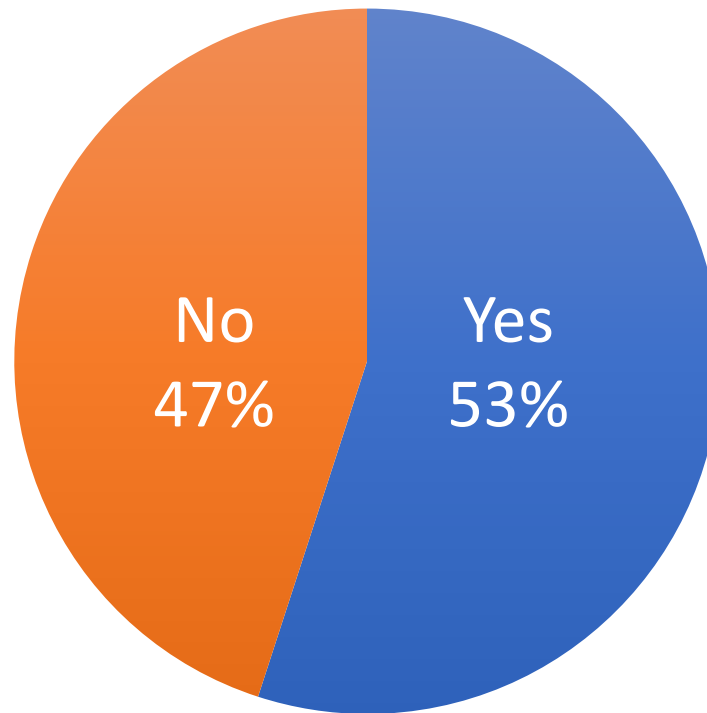
Supporting legalization  
≠  
Supporting commercialization

- 27 towns that voted YES on Question 4 had a ballot measure
  - **24/27 have voted to OPT OUT**
- Towns that voted YES on Question 4 and have since voted to OPT OUT
  - Auburn, East Brookfield, Ashland, Freetown, Westminster, Avon, Whitman, Merrimac, Milford, East Bridgewater, Stoughton, Southbridge, South Hadley, Dedham, Randolph, Rowley, Spencer, Abington, Dedham, Concord, Holliston, Hull, Rockport, Westport, Medway, Bellingham, Southwick

## Supporting legalization $\neq$ Supporting commercialization

- **53.6%** of MA voters supported legalization
- In OPT IN/OPT OUT elections (towns that voted yes)  
**60%** of voters have voted to OPT OUT
- 27 towns have voted on OPTING OUT  
**89% have voted to OPT OUT**

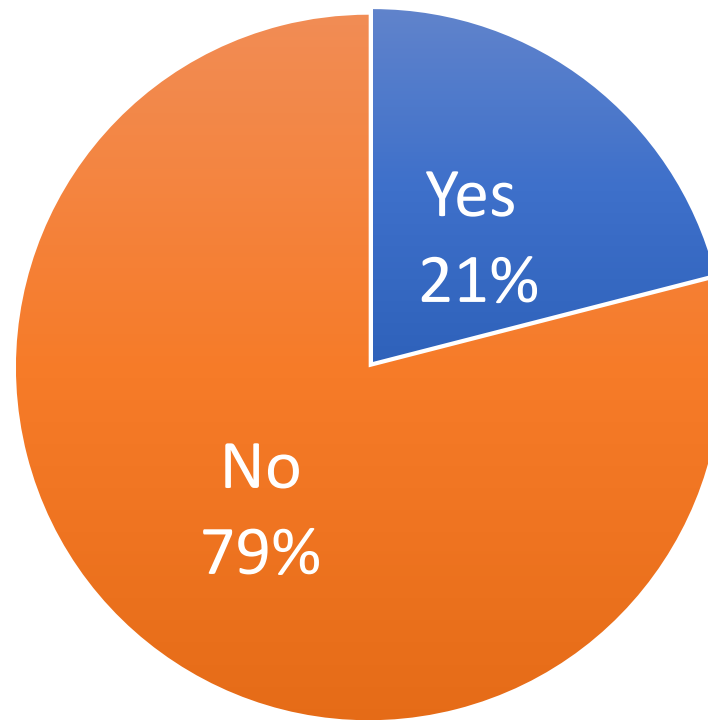
Did you vote in favor of legalization of recreational marijuana on Question 4 in 2016?



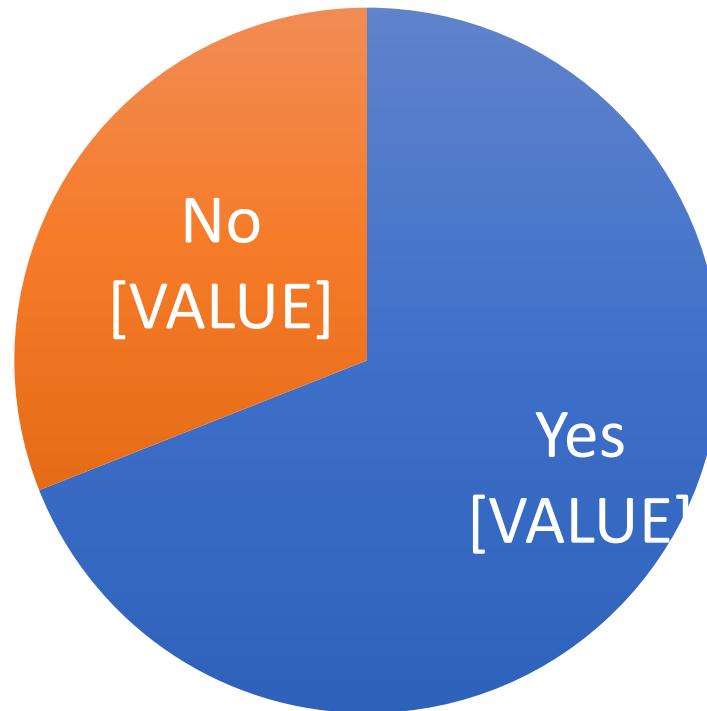
(230 individuals on Google survey)



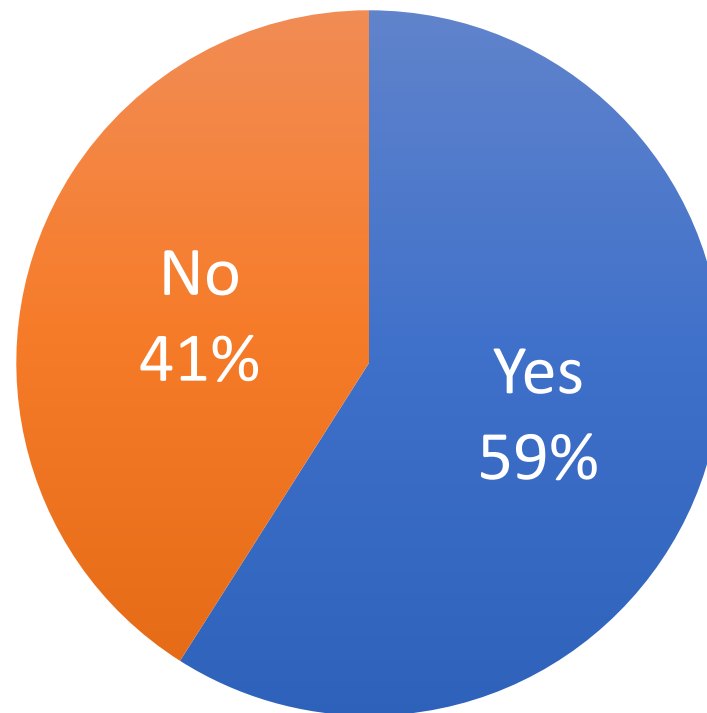
When you voted on marijuana legalization, were you aware that it would require Newton to allow at least 8 recreational marijuana establishments?



Do you think Newton voters should be able to vote on whether or not to OPT OUT of allowing recreational marijuana stores and bars in Newton?



If a vote were held, would you vote for Newton to OPT OUT of allowing recreational marijuana stores and bars?



# Let Newton voters decide, not the marijuana industry

- AMOUNT OF MONEY SPENT ON QUESTION #4 (ADVERTISING ETC)
  - Pro Question #4: almost \$5 million,  
\$4.3 million from out of state: Washington DC based pro-marijuana PAC
  - Con Question #4: \$1.5 million  
Massachusetts residents, Partners Healthcare, Mass Medical Society and  
Liquor industry

- <https://www.boston.com/news/politics/2016/10/25/massachusetts-4-ballot-questions-ranked-by-spending>

## The tax benefits of sales are negligible

- March 2016 report from Special Senate Committee on Marijuana

“Tax revenues and fees that would be generated from legal sales may fall short of even covering the full public and social costs (including regulation, enforcement, public health and safety, and substance abuse treatment).”

- Average Colorado store: \$2.5 million sales per store  
3% MA sales tax revenue: \$75K per store  
8 stores: \$600K tax revenue

# Increased marijuana sales will cost money

- Money made by tax revenue offset by
  - Law enforcement
  - Emergency services
  - Substance abuse prevention and treatment
- Amherst (population 38,000)
- Anticipates hiring two new police officers and four new EMTs costing the town **\$550,000**
- **\$600,000 from marijuana sales in Newton/\$388 million budget = 0.15%**
- Not clear Newton will break even

<http://wamc.org/post/amherst-official-says-college-town-will-need-more-staff-when-pot-stores-open>

## Why this is not an example of NIMBY (Not in my BackYard)

- It is the legal right of every community in Massachusetts to decide what is best regarding retail marijuana sales
- Over 80 towns have currently opted out of retail marijuana sales including:

Weston, Burlington, Bedford, Bridgewater, Dennis, Everett, Falmouth, North Reading, Reading, Sandwich, Chelmsford, Methuen, Revere, Winchester, Woburn, Westborough, Southborough, Westford, Sturbridge, Norwell, Lexington, Milton, Norwood, Westwood, Medfield, Williamstown, Danvers, Pembroke, North Andover, Chatham, Harwich, and Lawrence

# Why is a marijuana dispensary more concerning than a liquor store?

- Increased secondhand smoke
- All cash business model invites increased crime
- With increased exposure in the local community, marijuana use is normalized for young people. Increased use leads to increased addiction
- We are inviting impaired drivers to our community



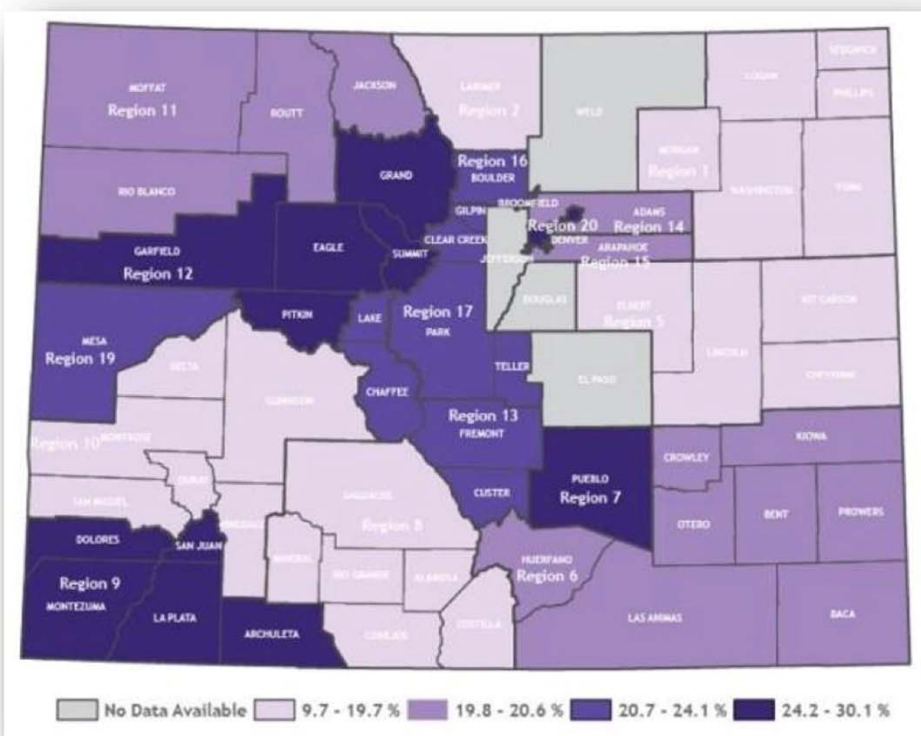
# Commercialization leads to normalization, promotion and increased use

- The young brain is primed for addiction; 1/6 young users become addicted
- Those under age 15 who use cannabis are at increased risk for dropping out of school and for dissatisfaction with their lives and relationships
- Young adult chronic use can adversely affect motivation, attention, and emotional development
- Increased risk of psychosis
- Long term use can increase risk of depression and anxiety

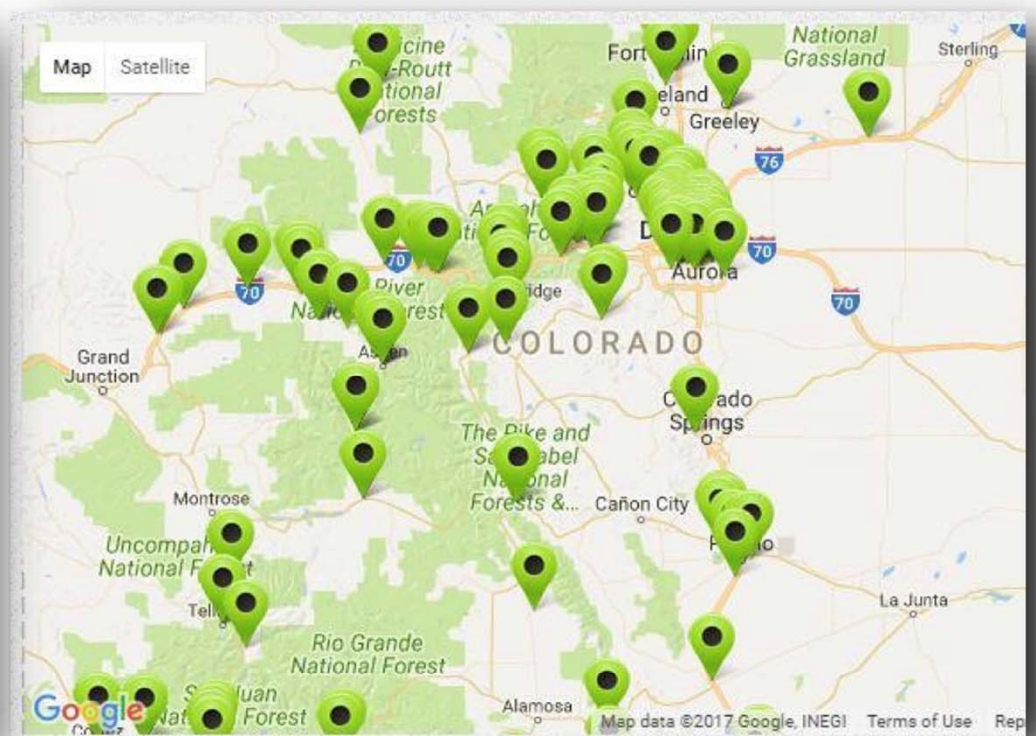
## References

- Cerda' M, Wall M, Feng T et al. Association of state recreational marijuana laws with adolescent marijuana use. JAMA Pediatr. 2017;171(2):142-149
- Hall w, et al. Adverse health effects of non-medical cannabis use. Lancet. 2009;374: 1383-9
- Bassistella G, et al. Long-term effects of cannabis on brain structure. Neuropsychopharmacology (2014) 39, 2041-2048
- [https://www.aacap.org/AACAP/Families\\_and\\_Youth/Facts\\_for\\_Families/FFF-Guide/Marijuana-and-Teens-106.aspx](https://www.aacap.org/AACAP/Families_and_Youth/Facts_for_Families/FFF-Guide/Marijuana-and-Teens-106.aspx)

where there's more marijuana **more kids use**



[Healthy Kids CO 2015 Survey Data](#)



[NORML Marijuana Retail Shop Locator](#)

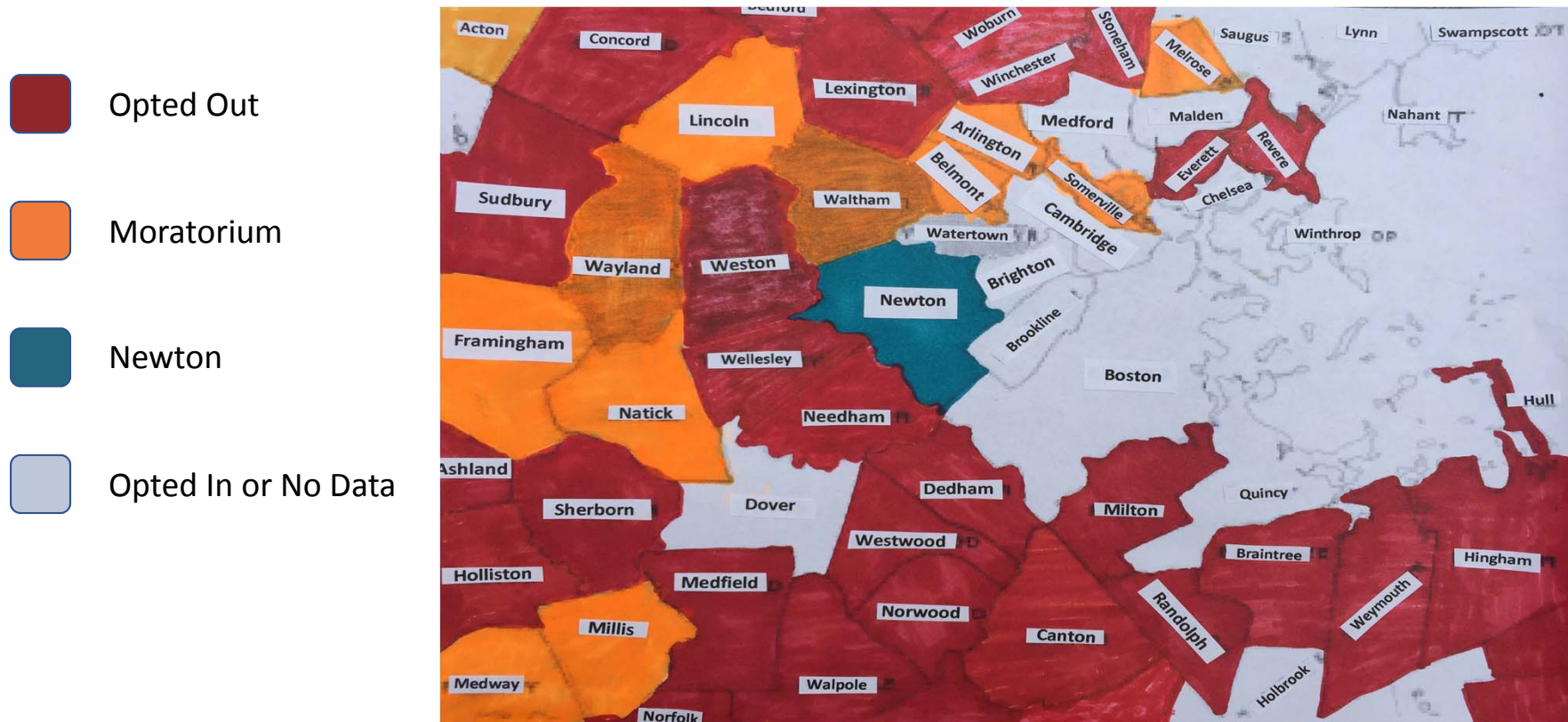
# Marijuana use impairs driving

- In Colorado, marijuana-related traffic deaths increased an average of 48% in the three years following legalization of recreational marijuana compared to the three years prior to legalization
- Washington drivers with active THC in their blood involved in fatal driving accidents increased 122.2% from 2010 to 2014
- Driving after using marijuana approximately DOUBLES the risk of a collision
- <http://www.massmed.org/Patient-Care/Health-Topics/Marijuana/What-Are-the-Risks-of-Marijuana-Use-/#.Wsv-o9PwZ3k>
- Asbridge M, Hayden JA, Cartwright JL. Acute cannabis consumption and motor vehicle collision risk: systematic review of observational studies and meta-analysis. BMJ. 2012;344:e536

# Impaired drivers endanger our community

- Colorado Public Health: “Any amount of marijuana consumption puts you at risk of driving impaired.”
- There is no breathalyzer equivalent to identify drivers who are high
- Weston, Lexington, Dedham, Needham and Wellesley have voted to OPT OUT  
These Western suburb consumers will likely come to Newton to buy and consume marijuana and at least some will drive home high
- <https://www.codot.gov/safety/alcohol-and-impaired-driving/druggeddriving/marijuana-and-driving>

# Newton could become the regional super center for marijuana sales





# Precautionary Principle

act to do the least harm



## Level of Confidence in the Evidence for Adverse Effects of Marijuana on Health and Well-Being

Effect	Overall Level of Confidence*
Addiction to marijuana and other substances -----	<b>High</b>
Abnormal brain development -----	<b>Medium</b>
Progression to use of other drugs -----	<b>Medium</b>
Schizophrenia -----	<b>Medium</b>
Depression or anxiety -----	<b>Medium</b>
Diminished lifetime achievement -----	<b>High</b>
Motor vehicle accidents -----	<b>High</b>
Symptoms of chronic bronchitis -----	<b>High</b>
Lung cancer -----	<b>Low</b>

*Volkow ND et al. N Engl J Med 2014;370:2219-2227.*

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<http://marijuana-policy.org/wp-content/uploads/2017/11/NEJM-Mj-Adverse-Health-Effects-Marijuana.jpg>

[http://masstapp.edc.org/sites/masstapp.edc.org/files/2012-12-04\\_MMJ--Precautionary\\_Principle\\_Summary\\_LH\\_Westborough.pdf](http://masstapp.edc.org/sites/masstapp.edc.org/files/2012-12-04_MMJ--Precautionary_Principle_Summary_LH_Westborough.pdf)

# Let the Newton voters decide

- It is our **legal right** as a community to vote on whether we want recreational marijuana establishments in our city
- This is our only chance to OPT OUT
- To avoid any concern about conflict of interest, we need the City Council to support this ballot measure

# Final words by Dr. Mike Jellinek

Dr. Michael Jellinek

Chief of MGH Child Psychiatry for 32 years

President of Newton-Wellesley Hospital 2000-2012

Consultant to many Massachusetts school districts for decades, including  
Newton

Thank you for your time and consideration

For questions and more information, please contact us at

**OPTOUTNEWTON.ORG**