

TOWN OF CLARENDON, VERMONT

MINUTES

SELECT BOARD POLICY COMMITTEE

Monday, August 19, 2019

ATTENDEES:

SELECT BOARD

Michael Klopchin, Chair
Robert "Bob" Bixby, Clerk
Robert Congdon, Jr.
Cash Ruane

1. CALL TO ORDER

Chairman Klopchin called the Policy Committee meeting to order at 10:10 a.m.

2. ADDITIONS/DELETIONS TO AGENDA

No revisions were made to the Agenda.

3. PROPOSED MARIJUANA ORDINANCE

Board members and Clarendon residents Alf Strom-Olsen and Art Petersen discussed a draft of the Ordinance dated August 5, 2019. Robert sought clarification on the intent of some of the language, and the Board clarified that the present meeting seeks to ensure that the marijuana ordinance is official, since some members indicated that they believe it is in "draft" form, whereas he believes that it is, in fact, a "passed ordinance", having been passed in a prior vote of the Board. Bob therefore suggested, for the sake of clarity and to remove any doubt about the status of the ordinance, that the prior action of the Board be officially rescinded so as to make the action to be potentially taken clear, and without ambiguity. Robert agreed, and indicated that the first step should be to rescind what exists, stating that he understands that there are concerns with exempting medical marijuana.

Mike reviewed the statutory definition of dispensary, and Art Petersen indicated that, in his review of the proposed ordinance dated August 5, 2019, he believes that it would prohibit dispensaries of medical marijuana. Alf Strom-Olsen noted that there is going to be a special meeting on August 26th, at which time the ordinance will be revisited and likely revised, after which it will be voted on at the Regular Meeting of the Selectboard. He therefore advocated for open discussion on the matter, since to do otherwise could have serious legal ramifications.

Cash voiced his position that he is totally against marijuana, and noted that the State will fully regulate dispensaries. As such, there is a potential for tax revenues to come into town. Therefore, although he is generally against marijuana, he stated that it will be State regulated, which enhances safety, and he sees the benefit of bringing revenues into the Town.

Mike countered that dispensaries will still sell paraphernalia in Town – i.e. pipes, rolling papers, bong, etc. He therefore queried the process when a doctor provides a prescription for medical marijuana, how does an individual take the product? Robert indicated that there is nothing in the ordinance prohibiting opening a smoke shop.

Art commented that there is a “loophole” in the draft ordinance, since it doesn’t ban the sale of recreational marijuana and associated products. He advocated for banning all marijuana and marijuana products within town limits. Following that discussion, Robert moved to rescind the ordinance that was previously voted on. Bob seconded the motion, and the motion passed. Bob then added that that he does not want to do away with the medical aspect, since citizens in Town have talked to him about that and they are concerned about a prohibition.

Following additional discussion regarding verbiage for an ordinance, Robert moved that the matter be added to March ballot as a binding question to ask the public if they wish to have recreational marijuana sales banned in the Town of Clarendon. The motion was seconded by Bob. Discussion then followed, with Robert positing verbiage for a potential ordinance. He also noted that the Legislature will not be back in session until January, so it is likely that there will not be guidance from the Legislature until March. As a result, the earliest the proposed ordinance could be effective would be July 1. Robert also pointed out that the Board needs feedback from its constituents, and should actively seek that out, given that, as elected officials, the Board should do what its constituents want. Ergo, he stated that he will always advocate for putting such matters on the ballot. Alf Strom-Olsen agreed.

Mike voiced disagreement, and advocated for voting on the motion. The vote was called, resulting in a tie – two in favor, two against, and the motion failed. Bob then noted that citizens of Clarendon have the ability to petition on an issue if they disagree with the Board’s action, at which point it would go on the ballot in March.

Art Peterson then returned to the wording of the draft ordinance, indicating that it is “the sale of recreational marijuana and recreational marijuana products” that should be banned in Town. Robert added that the phraseology should make clear that the ordinance is banning “recreational sales”. The Board then reiterated that it is the “sales or dispensing of recreational marijuana and products” it seeks to prohibit. Bob added that such ordinances may have been tested in Colorado, and that could prove instructional for the Town.

Alf Strom-Olsen commented that the intention is not to ban medical marijuana, just recreational marijuana. Mike then proposed the following language for the proposed ordinance: “opening, operating or locating a marijuana dispensary shall be allowed for medical purposes only”. Art suggested that the phrase “for medical purposes only” could be viewed as unduly vague, so the Board should consider more specific language. Board members discussed the matter, and indicated that the Town would be banning “the sale or dispensing of recreational marijuana, not medical marijuana dispensed by a licensed marijuana dispensary as addressed 18 V.S.A. §§ 4472 and 4472(e).

The matter will be placed on the agenda for first meeting in September (September 9), and it will be posted prior to that meeting so that citizens of the Town will have an opportunity to review it. Robert then moved to draft a clean copy, and once all Selectboard has had the

opportunity to review the language, it can be voted on in the first meeting in September. Cash seconded the motion, and it passed unanimously.

4. ADJOURNMENT

Business having concluded, Bob moved to adjourn the meeting. Robert seconded the motion, and with no objection, the motion passed. Meeting adjourned 10:47 a.m.