

Commonwealth of Massachusetts



CANNABIS CONTROL COMMISSION

101 FEDERAL STREET

BOSTON, MA 02110

TELEPHONE (617) 701-8400

STEVEN J. HOFFMAN

CHAIRMAN

CANNABIS CONTROL COMMISSION PUBLIC MEETING MINUTES

January 9, 2018 10:30 a.m.

Minihan Hall

19 Staniford Street

Boston MA

COMMISSION MEMBERS IN ATTENDANCE

Chairman Steven Hoffman
Commissioner Kay Doyle
Commissioner Jen Flanagan
Commissioner Britte McBride
Commissioner Shaleen Title

COMMISSIONER MEMBERS ABSENT: None

LIST OF DOCUMENTS:

1. Presentation: <https://www.mass.gov/files/documents/2018/01/11/010918CNB-Commission-Meeting.pdf>
2. Minutes:
 - October 19, 2017
<https://www.mass.gov/files/documents/2018/01/11/101917FinalMeetingMinutes.pdf>
 - November 21, 2017
<https://www.mass.gov/files/documents/2018/01/11/112117FinalMeetingMinutes.pdf>
 - November 28, 2018
<https://www.mass.gov/files/documents/2018/01/11/112817FinalMeetingMinutes.pdf>
3. Job Descriptions:
 - Chief of Investigations and Enforcement:
<https://www.mass.gov/files/documents/2018/01/11/010918CNB-Chief-Investigations-Enforcement.pdf>

- Chief of Staff: <https://www.mass.gov/files/documents/2018/01/11/010918CNB-Chief-Staff.pdf>
 - Digital Director: <https://www.mass.gov/files/documents/2018/01/11/010918CNB-Digital-Director.pdf>
 - Director of Government Affairs: <https://www.mass.gov/files/documents/2018/01/11/010918CNB-Director-Government-Affairs.pdf>
 - Director of Research: <https://www.mass.gov/files/documents/2018/01/11/010918CNB-Director-Research.pdf>
4. Handout: “The Impact of Drug and Marijuana Arrests Within the Largest Cities of Massachusetts”:
<https://www.mass.gov/files/documents/2018/01/11/010918CNB-Impact-Arrests-Largest-Cities-MA.pdf>
5. Handout: “The Impact of Drug and Marijuana Arrests on Local Communities in Massachusetts”
<https://www.mass.gov/files/documents/2017/12/12/Impact%20of%20Drug%20and%20Marijuana%20Arrests%20on%20Local%20Communities%20in%20Massachusetts.pdf>

Chairman Hoffman called the meeting to order at 10:35 a.m. He said before the Commission begins official business, he would like to request if anybody’s recording this meeting please raise their hands. He asked if everybody can hear in the back of the room. He said the Commission has a pretty full agenda but would like to make a statement before they start.

First of all, he said he wanted to wish everybody a happy New Year. It is the first time the Commission is meeting in 2018 and he thinks they can all agree that 2018 is going to be a very interesting year.

The Chairman said he was going to read a statement: “We obviously read with interest both Attorney General Sessions announced last week that he is rescinding the Cole referendum, as well as yesterday’s statement from U.S. Attorney Lelling. The mission and the work of the Cannabis Control Commission has not changed. We remain committed to fulfilling the will of the voters of the Commonwealth which is to implement and administer a regulatory process that is safe, equitable, and efficient. This is the mandate that was set for us by the voters of Massachusetts as well as by the legislature. We have conducted the work in a collaborative and transparent manner and will continue to do so moving forward. We welcome any opportunity to work with the partners across all levels of government: local, state, and federal. And finally, the Commission would like to express the gratitude to the appointing authorities: Governor Baker, Attorney Healy, and Treasurer Goldberg for their statements of support for the Commission and for the work. Thank you.”

The Chairman went over the agenda.

The Chairman opened discussion on minutes from November 28, 2017 and October 19, 2017. Commissioner McBride moved to approve minutes from October 19, 2017, seconded by Commissioner Doyle. The Commissioners discussed a set of minutes that had not been distributed at the meeting from November 21, 2017. Commissioner Doyle explained that the minutes for November 21, 2017 had been distributed to the Commissioners prior to the meeting and a change was proposed regarding a survey that the Commission is partnering with several community groups to distribute around the state and it will be posted publically. The survey mentioned in that is a cannabis equity program survey regarding people from disproportionate impact communities into the regulated industry. In the sentence that will change, it had originally been written that "Commissioner Title asked the commission if some cities or towns were included in the survey. Someone answered in the affirmative." Commissioner Doyle further explained that someone had responded to the draft minutes, stating that it was Commissioner Flanagan, not Commissioner Title who said that. If the Commissioners were satisfied with the change, then the minutes could be approved. Commissioner Flanagan made the motion to approve seconded by Commissioner Title. The Commission approved unanimously the minutes from November 21, 2017.

Chairman Hoffman said the last set of previous meeting minutes is November 28, 2017. He asked Commissioner Doyle if she received any comments back on these minutes. Commissioner Doyle explained that during this meeting, the audio could not pick up one speaker, which was usually Commissioner Title. With that change, the Commission could approve those minutes. Commissioner McBride made the motion to approve, seconded by Commissioner Doyle. The Commission unanimously approved the minutes for November 28, 2017.

Chairman Hoffman said the next item on the agenda is approval of five job descriptions. Mr. Collins reminded the Commission that it had delegated hiring authority to him as the Executive Director and he has been bringing job descriptions for senior positions before the Commission prior to posting them. The Commission was also currently engaged in the process of hiring a chief technology officer. Mr. Collins described the chief of staff position as more administrative than policy, an administrative and operating officer. Commissioner Title asked to include the salary when possible. Mr. Collins agreed to do that or a range when posting. There were no further comments. Commissioner Doyle made the motion to approve, seconded by Commissioner Flanagan. The Commission unanimously approved the job description for chief of staff.

Chairman Hoffman said the next job description is Director of Research. Mr. Collins reminded the Commission that the robust research agenda required by statute compelled an early hire for this position, so the Director could get started as soon as possible to begin to think about that research agenda, begin to think about the types of data that the Commission will be collecting, how it can best utilize that, how it can really meet that charge as part of the statutory environment. It is a senior leader as far as the organization is concerned and one that would work both in the Commission, but also externally with other agencies, with sister agencies, to make sure that they are getting as robust information as they possibly can and able to reduce it to the Commission's need, but also to the public's needs. Commissioner Title said she didn't see

anything about cannabis specific subject matter expertise, and she thought it should be preferred, if not required, because it would really help with the learning curve, people with that experience with the subject. Mr. Collins agreed to incorporate that into knowledge and skills.

Commissioner Flanagan made the motion to approve, seconded by Commissioner Doyle. The Commission unanimously approved the job description of director of research with the amendment suggested by Commissioner Title.

The Chairman described the next job position as chief of investigations and enforcement. Mr. Collins explained that this is an important role as far as senior role as far as the organization is concerned and one that will have a really powerful role in the enforcement and education about the Commission's regulations, but also as it pertains to the license and process and the background checks in the various reviews that are necessary. Of the job descriptions that are before the Commission today, this would be the pressing, time-sensitive one as far as he was concerned, not only to get posted, but to find the right candidate to make sure that this role is filled by someone with the appropriate background and experience. Commissioner Title said that in terms of the bachelor's degree in criminal justice or related focus required, could the Commission make that "or equivalent." She clarified that in the first bullet point under Education and Experience, she suggested to make it "bachelor's degree in criminal justice or related focus or equivalent" required. Commissioner McBride made the motion to approve, seconded by Commissioner Flanagan. The Commission unanimously approved the job description for chief of investigations and enforcement.

Chairman Hoffman said the next job description is director of government affairs. Mr. Collins said given that the Commission is fast approaching the state's budget season at the end of this month, and of course any other activity going on around the Commission, it is important at this point to consider a role focused on working with, again, the sister agencies and other layers of government to really coordinate that. A good example would be the number of public hearings coming up in February and making sure that outreach is done to elected, locally, statewide, and elsewhere. This is an important role that he would look to bring on quickly as well.

Commissioner Doyle made the motion to approve, seconded by Commissioner McBride. The Commission unanimously approved the job description for director of government affairs.

Chairman Hoffman said the final job description is digital director. This position has also been known as social media manager. Mr. Collins commented that this is another important role especially as the Commission thinks about the application process and making sure that they are able to produce material, maintain a website, and maintain a robust digital presence, that they have the right skill set focusing on it and focusing on it as early as possible. He thought they have a real opportunity with their draft regulations to issue guidance and think about how to distribute that and make materials available. If the Commission is trying to be as transparent and open as possible, having a digital presence is really critical in that endeavor. Commissioner Flanagan made the motion to approve, seconded by Commissioner Doyle. The Commission unanimously approved the job description for digital director.

Chairman recognized the enormity of the job MR. Collins was doing with hiring and recognized the work he was doing. He asked Mr. Collins what's the sequence he's thinking about in terms

of hiring these five positions. Mr. Collins mentioned the Commission currently had an opening that is posted for chief people officer. The Chairman clarified it is Human Resources. The Commission was also actively interviewing for both CFO and CTO. The next one, as he indicated earlier, would be chief of investigations and enforcement, and then government affairs after that, just to get those two critical functions fulfilled. Then he would look to stagger other positions in batches of two for the sake of bandwidth, starting with Director of Research and Digital Director. Chairman Hoffman asked if the Commission has any suggested changes in terms of that sequence. There were no suggestions.

The Chairman said the next item on the agenda is the guidance that they are planning to offer to municipalities. Commissioner Doyle said she distributed to the Commission a draft municipal guidance. She explained that it did not cover every issue that is facing municipalities at this time, but does try to get to some of the more basic and fundamental issues that they are grappling with as they enter into the spring town meeting season. It provides them with a timeline for the implementation of marijuana for adult use as the Commission knows it in the statute, gives them a little background on the way the law was enacted, describes the types of marijuana establishments that are proscribed both in the statute and then in the draft regulations, describes the role of the Cannabis Control Commission and the municipal role in the commission licensing process, and then the role of municipalities with regard to drafting and enacting local ordinances, the local tax opportunities, and host community agreements. Commissioner Doyle commented that Commissioner McBride had a very good suggestion on one section so if nobody has any other changes, they could add them after that.

Commissioner McBride said the proposed change is on page 7 and It is on the final paragraph that starts, “Once the Commission determines...” She would propose striking the language that the municipality has 60 days from receipt of the application to file an objection to it with the Commission — she would propose striking, “file an objection to it with the Commission” and replacing it with “a municipality has 60 days from receipt of the application to notify the Commission that the applicant is not in compliance with local ordinances or bylaws.”

Commissioner McBride said the reason she would make this suggested change is because she feels like filing an objection has a much broader meaning to it than what specifically we put in the draft regulations and she thinks it is the Commission’s intent to enable a municipality to say that they are not in compliance and not have it be a broader meaning for that. Commissioner Doyle added that it is the difference between statutory and regulatory language and the regulatory language helps clarify the statutory language, and that she agreed with Commissioner McBride’s change.

Commissioner McBride said she would also proposing changing the next sentence, striking out the phrase, “municipality will be deemed not to object” and replacing it with a sentence that says, “If no communication is received the applicant will be deemed to be compliant with all the local ordinances and bylaws.” Chairman Hoffman asked if there were any other changes. There were none.

Chairman Hoffman asked what the intent was once this document is finalized. Commissioner Doyle explained that the Commission intends to post it on their website and will provide a link to

Mass. Municipal Association and other municipal groups. It will be up and available for municipal officials to review and give the Commission feedback or ask any questions. Chairman Hoffman asked is there any proactive communication plan in terms of going out to the various communities with the statute. Commissioner Doyle said she will be speaking at the Mass. Municipal Association Annual Convention and Conference on January 18, 2017 and will also be walking around the convention that day if municipal officials would like to talk to her, as a roving ambassador with municipal guidance. Mr. Collins read the proposed amendment as: “The municipality has 60 days from receipt of the application to notify the Commission that the application is not in compliance with local ordinances and bylaws. If no notification is received the applicant will be deemed to be in compliance with all local ordinances and bylaws.” Commissioner McBride made the motion to approve with the amendment, seconded by Commissioner Flanagan. The Commission unanimously approved the Municipal Guidance, as amended.

Chairman Hoffman said the next topic is to provide the definition of disproportionately impacted communities.

Commissioner Title said they actually just discussed this at length at their December 12 meeting. If people are looking for context, they can get to the slide show on the website under December 12. She gave a very brief recap of the discussion. There are two mandates under the law that require the Commission to ensure that they are taking into account disproportionately impacted communities. Commissioner Title said that now, more than ever, it is crucial that the Commission is intentional about understanding the way that marijuana laws are disproportionately enforced and it has been explicitly required to take that into account in their policy making. She referred back to the two mandates on the slide. She said if you look at the italicized portion, you will notice that the first one, which was added by the Legislature in the spring in Chapter 55, refers to communities disproportionately impacted by high rates of arrests and incarceration for offenses under the Controlled Substances Act, so all broader senses, whereas the second mandate, which was in Question 4, refers to communities that have been disproportionately harmed by marijuana prohibition enforcement specifically. After the work that the Commission has done, she is going to recommend that they actually merge those two lists because of the overlap there. She said that is a recap of what the Commission discussed in December when they agreed to use the phrase, “areas of disproportionate impact” in the draft regulations. If you go to draft regulations, it is referred to in several different places, particularly that those areas are taken into account as one factor in both the economic empowerment priority review, either for owners or for employees and/or contractors, and in terms of eligibility for the equity program. The Commission decided it would identify locations of areas of disproportionate impact using a modified race neutral version of the analysis used by Oakland, San Francisco, and Los Angeles.

Commissioner Title said there is a handout from December 12 that goes into it in detail, that they would specifically focus on arrest data, specific location data and economic data. Areas of disproportionate impact may be cities, towns, or a smaller geographic unit. The Commission decided that at their meeting today they would discuss and vote on an analysis for that

identification. She commented that the Commission expected that they were never going to be able to come up with a perfect set of metrics that everyone in the world would be happy with, particularly with the time limitations and the data limitations that we had, but she thought in this report, there is a fair, thoughtful, reasonable metric and it is transparent and it is clear. There are two reports that are public: one of them is the December 12 document and the other one was distributed yesterday. They will both be public. They go into the methodology in detail and the statistician language. There are four areas that the Commission needs to make a decision about. She will discuss those four areas along with her recommendations and provided a brief overview of the process. The Commission hired Dr. Jon Gettman, who is a statistician and a criminal justice expert, who has been doing research on marijuana arrests since 2003. He has a PhD in public policy with a specialization in regional economic development and a master's in justice with a specialty in drug policy, to do a very general examination of which Massachusetts communities have been disproportionately impacted by prior enforcement of marijuana and other drug laws in the Commonwealth.

Given the time constraints that we only had a couple of months to do this entire process, Dr. Gettman used the most readily available data, which was the data provided by the Uniform Crime Reporting Program of the FBI along with local economic data from the American Communities survey. He focused on the years 2006 to 2010, both because that was readily available, and also because that covers the three years before decriminalization was implemented and the two years after that, to cover any change there. Commissioner Title said the report was distributed at the December 11 meeting, posted on the website with those materials under the title, "Impact of Drug and Marijuana Arrests on Local Communities in Massachusetts." The report explains the methodology in detail, but, in summary, the key variables in determining the impact in that score were the arrest rates, which were two thirds of the weight, and then the remaining one third of the weight was location variables including population size, poverty level, and unemployment rate. Chairman Hoffman asked the reason for population size being included.

Commissioner Title said the statistician explains it in the report, but if you have a huge city, like Boston, and you look at the percentage, and then you have a much smaller city and you look at that percentage, the difference it would make if one more person were arrested in a small one could take them from the bottom of the list to the top. If you take the population size into account, that can correct for that. On Page 7 and Page 8 of the report are the top 50 areas of disproportionate impact for drug arrests first and then marijuana arrests. Within the largest cities in Massachusetts, there are neighborhoods that have been disproportionately impacted, but not necessarily all of the neighborhoods in that city have been disproportionately impacted. Commissioner Title said that to address that, the first thing that they did on November 1 was request localized data from the nine largest cities in Massachusetts. Commissioner Title was very appreciative to Executive Assistant Diane Rawding for all the calls that she made. They did receive some data from many of the cities. They are really grateful for all of the time that the cities put into sending the Commission all of that data because they were all captured in different ways and they put a lot of time into sending it to us in the closest format that they could. Ultimately it was not possible to duplicate the same analysis of the neighborhoods the same way that they had analyzed the cities and towns.

Commissioner Title said they looked at the different data in terms of the sub-units. The other inconsistency was that every city had different sub-units: some had precincts, some had no location data on arrests, some just had their own units that don't correspond to any geographical sub-units, and some just had addresses. The location of the arrest, it turned out, is a problematic indicator. Intuitively, one may just want to look at all of the locations of the arrest and say, "Okay, within the city, that area where all the arrests are is the disproportionate impacted ones." It doesn't work that way and a good example of that is in Boston. Looking at the arrest data by police precinct, two, three, and four is Roxbury, Mattapan, and Dorchester for highest concentration of marijuana arrests. The first highest concentration is downtown and Charlestown. Downtown Boston is a good example of a location where one may see a higher concentration of arrests, but it is due to the transient flow, people in the area not associated with the residents of that area being disproportionately impacted. Dr. Gettman's addendum, which Commissioner Title said she distributed yesterday, was his report as to how he approached this question and ultimately made the recommendation that the most consistent way to approach this was to use unemployment rates. The report contains the process that was used. It is basically based on the correlation between marijuana arrests rates and unemployment first on the 25 largest cities in Massachusetts. Looking at the graphs at the bottom, numbers one through 25 are those 25 largest cities. The unemployment rate and the marijuana arrest rate are correlated, but that does not mean causation. Given that unemployment data is quite readily available, it is a solid indicator that can be used. They also looked at Boston and Worcester specifically because they sent good data that allowed us to overlay the unemployment rate and the arrest rate. The report is both color coded and that there is a correlation there within the city as well.

These are the four decision points that the Commission has to make. She will go through all four briefly and then they can go through her recommendations for each: First, how many areas of disproportionate impact should we designate given the limited resources of the program? Two, which cities should be subdivided into neighborhoods using the process we just described? Third, should we maintain the two separate lists for the communities disproportionately impacted by marijuana arrests and by drug arrests due to the two different legislative mandates or should we merge them? And fourth, should applicants be subject to an income or net worth requirement in order to qualify for the priority review or the equity program? Commissioner Title said she believes all the other equity programs have instituted requirements for. This is also something that the Commission received several comments about in stakeholder meetings and in listening periods so far.

First, how many areas of disproportionate impact should the Commission designate? The report identified 50 communities on each list. Given that they have limited resources to fund different programs around the state, Commissioner Title's recommendation would be that they begin by designating the top 20 cities from each list, which in her opinion strikes the balance of being inclusive of as many disproportionately impacted communities as possible while remaining deliberate and specific about how to allocate the resources toward equity. She also suggested that once the Director of Research is hired, that they be empowered to revisit this as the program continues and adjust it as necessary based on the number of applications they are getting, feedback that they are getting, and other factors.

The next question is what cities should be divided into neighborhoods. This is another issue where they need to strike a balance, because of course they can argue that all cities have neighborhoods that have different levels of impact. It will also require a certain amount of work to look at the unemployment rate, designate the neighborhood, and then make it as clearly assessable as possible. People who are interested in these programs should go to the website, put in their address, see a map and immediately see whether they are qualified or not. That will take some work to make that determination. Commissioner Title said her recommendation is that the Commission choose the cities that are on the list that have population over 100,000. That leaves with these four cities: Boston, Worcester, Springfield, and Lowell, and divide those into designated areas of disproportionate impact.

Commissioner Title posed whether the Commission should maintain a separate list or merge them. She said they looked at the top 20 communities from each list and the majority of them were duplicates. There were 12 duplicate communities that appear on both lists. It may cause confusion to have one list of Economic Empowerment Priority Review and another list for the Equity Program. She recommended having one merged list of areas. Taking the top 20 from each, there is one tie. After subtracting the 12 duplicates, there is a list of 29 cities and towns. That includes the four cities that would then be subdivided into neighborhoods.

Commissioner Title asked whether there should be income or net worth requirements. Looking at the West Coast equity programs, they all have income limits and it seems like the most commonly used standard is 80 percent of median income of the area. On the West Coast, if you exceeded that, you wouldn't be eligible. If you were at the median income you wouldn't be eligible. However, the Commission wants to balance that with the understanding that it doesn't want to punish people who need the eligibility requirement in terms of relevant location for other requirements for any success that they might have had. The Commission doesn't want to necessarily exclude people on that account. At the same time, if you're not taking net worth or income into account at all, then you are undermining the program and diluting its limited resources. Commissioner Title said she was looking at the top 50 lists and all the of the places she is lived the past ten years are on it. She did not think someone at their income should be eligible, which is a good example of why there needs to be a limitation. Balancing all of this, she looked at various benefits programs throughout Massachusetts thinking of how the Commission might approach a limit that would include people that are generally thought of as middle class that might be able to start a business in general, but in this especially risky environment where it is difficult to raise capital, it might be tough for them.

Commissioner Title said she thought a good analogy might be the Massachusetts Health Safety Net where a family might make too much money to be eligible for something like Mass Health, but they still might need help in a health emergency. That standard is 400 percent of the federal poverty level and here are the requirements for 2017. A family of one would have ceiling of \$28,240 up to a family of four, which would be \$98,400. She recommended that the Commission adopt that same standard as an income limitation to be eligible for this program. Chairman Hoffman thanked Commissioner Title and asked if the Commission should go back one by one

or repeat all questions before we go through each of the recommendations that Commissioner Title has made. Commissioner Title agreed.

Chairman Hoffman pointed to the first recommendation and said that this is a starting point and not an ending point. As the program evolves and the Commission gets more research capability in house, that it will consider expanding this list up, changing this list up. Commissioner Doyle asked for clarification on the municipalities on the list. Commissioner McBride said 29. She asked Commissioner Title to read off what the communities are. Commissioner Title read them as: Abington, Amherst, Boston, which would be subdivided, Braintree, Brockton, Chelsea, Fall River, Fitchburg, Greenfield, Haverhill, Holyoke, Lowell, Lynn, Mansfield, Monson, New Bedford, North Adams, Pittsfield, Quincy, Randolph, Revere, Southbridge, Spencer, Springfield, which would be subdivided, Taunton, Walpole, Wareham, West Springfield, and Worcester, which would be subdivided. Commissioner Doyle asked when the Commission subdivides the large cities, are there going to be neighborhoods that would then fall out of the definition because they don't qualify or they don't have that same track record. Commissioner Title agreed and explained that was the point of using the unemployment rate. The unemployment rate would be used by census tracting to choose the proportion of the census tract that has the highest unemployment rate and those would be designated as areas of designated impact within those four cities. Chairman Hoffman said he thinks the answer is yes. There would be excluded neighborhoods based upon this recommendation. Chairman Hoffman asked if there are any other questions or comments on this particular recommendation.

Commissioner McBride asked about the arrest rate is made up of communities like Amherst, in which it was conceivable, given the population, that there could be a higher arrest rate there and a context. She asked Commissioner Title to talk a little bit more about the specifics of that. She said she is trying to piece together the decisions that they had in terms of the demographics and the sort of requirements of the programs and how this all works together. Commissioner Title explained that the process was as objective as possible. They used those six variables in the weight that they did. And if there are additional variables that should be used, she would be completely open to that. Chairman Hoffman said he can speculate about why numbers for unemployment might be high in a college town, why arrest rates might be higher in a college town, but it is judgement. He said he strongly supports what Commissioner Title is doing, which is to make this as objective as possible. Commissioner McBride agreed and stated she was trying to recall what else is in there to make sure that in thinking about applicants, the Commission is going to be differentiating or making these decisions. Chairman Hoffman said it is a complicated issue and he would prefer that the Commission not get into the equation where they are making judgement calls or saying, "Well, the objective said this, but there is something wrong with that so we're going to unilaterally pull it out." He would rather have an error of commission than omission. He'd rather have too many than too few. Commissioner McBride said she'd agree with that. Chairman Hoffman asked for a motion to approve the first recommendation. Commissioner Title moved, seconded by Commissioner McBride. The Commission unanimously approved Commissioner Title's first recommendation.

Chairman Hoffman moved on to recommendation number two and asked for any questions. Commissioner Title asked in the four cities where is the cutoff point. If the Commission takes every census tract and list them in terms of unemployment, where is the cutoff and what gets designated as an area of disproportionate impact. When she asked Dr. Gettman, he said it was really a policy decision for the Commission to make. Commissioner Title said her sense was that they want to be proportionate in some way, perhaps 15 to 20 percent, so that was her initial thought. In each city, they could take the 15 to 20 percent of census tracts with the highest unemployment rate, but she's open to other ideas. Chairman Hoffman asked if Commissioner Title had a ballpark of how many sub-communities that would result in. Commissioner Title said that would be by census tract divided up by population so it would be consistent. Chairman Hoffman asked for clarification how many communities would that be in Boston, based on the 15 percent. Commissioner Title asked if he meant how many census tracts would that be. Chairman Hoffman said the question is how many census tracts there are in Boston and then do it out from there. Commissioners Title and Hoffman discussed the percentage being of the population or the communities and determined the population was the appropriate measure.

Commissioner Flanagan asked if municipalities were divided into mini-communities would it affect the decisions made by the municipalities at all. Commissioner Doyle explained how it could work in the application process between councilors for an individual neighborhood and the person signing off on behalf of the city for a particular applicant regarding the host community agreement. Commissioner Title said that the Commission has no control over the communities, but they should proceed. It would be really nice to work with the municipalities is those big cities where it didn't make the 100,000 cutoff, such as Brockton. The Commission could work with community leaders there and explain the point of the program and they could help the Commission do the appropriate outreach. Chairman Hoffman asked for a motion to approve the second recommendation. Commissioner Doyle made a motion to approve, seconded by Commissioner McBride. The Commission unanimously approved the second recommendation.

Chairman Hoffman moved on to the third recommendation and asked for questions. There were none. He asked for a motion to approve the recommendation. Commissioner Doyle made the motion to approve, seconded by Commissioner Flanagan. The Commission unanimously approved the third recommendation.

Commissioner Doyle asked if there was a formula for determining once you get past the family size of four on net worth. Commissioner Title said yes, it keeps going. Chairman Hoffman asked for any other questions. There were none. He asked for a motion to approve. Commissioner McBride made the motion to approve, seconded by Commissioner Flanagan. The Commission approved the fourth of the recommendations. Chairman Hoffman thanked Commissioner Title and said she had done a great job here with on a complicated topic.

Chairman Hoffman moved on to the final agenda item. He said the Commission has four committees that are legislatively mandated or were discussed and approved as part of the policy draft regulation process. He said the Commission needs to talk about how and when they are

going to appoint these committees and make sure they are moving on with that process. The first one he has is energy and climate, which is part of the legislation.

Mr. Collins explained that there are four groups that are really going to advise the Commission on a lot of their activities, and they are formed by different vehicles or mechanisms. The first is the Energy and Environmental Standards Work Group, which is set by statute. It includes himself as Executive Director, and then Commissioners of the Departments of Energy Resources, Environmental Protection, and Agricultural Resources. The language allows the Commission to add more members. Given that the intent is to advise the Commission on new regulations about how best to reduce energy and water usage, mitigate environmental impact, and conduct annual energy measures, conservation measures and develop best practices, he thinks there is a real need to expand that group. It would be subject to Open Meeting Law and therefore be a public body. He will keep working with each respective agency to put together a list of individuals that they should include to bring back or discuss a recommendation of a slate of candidates to include as part of that conversation, but he does want to engage those other commissioners of the other departments to make sure they are comfortable with that process as well. Chairman Hoffman thanked him.

Mr. Collins said the second committee will be the special commission on operating under the influence and impaired driving. This, too, is set by statute. It is part of the Legislature's revision. This membership is much more expansive and explicit. There are 13 members, himself serving as the chair as the Executive Director and then a number of appointees or representatives of different agencies. His next steps with this committee would be to reach out to these various authorities and representatives to ask them, for instance, if the Attorney General or designees, to send correspondence to them to say we're looking to convene this group and get the designees. There are two at the end that are appointed by, one is the secretary of Health and Human Services the other is the Governor. The Commission does have a statutory deadline with this group, January 1, 2019. He would like to convene it as soon as possible to make sure that the committee doesn't get lost in the shuffle as the Commission begins to get really deep into the application process. This committee would be subject to Open Meeting Law. Chairman Hoffman thanked him.

Mr. Collins said the next group is, as part of the Commission's policy considerations, it agreed to convene a working group to discuss the issue of smoking. They left it with the idea of the Executive Director will pull together folks with a deadline of July 1 or 31, 2018. His intent would be to incorporate the concept of vaping into this review and also to try to pull in a good balance of folks, that would include public health, would include the industry. He said he thinks they can learn a little bit from DOR, from their tobacco license process, and an advocacy association such as the American Heart Association or the American Cancer Society to get their input as well, but really finding the right balance to discuss the impact if the Commission were to consider to allow smoking as a social consumption.

Commissioner Title said the idea of a smoking working group came from the need to, in her opinion, look at second hand smoke, the dangers associated with that, alcohol impairment, and she don't have citations on her, but she doesn't think that should include vaping. That was not

part of the original rationale for creating this working group. She thinks they come back with any conclusions that they want to make, and they can look into anything that they want to look into, but she doesn't think the Commission need to charge them with looking into vaping. Chairman Hoffman asked for more thoughts on that. Commissioner Doyle said she would like more information on that issue just to understand it better. She really feels that's an area she needs to brush up on. Commissioner Title agreed to send it to the Commission. Mr. Collins said he will come back to the Commission with a slate of names that he would like to have participate in this. He thinks the group should operate as if it were subject to the Open Meeting Law.

Chairman Hoffman said there needs to be a discussion of what was on Mr. Collin's plate, between committees, hiring requirements, public meetings, finalization of their regulations, and processing license applications. Commissioner Doyle suggested modeling on how the Commission dealt with the Cannabis Advisory Board subcommittees to help support Mr. Collins with all the various committees or groups by having a Commissioner serve as a liaison to each one. Chairman Hoffman agreed. Mr. Collins noted that he did not know if he intended to serve on the smoking workgroup, but instead to convene and support it.

Chairman Hoffman said it needs to be evaluated and he believes they need to take advantage of Commissioner Doyle's suggestions of getting him support.

Mr. Collins discussed the creation of a Citizen's Review Committee to appointed by the Executive Director. It is nine members in total appointed by the end of this month, folks with two-year terms. It is intended to provide guidance regarding the social equity programs and make recommendations on how best to utilize or leverage the community investment funds that are set aside as part of the tax revenue. As a system, it was discussed during the policy discussions that each commissioner would nominate or select or identify two individuals. The Chairman has graciously agreed to reduce his amount to one to result in 9 members for two-year terms. It could potentially be a rolling membership. It would be subject to Open Meeting Law and should proceed with that expectation.

Chairman Hoffman commented that it had to be a statewide body, rather than Boston-dominated body. He asked the Commissioners to come back in next week to their public meeting and make nominations and finalize at their meeting next week. Mr. Collins said once nominated, he will begin the process of onboarding those folks, getting them any materials they may need, but also making sure what the Committee's objectives are and work on introducing them. Chairman Hoffman asked if each of the commissioners can give their nominations ahead of time to Mr. Collins to make sure they haven't nominated the same person twice, and so that they come into the next meeting with nine individuals.

Chairman Hoffman thanked the Commission and noted that the meeting was more efficient than expected. He is not aware of any additional agenda items that he was not aware of at the time the agenda was distributed. He adjourned the meeting as of 11:40 a.m.