

ARTICLE 5

**MOTION TO BE OFFERED BY EITHER THE ADVISORY COMMITTEE
OR JOHN DOGGETT TMM13, AND CLIFF BROWN TMM14**

*The Advisory Committee will consider this motion on 11/19

VOTED: That the Town adopt the following resolution:

Resolution Pertaining to Oak Street Property Disposition

WHEREAS, on February 1st, 2019 the Town of Brookline purchased the properties 15, 17 and 19 Oak St (the “Properties”) for municipal purposes and more specifically in anticipation of a successful debt exclusion vote to construct a school commonly referred to as The Baldwin School, and;

WHEREAS, such debt exclusion vote failed and there are no existing plans to construct The Baldwin School or any facility that would require the land or the properties list above, and;

WHEREAS, the Town paid a total of \$4.7 million for the Properties which were assessed to contribute combined real estate taxes of \$33,548 in FY 19 which were instead absorbed by all other taxpayers in Town, and;

WHEREAS, the Properties are neither designed nor constructed for economical use for any purpose other than residential use, and;

WHEREAS, the Properties cannot be rented at levels that would enable the Town to substantially mitigate the implicit and explicit costs of carrying and maintaining the properties, particularly once the Town begins to amortize the debt used to buy the properties, which the Town is required to do in FY21, and;

WHEREAS, putting the Properties back on the tax rolls would be considered new growth, thereby adding approximately an additional \$43,000-\$45,000 property tax revenue to the Town, and;

WHEREAS, the estimated implicit and explicit negative cost of carry to the Town currently approximate \$124,000 per year and will increase to as much as \$315,000 per year when the acquisition debt begins to amortize in 2021, and;

WHEREAS, explicit negative net ‘cost of carry’ incurred by the Town has an immediate and direct impact on the Town’s Capital Improvement Program, and;

WHEREAS, Town Meeting has provided the Select Board with the authority to sell the Properties,

THEREFORE, BE IT RESOLVED that in consideration of the budgetary impact of maintaining Town ownership the Oak St properties, the current cost of rebuilding the Driscoll school and the possible \$10+m increase in that appropriation, the Advisory Committee calls upon the Select Board to dispose of the Properties as soon as possible, with the following conditions and alternatives:

1. If the School Committee and School Department wish to carry the cost of the Properties and to absorb the entire explicit net 'cost of carry' they may do so. If they so choose, the School Department will also be the beneficiary of any positive net proceeds if, and, when the School Committee requests that the Select Board sell the Properties.
2. The Select Board determines, through consultation with realtors, that the sale of the Properties would generate a total loss (defined as the sale price less any negative net cost of carry less any outstanding debt) that could be avoided or materially reduced by maintaining ownership for a period of not more than three years from the original date of purchase.

ARTICLE 24

AMENDMENT OFFERED BY MARIAH NOBREGA, TMM4

VOTED:

1. To have the amendments set forth in this motion effective July 1, 2021.
2. To strike the sentence proposed to be added at the end of Section 3.14.7.

ARTICLE 24

MOTION OFFERED BY THE PEITITONER

MOVED: The language of the article as originally filed with the following amendment to section vii: (deletions ~~struck~~, additions in **bold and underlined**- marked against the existing by-law)

(vii) Receive Other Complaints; ~~according to procedures developed by the Commission and as approved by the Select Board, and initiate preliminary review of the facts, without drawing any legal conclusions, from any person who comes in contact with the Town, concerning allegations of discrimination or bias against a member of a Brookline Protected Class. **After receiving such a complaint, the Commission shall (1) investigate the complaint by interviewing the complainant and any witnesses, (2) prepare written findings, and (3) recommend appropriate action to the Select Board within 90 days of receipt of the complaint.** The Commission shall also have the authority, in its discretion, to take one or more of the following actions: (1) Provide the complainant with information about complainant's options to bring proceedings at the Massachusetts Commission Against Discrimination or other appropriate federal, state, or local agency; (2) Refer the complainant and any other parties to the complaint to the CDO acting as ombudsperson or to a local or regional mediation service; (3) Present any results of preliminary review of the alleged facts to the Town Administrator and/or the Select Board, in an appropriate case, for action; **The Commission/CDO may in addition provide the complainant with information on complainant's options to bring proceedings at the Massachusetts Commission Against Discrimination or other appropriate federal, state, or local agencies.**~~

Clean version:

(vii) Receive Other Complaints from any person who comes in contact with the Town, concerning allegations of discrimination or bias against a member of a Brookline Protected Class. After receiving such a complaint, the Commission shall (1) investigate the complaint by interviewing the complainant and any witnesses, (2) prepare written findings, and (3) recommend appropriate action to the Select Board within 90 days of receipt of the complaint. The Commission/CDO may in addition provide the complainant with information on complainant's options to bring proceedings at the Massachusetts Commission Against Discrimination or other appropriate federal, state, or local agencies.

Additional commentary from petitioner:

If Warrant Article #24 is referred to a Moderator's Committee, I would like to see that committee consist of the following members

1. One member from the Advisory Committee

2. " " " " CTOS
3. " " " " CDICR
4. " " " " Human Resources Department
5. " " " " Select Board
6. " " " " School Committee
7. " " " " Person from the People of Color Caucus
8. The Petitioner (Ex-Officio)

ARTICLE 25

ADVISORY COMMITTEE'S SUPPLEMENTAL RECOMMENDATION

SUMMARY:

Warrant Article 25 proposes adding a new Article 8.39 to the Town's General By-Laws that would ban the use of facial recognition technology (FRT) by all municipal departments and Town officials, with exceptions for its use by Brookline officials to authenticate their identity on cell phones owned by them, and to comply with the National Child Search Assistance Act.

The Advisory Committee recommends FAVORABLE ACTION ON A SUBSTITUTE MOTION to refer the subject matter of Warrant Article 25 to a Moderator's Committee to make recommendations in time to bring a warrant article to the November 2020 Town Meeting.

BACKGROUND:

Description of Facial Recognition Technology

Facial Recognition Technology (FRT) is a type of pattern recognition technology that uses software to analyze patterns of a person's face from their image either on a photograph or video frame or from a real-time scan to develop a template of the face. The template can then be compared with other images to see whether they match. The number of matches and the accuracy of the matches will vary depending on the confidence level that the user will set for the comparison, with accuracy and potential matches inversely related. For example, an 80% confidence level will generate more potential matches than a 99.5 % confidence level. The technology uses "machine learning," whereby training data of facial images are analyzed by the software to create templates for matching these images to identified images in a database. The accuracy of the software increases as more and more samples of facial images are provided to be analyzed, and will vary for different types of faces, depending on the volume of faces that have been provided in the training data.

Uses of FRT

FRT is used to identify or verify the identity of an individual by comparing the template created by the pattern analysis of a photo (or other image) with other photos of persons in a particular database. It is used for a variety of purposes and by a variety of users. Individuals might use the software when they have Google Photos or iPhoto to locate all the photos of a specific friend or family member in their photo collections or, like a fingerprint, to authenticate their identity on their cellphone. The State's Registry of Motor Vehicles uses FRT when an individual applies for a replacement driver's license. Their

photo is compared with the photo from the original license to verify their identity and thereby curb identity fraud.

Police Departments use FRT to compare a photo of a suspect with photos of persons in databases (e.g., a sex offender registry, Registry of Motor Vehicles databases, mugshot databases, and social media databases such as Facebook) to obtain leads for investigations. FRT is also being used for surveillance purposes by commercial and governmental entities. It may be installed in cameras in public places, such as public ways, stadiums, and shopping centers to scan faces in real time and compare those with faces in a database to make identifications. For example, it was used during the 2001 Super Bowl to identify possible terrorists. Law enforcement agencies that have identified a particular suspect may track their movements using FRT. The most extreme example of using FRT for surveillance purposes is in China, where FRT installed in cameras is particularly pervasive, allowing the government to monitor the movements, locations, and associations of persons in many public spaces.

Issues with the Use of FRT

While there has been increasing use of this relatively new area of technology and for more and more purposes - commercial, personal, and governmental - it also is largely an unregulated area of technology. For example, there are no requirements regarding minimum levels of accuracy required for the selection of an FRT system or for use in identifying persons. Racial and gender biases have been identified in the systems, largely because the training data did not use equal numbers of faces by sex and race. There are no regulations to restrict usage of systems that incorporate bias. (The most recent evaluation of fifty-one FRT systems by the federal National Institute of Standardization and Technology, published this year, however, suggests that at least for these systems, such biases have become negligible or non-existent, as training data for those systems have been adjusted to correct for unequal representations in prior training data.¹)

There also are no guidelines or penalties in place for appropriate and inappropriate use of FRT in law enforcement (for example, designating allowable systems based on measures of accuracy and demonstrated lack of biases, setting confidence intervals, providing guidelines for use as evidence, etc.). First and Fourth amendment threats are of special concern when FRT is used in public spheres for surveillance purposes, since persons can be identified and tracked with or without any suspicion of wrongdoing, while 5th and 14th amendment due process concerns are implicated when FRT is used in criminal proceedings.

Brookline and FRT

¹ For those of you with statistical savvy and time on your hands, see https://www.nist.gov/sites/default/files/documents/2019/10/16/frvt_report_2019_10_16.pdf.

Brookline does not possess an FRT system, either for photo matching or for surveillance purposes, and has no current plans to purchase one. The Police Department, however, obtains information from a variety of sources derived with FRT, for example, social media apps and websites, such as Facebook; databases of missing persons; the Registry of Motor Vehicles database; and data from individuals or other jurisdictions obtained by those third parties with the use of FRT. The information is used for numerous purposes, including criminal investigations, locating missing persons, identifying children used in sex trafficking rings, and death identifications.

Article 25 Provisions for Limited Use in Brookline

If Article 25 is passed, Brookline police would be allowed to use evidence that may have been derived from the application of FRT by a third party (e.g., private parties or other governmental entities) for the purpose of investigating a specific crime if no prior agreement has been made with that third party for the use of FRT to obtain the evidence. It would also allow the Town to obtain electronic devices, such as cell phones, for evidentiary purposes, whether or not the device has FRT capacity; to use social media or otherwise communicate with the public so long as FRT is not affirmatively used; and to use software to redact faces from photos and videos so long as the software does not use FRT to do so.

The Article provides an enforcement provision for violations of the By-Law, including 1) the deletion of data collected by the Town and the prohibition of its use in evidence, and 2) a cause of action against the Town for violations, and disciplinary measures for employees violating the By-Law.

Massachusetts Legislation

With no federal, state, or municipal framework to regulate its use in Massachusetts, Senator Creem has filed Senate Bill 1385 (an Act Establishing A Moratorium On Face Recognition and Other Remote Biometric Surveillance Systems), which, in conjunction with House Bill 1538, provides for a moratorium on the use of FRT and other biometric data collection until a statutory framework is implemented that establishes allowable and prohibited uses; standards for use and management of the collected data, including retention, sharing, and access; auditing requirements; standards for minimum accuracy rates, and accuracy rates by gender, skin color, and age; and protections for due process, privacy, free speech and association, and racial, gender, and religious equity; and mechanisms to ensure compliance.

DISCUSSION:

The Advisory Committee agrees with the Petitioner that the lack of regulation could lead to problematic and potentially dangerous use of the technology, even if inadvertent; and that the use of FRT for surveillance purposes, even if done according to regulatory requirements, has inherent dangers, with negative consequences for privacy and freedoms of speech and assembly. At the same time, the majority of the Advisory Committee

believes that for a variety of reasons, as outlined below, the subject matter of the article should be referred to a Moderator's Committee:

- While the use of the term “face surveillance” in the article implies that the ban is on the use of FRT solely for the purpose of surveillance, its definition incorporates all uses of FRT. Yet there are other applications of FRT that do not involve surveillance that would nonetheless be prohibited under a comprehensive ban on all FRT. Whether and to what extent each of these applications of FRT should be prohibited or regulated deserves separate analysis.
- Uses of FRT that do not involve surveillance that are readily available to lay people would be prohibited as a police tool to investigate crimes under the By-Law. For example, a recent victim of a home burglary in Brookline identified the burglar on a Facebook post, which helped lead to an arrest. If a police officer were to have used Facebook's newly introduced auto tagging app to identify the suspect, the officer would have been out of compliance with the By-Law and subject to disciplinary actions, while any layperson with a Facebook account could use the app to make identifications.
- Police Chief Andrew Lipson expressed the concern that although the Town does not have its own facial recognition system, the implementation of this warrant article, which institutes a total ban, will prohibit the valuable uses to which the technology is applied by the police currently. Because he was not consulted in the drafting of the article prior to its submission, and because there was a lack of collaboration with others in town who are knowledgeable about the uses of FRT, the Police Chief believes that the Petitioner's article does not adequately balance the risks with the benefits of the technology.

Aside from the use of FRT to assist in criminal investigations generally, he noted that FRT has been particularly useful in identifying perpetrators of hate crimes, who often make use of social media; breaking up underage sex trafficking rings, again making use of social media to identify the children who are being trafficked; locating missing children; identifying lost persons, especially those with illnesses such as Alzheimer's; preventing identity theft; and investigating unexplained and unattended deaths. The Police Chief also highlighted due process concerns with eliminating the ability to use a widely-used tool of evidence collection to help identify the perpetrator of a crime and/or exonerate someone who is falsely accused of a crime, especially given that eyewitness identifications, which are susceptible to error, are the primary reason for wrongful convictions.

- Some of the concerns of the Police Chief have been addressed by amendments to the article, but others have not, and those that have been added are narrow ones and may not fully address concerns. For example, the Petitioner added an exception for compliance with the National Child Search Assistance Act to address the Police Chief's concern about the lack of ability to use FRT to locate missing children. According to

Patty Correa, First Assistant Town Counsel, this may not be a sufficient exception to enable the Town to make use of tools available with FRT to locate missing children.

- The By-Law is unclear as to the circumstances under which the Brookline Police would be able to work together with other law enforcement agencies on a criminal investigation. For example, would the Police be allowed to provide a photo of a suspect of a crime that occurred in Brookline and captured by a private camera located in Brookline to the FBI, knowing that the FBI will use FRT to compare the photo with an FBI database in its investigation? And would the Town then be unable to use the information obtained by the FBI for its own investigation? It is unclear whether this arrangement would be allowed under the By-Law. The Police Chief also noted that the Town works with the State Fusion Center to make death determinations and identifications of persons in cases of unattended deaths. The Fusion Center makes use of FRT for these purposes. The Petitioner and the Police Chief disagreed as to whether the ban would prohibit the Town from working with the Fusion Center.
- Town Counsel Correa outlined several concerns with provisions of the By-Law in her letter to the Advisory Committee. Among these are the following: (1) The creation of a cause of action (COA) against the Town for violations of the By-Law exceeds the Town's constitutional authority, an assessment confirmed by the Director of the Municipal Law Unit of the Attorney General's Office. The provision for a COA will thus result in frivolous lawsuits, which will add an extra burden to the Town's legal staff without providing a remedy. (2) The objectives of the By-Law would be better accomplished by implementing policy, which would lend itself to language improvements found necessary during implementation, and given that this is an evolving technology, to modifications over time, given some of the possible salutary uses for facial recognition technology and its potential for being made the subject matter of litigation (e.g., by persons accused of crimes for mistaken identification; by persons convicted of crimes who claim destruction of exculpatory face recognition technology-related evidence). (3) Since it will not always be clear to town personnel when FRT is being used to identify persons, the lack of a "knowingly" standard places town personnel at risk of inadvertently violating the By-Law.
- Clearly, FRT has complicated technical, ethical and pragmatic elements that need to be considered.

Since the Town does not possess facial recognition software at this time and does not use FRT for surveillance, the majority of the Advisory Committee felt that the Town should not rush to pass the warrant article for an outright ban without first examining the issues in a more comprehensive manner. The Town could take various approaches to address the issues highlighted by the article, e.g., develop a more thoroughly vetted version of an across-the-board ban; draft an outright ban on FRT for surveillance purposes; mirror the proposed State legislation by implementing a moratorium on all or on surveillance uses until a regulatory framework has been established; establish a regulatory framework while allowing the police to use FRT for the purposes it currently is being used.

The Town should be provided with an analysis of the applications of the technology, both those currently used by the Town and those that might be implemented in the near future, and determine which of these should be allowed and which should be prohibited, and what types of regulations should be implemented to guide allowable uses. The findings of a committee to study these issues should report back its findings in time for the drafting of a warrant article for the November 2020 Town Meeting. Although the Town currently has an active Surveillance Technology and Military-type Equipment Committee that would, in general, be the appropriate committee to study the substance of WA 25, it has met infrequently. The Advisory Committee thus felt that it would make sense to establish a Moderator's Committee that would be specifically tasked to address facial recognition software that could both provide a fresh look and also complete their study by the fall.

For a minority of the Advisory Committee, an immediate outright ban of FRT is viewed as the better approach, primarily because the threats to personal privacy and freedom of speech and assembly when FRT is used for surveillance purposes is great enough to warrant taking measures to reduce the likelihood that such uses will be put into practice. It was felt that the Town has functioned without the use of FRT in the past and so could manage without FRT in the future, and that if the police made note of particular tools that they were no longer able to use as a result of the general ban, the By-Law could be modified. Use of FRT without adequate safeguards, especially those that would ensure lack of bias by the systems being used and restrictions on how long the data is maintained, and a mistrust of government's use of potentially powerful surveillance tools absent adequate oversight were other reasons cited for supporting the immediate outright ban provided for in WA 25.

RECOMMENDATION:

By a vote of 14-9 with two abstentions, the Advisory Committee recommends FAVORABLE ACTION ON A SUBSTITUTE MOTION to refer the subject matter of Warrant Article 25 to a Moderator's Committee to make recommendations in time to bring a warrant article to the November 2020 Town Meeting.

ARTICLE 25

SELECT BOARD'S SUPPLEMENTAL RECOMMENDATION

Article 25 is a petitioned article asking the Town to amend its By-laws, by adding a new Article 8.39, that would ban the use of facial recognition technology and surveillance by Town departments and Town officials. As well as provides an enforcement provision for violations of the By-Law.

During the discussion of this article, the Select Board noted that facial recognition technology is currently undergoing review throughout the global community in some areas where it is currently employed. The Board felt that the Town needs to fully understand the security and privacy risks involved with the use of this technology and that a regulatory framework needs to be developed to investigate the possibility of using this technology responsibly while some Board members indicated that they were concerned about the usage of this technology, altogether. The concern being that this is unreliable technology that has the potential to discriminate. The Select Board ultimately decided that until further examined that a ban on this technology was warranted.

On November 5, 2019, the Board recommended FAVORABLE ACTION, by a unanimous vote, on the motion offered by the petitioner.

ARTICLES 1-3

MOTION OFFERED BY THE PETITIONER – ARTICLE 3

VOTED: BE IT RESOLVED, that Town Meeting requests that: (1) the Moderator appoints a study committee, which shall include, among others, representatives from impacted neighborhoods, to assess the effectiveness of Brookline’s marijuana by-laws and policies given Brookline’s recent experience with the sale of recreational marijuana including NETA’s operation and its neighborhood impact, and (2) the appointed study committee submits its findings and recommendations at a public hearing held by the Select Board no later than March 1, 2021.

Marked up:

BE IT RESOLVED, that Town Meeting requests that ~~the Select Board not issue new operating licenses for Retail Marijuana Establishments until such time as:~~ (1) the ~~Select Board~~ **Moderator** appoints a study committee, which shall include, among others, representatives from impacted neighborhoods, to assess the effectiveness of Brookline’s marijuana by-laws and policies given Brookline’s recent experience with the sale of recreational marijuana including NETA’s operation and its neighborhood impact, and (2) the appointed study committee submits its findings and recommendations at a public hearing held by the Select Board no later than March 1, 2020**I**.

EXPLANATION

These Warrant Articles are being submitted to address an unacceptable situation involving the implementation of retail sales of adult use marijuana in Brookline.

These Warrant Articles are not intended to and do not address the sale of medical marijuana or delivery-only marijuana in Brookline.

Brookline’s existing regulations were developed before the implementation of the adult use of marijuana and did not fully contemplate the effects that such sales have shown to have on the surrounding neighborhoods, such as Brookline Village.

The two by-law amendments are intended to address the issues that are principally contributing to unacceptable conditions that are overwhelming the Brookline Village neighborhood from a nuisance and quality of life perspective and which will likely have similar effects on other neighborhoods as more retail establishments are opened.

The resolution is intended to make further assessments of the implementation and policies regarding the sale of recreational marijuana in Brookline.

ARTICLES 1-3

SELECT BOARD'S SUPPLEMENTAL RECOMMENDATION

The three articles that are the subject of this petitioned town meeting seek to further restrict the hours and operational aspects of retail marijuana establishments in Brookline. Specifically, Article 1 of this Warrant seeks to limit the hours in which a marijuana establishment is allowed to operate from 10:00AM to 7:00PM on Monday through Saturday and from 12:00PM to 6:00PM on Sundays. Currently, the by-law allows the Select Board to determine the hours of operation. Article 2 would create a new by-law provision that limits the sales model for marijuana establishments to reserve ahead or by appointment only. Article 3 is a non-binding resolution that seeks a “moratorium” on the Select Board’s issuance of new marijuana establishment licenses until a committee appointed by the Town Moderator assesses the impact of marijuana sales on Brookline’s neighborhoods and submits its finding and recommendations for a Select Board public hearing no later than November 1, 2020.

Background: In the spring of 2018, Town Meeting adopted a series of zoning by-laws and general by-laws necessary to implement the new industry of adult sales of marijuana authorized by Massachusetts voters in November of 2017 and subsequently controlled by the Massachusetts Legislature through the establishment of a Cannabis Control Commission (CCC). The Town’s regulatory system involves a zoning by-law that limits the location of marijuana establishments and creates numerous requirements for their operation and a general by-law that vests licensing authority with the Select Board. As an existing medical marijuana establishment in operation in Brookline Village since February 2016, NETA was one of the first entities approved by the CCC for adult sales. A Host Community Agreement (HCA) was negotiated between the Town and NETA, requiring a 3% community impact fee for hosting this facility. This community impact revenue is separate and distinct from a 3% excise tax on the sale of non-medical marijuana that is a general Town revenue. The Zoning Board of Appeals issued a special permit to NETA controlling many aspects of their operation. In November of 2018, the Select Board issued a license to NETA consisting of dozens of conditions regulating the management, operations, security, public health and community relations of the facility. Despite NETA’s medical marijuana operation being relatively problem free, the Select Board understood that recreational (adult) sales would involve a much greater volume of people and issues, especially given that it would be the first of its kind to open in the greater Boston area. Weeks before its opening, the Select Board approved an “opening plan” in order to establish an orderly commencement of adult sales. The opening plan involved the identification of available parking and drop-off areas, the deployment of police and private security personnel and the use of NETA’s adjacent lot to accommodate lines of customers. The Board discussed and considered whether NETA’s sales should be limited to an appointment only model. It eventually concluded that NETA’s “reserve ahead” application would be a more effective way to control customer visits to the facility. In addition, the

Board approved “extended hours” of operation to help spread out the impact of sales; Monday-Friday 10:00AM to 10:00PM and Weekends 9:00AM to 10:00PM. On March 23, 2019, the first sale of recreational marijuana was made at the NETA facility at 160 Washington Street.

In general, the Board and the community were satisfied with NETA’s opening. It avoided the traffic “disaster” that was experienced in other openings and avoided a line of customers onto the public sidewalk. However, with no other establishments opening in the Boston metropolitan area, NETA’s customer lines continued into the spring and summer months. Complaints about the impact of NETA’s busy marijuana establishment in Brookline Village intensified. Complaints were generally focused on the problems created by traffic and parking and the inappropriate/inconsiderate behavior of patrons, especially in the later evening hours. This included illegal/inconsiderate parking, public consumption of marijuana, littering, noise, idling of vehicle engines, public urination, etc. The current license agreement requires NETA to fund at their own cost the deployment of two uniformed police officers posted at NETA at all times to control the flow of traffic and to oversee security at the facility. NETA complements this with two dedicated employees of its own at or around the entrance of the facility. NETA is also required to provide 2 portable toilet facilities for its patrons and to post signs reminding its patrons on the prohibitions of consuming marijuana in public and to behave respectfully in the neighborhood. In response to neighborhood concerns, the Town and NETA attempted to address the complaints with targeted enforcement and related activities. The Police Department initiated additional patrols and other enforcement activities while NETA voluntarily established a “Green Team”, a group of its volunteers to regularly pick up trash and debris in Brookline Village. The Town Administrator released \$40,000 in emergency funding in advance of Town Meeting’s required appropriation of Host Community impact fees in order to fund dedicated police patrols, enhanced parking enforcement, litter receptacles and park patrols. Despite these efforts, neighborhood concerns continued to intensify and reached a boiling point at NETA’s annual community meeting and a subsequent Select Board public hearing. Many in the neighborhood encouraged the Select Board to reduce NETA’s hours of operation and to require appointments for sale in an effort to minimize impacts to the community. The Select Board initiated a “90-day review” of NETA’s hours that was allowed in the license. While a 90-day review might have been premature, the Board acknowledges that it initiated this process too late. However, based on the Board’s review and the intense neighborhood concerns, NETA did voluntarily agree to restrict its sales of adult use marijuana from Monday to Saturday 10:00AM to 8:00PM and on Sundays from 12:00PM to 6:00PM. NETA continues to assert that an appointment only sales model would actually make conditions worse for the neighborhood. The Select Board has committed to consider this matter further during its license renewal process in December. Finally, the Board agreed to establish a new committee to evaluate community impact issues and advise the Select Board on the use of community impact funds. It should be noted that the Board also has the guidance and advice of its standing Licensing Committee

Board Vote and Recommendation: The Select Board has considered its position on the three proposed warrant articles of the petitioned Special Town Meeting. Recently, the Advisory Committee has proposed to amend Articles 1 and 2 with a sunset provision (June of 2022) and to modify the committee reporting date under Article 3 from March of 2020 to November of 2020. It is the Board's understanding that the petitioners support the Advisory Committee's amendments for Articles 1 and 2, but not for Article 3. In addition, it is our understanding that the petitioners no longer seek a moratorium on the issuance of licenses during the study committee process. Following a public hearing, the Select Board voted 3-2 to recommend favorable action on the amended version of Articles 1 and 2, and by a 4-1 vote to recommend referral of Article 3 to the Select Board's Licensing Review Committee.