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Ronald F. Cormier  
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James M. Walsh, Esq.

**WARD 2 COUNCILLOR**  
Paul G. Tassone

**WARD 3 COUNCILLOR**  
Nathan R. Boudreau

**WARD 4 COUNCILLOR**  
Karen G. Hardern

**WARD 5 COUNCILLOR**  
James D. Johnson

**CITY OF GARDNER**  
**MASSACHUSETTS 01440-2630**

OFFICE OF THE  
CITY COUNCIL



September 6, 2017

**CITY COUNCIL INFORMAL MEETING**

**Date:** Monday, September 18, 2017  
**Time:** 7:00 P.M.  
**Location:** City Council Chamber, Room 219, City Hall

**ANNOUNCEMENT** - Any person may make a video or audio recording of an open session of a meeting, or may transmit the meeting through any medium, subject to reasonable requirements of the chair as to the number, placement and operation of equipment used so as not to interfere with the conduct of the meeting. Any person intending to make such recording shall notify the Chair forthwith. All documents referenced or used during the meeting must be submitted in duplicate to the City Clerk, pursuant to the Open Meeting and Public Records Law. All documents shall become part of the official record of the meeting.

**AGENDA**

Discussion of Calendar #9832, A Measure Accepting G.L. Ch. 64N, § 3, Local Option Tax of Marijuana Products.

*NOTICE: The listing of Agenda items are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.*

CITY COUNCIL OF GARDNER  
*Ronald F. Cormier*  
RONALD F. CORMIER  
Council President

ACCEPTANCE OF M.G.L. CHAPTER 64N, SECTION 3  
LOCAL OPTION TAX OF MARIJUANA PRODUCTS

*VOTE:* To accept the provisions of Section 3 of Chapter 64N of the General Laws, empowering the City of Gardner to implement a three percent (3%) tax upon the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the city of Gardner.

9832

City of Gardner, *Executive Department*  
**RECEIVED**



Mark Hawke, Mayor

2017 AUG -1 AM 10: 25

CITY CLERK'S OFFICE  
GARDNER, MA

August 1, 2017

Ronald F. Cormier, President  
And Finance Committee  
C/O Alan Agnelli, City Clerk  
95 Pleasant St, Rm 121  
Gardner, MA 01440

Dear President Cormier,

Governor Baker has signed H. 3818: *An Act to Ensure Safe Access to Medical and Adult-Use of Marijuana in the Commonwealth*, on July 28, 2017. Section 13 of this bill amended M.G.L Ch. 64N, §3, regarding the implementation of a local sales tax on marijuana products not used for medicinal purposes.

This law allows the city to enact the following:

*"A city or town that accepts this section in the manner provided in Section 4 of Chapter 4 [of the Massachusetts General Laws] may impose a local sales tax upon sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the city or town to anyone other than a marijuana establishment at a rate not greater than 3 percent of the total sales price received by the marijuana retailer as a consideration for the sale of marijuana or marijuana products"*

I am asking that the Council adopt M.G.L Ch. 64N, §3 into City Code ChA700, §2: *General Laws Accepted (Post 1920)*, implementing a tax on the sale and transfer of marijuana and marijuana products in the city of Gardner to the full three percent (3%).

The new law states that, since the residents of the City voted in favor of Question 4 in the November 2016 state election, the only way the City can prohibit the opening of marijuana dispensaries in the city would be by a local ballot referendum in an election. As the citizens have already voted in favor of this matter, and such a process would cost the city both time and potential revenue, I believe that this is the best route for the city to take.

Respectfully,

Mark P. Hawke  
Mayor, City of Gardner

H.3818 as signed by Governor Baker on \_\_\_\_\_

208 "10.75"

209 SECTION 13. Said chapter 64N, as so appearing, is hereby further amended by striking  
210 out section 3 and inserting in place thereof the following section:-

211 (a) A city or town that accepts this section in the manner provided in section 4 of chapter  
212 4 may impose a local sales tax upon sale or transfer of marijuana or marijuana products by a  
213 marijuana retailer operating within the city or town to anyone other than a marijuana  
214 establishment at a rate not greater than 3 per cent of the total sales price received by the  
215 marijuana retailer as a consideration for the sale of marijuana or marijuana products. The  
216 marijuana retailer shall pay the local sales tax imposed under this section to the commissioner at  
217 the same time and in the same manner as the sales tax due to the commonwealth.

218 (b) All sums received by the commissioner under this section shall, at least quarterly, be  
219 distributed, credited and paid by the treasurer and receiver-general upon certification of the  
220 commissioner to each city or town that has accepted this section in proportion to the amount of  
221 the sums received in that city or town. Any city or town seeking to dispute the commissioner's  
222 calculation of its distribution under this subsection shall notify the commissioner, in writing, not  
223 later than 1 year from the date the tax was distributed by the commissioner to the city or town.

224 (c) This section shall take effect in a city or town on the first day of the calendar quarter  
225 following 30 days after its acceptance by the city or town or on the first day of a later calendar  
226 quarter that the city or town may designate.

227 SECTION 14. Section 1 of chapter 94C of the General Laws, as so appearing, is hereby  
228 amended by inserting after the word "plant", in line 225, the following words:- , industrial hemp  
229 as defined in section 116 of chapter 128.

<b>Part I</b>	ADMINISTRATION OF THE GOVERNMENT
<b>Title I</b>	JURISDICTION AND EMBLEMS OF THE COMMONWEALTH, THE GENERAL COURT, STATUTES AND PUBLIC DOCUMENTS
<b>Chapter 4</b>	STATUTES
<b>Section 4</b>	MODE OF ACCEPTANCE OF STATUTE BY MUNICIPALITY OR DISTRICT

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Section 4. Wherever a statute is to take effect upon its acceptance by a municipality or district, or is to be effective in municipalities or districts accepting its provisions, this acceptance shall be, except as otherwise provided in that statute, in a municipality, by vote of the legislative body, subject to the charter of the municipality, or, in a district, by vote of the district at a district meeting.