

Board will adopt ordinance banning medical marijuana dispensaries

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DOVER - The results of Dover's marijuana survey were released on Tuesday. Overall, survey responders did not support the prospect of medicinal or recreational marijuana dispensaries being located in the town. What comes next was debated at length at Tuesday's selectboard meeting.

The survey asked whether the town should allow medical marijuana dispensaries and, separately, recreational marijuana dispensaries if and when the sale of recreational marijuana becomes legal. Responses were recorded in two groups: voters and taxpayers. A distinction was made after debate between the board and members of the public as to whether the opinions of permanent residents (voters) should outweigh, or be equal to, those of second-home owners (taxpayers).

The breakdown of responses was 144 voters and 34 taxpayers. Voters said no to both medicinal and recreational marijuana dispensaries, whereas taxpayers supported medicinal dispensaries but not recreational. On the matter of medicinal marijuana dispensaries, the breakdown of disallowing versus allowing was 86-57 for voters and 11-18 with five blanks for non-voting taxpayers. On the matter of recreational dispensaries, the breakdown of disallowing versus allowing was 97-47 for voters and 18-13 with three blanks for taxpayers.

The selectboard conducted the survey after a group came to the board in February with an interest in opening a medicinal marijuana dispensary in the town. At the time, police chief Randy Johnson expressed opposition to the proposal and asked the board to adopt an ordinance banning medicinal marijuana dispensaries as well as yet-to-be-legalized recreational dispensaries. Board members said they felt the matter needed to be decided by the voters and initially decided to hold a special town meeting.

But in April, town clerk Andy McLean said a special meeting couldn't be used to adopt an ordinance, though one would be compelled if the board adopted an ordinance that was petitioned. In other words, the only way to hold a special meeting on the matter was to take action and see if someone opposed it.

With the board still desiring electorate input before taking action, a survey was created, with surveys available at Dover's town office from mid-May to mid-June.

On Tuesday, board members said they felt they needed to follow the will of the voters and adopt an ordinance. Several members of the public expressed opposition.

Adam Levine said he felt the board had not gotten enough input on the matter. "You invited 10,000 people to participate, and you got a tiny return," said Levine. "Maybe we as a town didn't do a good job at reaching out to those 10,000 people."

Philip Gilpin Jr. questioned who may be represented within the responses. "You're using a small sample of people who are highly engaged in local politics," said Gilpin, "and who traditionally aren't the most liberal or forward-thinking people."

Chair Josh Cohen acknowledged that the sample size of non-voter taxpayers was paltry, calling 34 responses out of thousands of potential responses "statistically insignificant," but pushed back on the notion that 144 voters responding was out of the ordinary.

"When I was voted onto this board there were only 180 votes," said Cohen, "and that was an official election. So getting 144 is pretty close."

Gilpin also questioned the optics of the town banning marijuana dispensaries. “This is a train that’s coming down the track,” said Gilpin. “At some point recreational marijuana is going to be legal. I don’t know that it does the town any good from a PR perspective to be out front in the news saying no.”

Gilpin asked whether there was something in a law compelling the board to adopt an ordinance on either matter. The board said no.

“Then why make a decision to deny the business when you don’t need to? Have you seen the business community around here? Maybe a new business would be good,” said Gilpin.

Cohen replied that a group had asked for an answer as to whether their dispensary was allowed, and that the board needed to either allow or disallow. Paul Fisher asked if, legally, the town needed to adopt an ordinance in order to say no to the medicinal marijuana dispensary, and Cohen said “absolutely not, but someone asked us, and we’re acting on it.”

Cohen said he didn’t see how a medicinal marijuana dispensary would benefit the town, saying that the number of prescriptions the dispensary could fill would be capped at 20, and as a nonprofit, the business would not contribute to the town’s 1% economic development fund. Cohen also said that as a cash-only business, it could put a strain on the police department. “I don’t see the upside except for a drain on our resources,” said Cohen.

Ira Colby pushed back. “When you say there’s no benefit, what about to the parents of kids who have seizures?”

“I meant economically,” said Cohen.

“Yeah, but there’s a human side to this,” said Colby. “If you have a kid with seizures and the research has shown that (medicinal marijuana) controls seizures, why wouldn’t we want to extend some sort of health benefits to the folks in our community? You say they can go to Bennington, they can go to Brattleboro. Why not here? This is our town.”

Levine said the board shouldn’t pooh-poo the potential economic benefit the medicinal marijuana dispensary could have. “That business would have to rent space, it would create a job or two or three in this town, maybe we’d even need another police officer to be hired. It would mean people come to town to get medical marijuana, and they may get fuel and so on and so forth while they’re here. There is absolutely an economic side to this.”

Cohen reiterated that it would be 20 customers at best, and said he’d prefer a business with 100 customers. Levine, a restaurant owner, pushed back, saying, “I don’t know about your world, but in my business world, 20 people makes a big difference.”

Throughout, the conversation bounced back and forth between medicinal and recreational marijuana. At a point, Colby said he understood the board needed to take action on the medicinal matter due to the pending request from the would-be dispensary, but urged the board to proceed with care on recreational dispensaries, suggesting that the board create a committee to study issues faced in similar communities in Colorado to see if their fears about such businesses had been realized in the face of legalization.

“We’re going on ‘reefer madness’ so to speak,” said Colby. “There’s no reason for us to do that. We can do this in a really thoughtful planned process that comes to a resolution that makes sense for this community.”

Johnson said he thought it would be prudent of the board to wait until a recreational marijuana sales law passed to proceed on that matter. However, on the matter of medicinal marijuana dispensaries, he implored the board to make a decision, noting that the process had been drawn out.

“The board could have made a decision without the survey, but they did the survey, and now I think it’s time,” said Johnson

The board ultimately decided to craft language for an ordinance banning medicinal marijuana dispensaries but hold off on recreational. Language for the medicinal marijuana dispensary ordinance will be reviewed at the board’s July 17 meeting.

“If there are enough people out there who don’t like the ordinance, petition it,” said Cohen. “Use the government how it’s meant to be used.”

According to McLean, once an ordinance on the matter is adopted, it must be published in the newspaper no more than 14 days after the meeting at which it was adopted. If it is not petitioned, the ordinance will become effective 60 days after the meeting at which it was adopted.

To compel a special meeting on the matter, a petition would need to be received within 44 days of the meeting at which the ordinance was adopted. McLean says a petition on this matter would require 64 signatures, which comprises 5% of the town’s voters. If a petition is submitted, a special Town Meeting would then occur within 60 days. The matter would be voted on by ballot.