

Town Council Meeting  
November 10, 2014

EXECUTIVE SESSION – 6:00 PM

A. For the purpose of discussing matters of litigation as per RIGL 42-46-5(a) (2)

1. Evergreen vs Town of Coventry
2. Warren West vs Thomas Hoover et al

The Town Council voted unanimously on a roll call vote to go into closed session.

A motion was made by Vice-President McGee seconded by Councilwoman Carlson to close Executive Session and open regular meeting. All voted aye.

A motion was made by Councilwoman Carlson seconded by Councilwoman Duxbury to seal minutes of Executive Session. All voted Aye.

TOWN COUNCIL MEETING 7:00 PM

Present: Vice-President Kerry McGee, Councilman Laboissonniere, Councilwoman Carlson, Councilwoman Duxbury, President Cote, Town Manager Thomas Hoover, Town Solicitor Nicholas Gorham

Pledge of Allegiance  
Moment of Silence  
Review of Emergency Evacuation Plan

President's Comments

President Cote commented that a friend of his passed away last weekend after a motorcycle accident, and he asked the public to be mindful of motorcycles on the road.

Approval of Minutes from October 27, 2014

A motion was made by Councilwoman Duxbury seconded by Councilwoman Carlson to approve minutes. All voted Aye.

CONSENT AGENDA

1. Discussion and resulting action on tax abatements and additions for August and September 2014

A motion was made by Councilman Laboissonniere seconded by Vice-President McGee to approve abatements and additions. All voted Aye.

2. Discussion and resulting action on cancelling the December 22, 2014 Town Council meeting

Manager Hoover advised that cancellation is due to the Christmas holiday, however, if any issues arise before the following council meeting, a special Town Council meeting can be scheduled.

A motion was made by Councilman Laboissonniere seconded by Councilwoman Carlson to approve resolution. All voted Aye.

LICENSES

Application for Second Hand license by David Mooney of Sandy Bottom Bait & Tackle, 97 Sandy Bottom Road

Mr. Mooney explained that he wants to add to his business to include consignment and sale of furniture and odds and ends. A motion was made by Councilwoman Carlson seconded by Councilman Laboissonniere to approve second hand license. All voted Aye.

RESOLUTIONS

1. Discussion and resulting action regarding a moratorium on Compassion Centers and Cooperative Cultivation Facilities

Solicitor Gorham explained that the moratorium is for consideration of the location of compassion centers and co op cultivation facilities. There was a specific Act that spoke to cooperative cultivation which was passed on July 8 of this year, taking effect on September 1. The Town Council finds it necessary to put a moratorium in place with regard to permitting of the location of such facilities under our Zoning Ordinance until they have had time to come up with standards and so forth regarding where they should be located, if at all, within the Town of Coventry. This is not unusual.

The problem is that marijuana is still illegal under Federal Law and is considered a Class 1 controlled substance. The General Assembly nonetheless has seen fit to allow these types of facilities throughout the state. I would say that the Town Council faces a dichotomy on what to do and needs time to make sure it gets this right for the citizens of Coventry and also make sure our land use regulation laws are in the best interest of the people of Coventry. This moratorium just gives you time, and that's all it does. It says that we are just not going to allow applications for the location of these facilities until we amend the zoning ordinance so that we can take account of whether, where and when they should be located.

Vice President McGee commented that before anyone gets a license, they have to appear before Zoning and follow procedure anyway, so it's not like this is going to get out of hand.

Solicitor Gorham remarked that there is one application pending now and I think that is what precipitated the amount of attention this issue has received. This resolution says that any application that is substantially complete will receive full consideration and I leave that decision to the Zoning Board.

President Cote replied that compassion centers exist in and are allowed in Rhode Island. No one is moving to shut them down or further regulate them. If Coventry allows this moratorium, we would be violating what the state has already allowed to take place. I don't know why this council is considering taking action on something that is already "legal" in municipalities in RI or why Coventry feels it has to step up and stop something that can take place everywhere else.

Solicitor Gorham added that this is on the agenda for Council consideration; I don't know what the council is going to do with this. But the fact is that under our Zoning Ordinance right now there is no classification for this use, it is neither permitted nor prohibited. I think the Town Council owes it to the Town of Coventry to do its due diligence and come up with some standards.

President Cote feels the Council is being reactive rather than proactive. If the Town Council had been proactive, this issue would have already been brought before Council for a zoning ordinance change. Now because we have an issue that already has been heard before the zoning board and is currently under consideration, we are being reactive to that meeting and coming up with a moratorium that we can put in place in the meantime. President Cote asked for clarification that if the Zoning Board deems that the pending application is substantially complete, then it would be exempt from the moratorium. Solicitor Gorham agreed.

Councilwoman Duxbury believes that the town is being proactive in trying to make sure that we are protecting everyone. This town has too often been reactive rather than proactive in regard to zoning issues and there are way too many issues in town that have been permitted to exist here without regulations.

Vice-President Mc Gee thinks that a six month moratorium is too long, and three months would be sufficient. I feel we can be educated and come up with a plan in sooner than six months, this business shouldn't have to be made to wait six months. Solicitor Gorham responded that this moratorium *allows* the town six months; however, it could take only a matter of weeks. There is currently one application pending before the Zoning Board and if the Zoning Board deems that application complete, then it is exempt per Title 45, Chapter 24 Section 44 of the General Laws.

Councilwoman Carlson also thinks that we are being proactive in this case, as we have situations where the Zoning Board gives permission without having enough ordinances in place to really regulate what is going on. I don't think there is anything wrong with a moratorium until we can come up with an ordinance.

A motion was made by Councilwoman Duxbury seconded by Councilwoman Carlson to approve resolution in favor of moratorium. Vote taken: 3 Aye; Vice-President McGee and President Cote vote No. Motion passes.

## PUBLIC COMMENT

Barry Blair, Tiogue Avenue, property owner and Joann Lebanon, Executive Director of the RI Patient Advocacy Coalition located at 498 Kinsley Ave, Providence.

Mr. Blair has filed for a special use permit and variance with the Zoning Board.

Ms. Lebanon clarified that in 2006 patients, licensees and qualifying caregivers could legally obtain cards to enable them to grow medical marijuana. Legislation was enacted for this program out of compassion. Many of our patients are low income or on disability and have been disabled for years. There are people in this room who wouldn't be alive without this program. It makes sense to pool resources to diminish the cost and this is being done all over the state successfully.

This is not going to bring something new into Coventry, there are only three compassion centers allowed in the state and they are in Warwick, Portsmouth and Providence. Nobody is trying to open one in Coventry. However, the compassion centers are unable to meet the needs of patients. This law about co-ops came about because the Attorney General's office thought they should be regulated somewhat. This is a quality of life issue and you don't want to be in a position of denying patients access to their medicine. The idea was to make it safer by having the law. However, we met with the Attorney General and told him there were problems because no one fully understands the law. I would suggest that you have the Zoning Board open communications with the AG's office. The intent was not to curtail patient's access to medicine.

Mr. Blair indicated that his role in this is to simply help this organization provide a professional, safe secured facility to grow medicinal marijuana. He believes the Zoning Board application is sufficient and complete. Medicine will not be delivered to a parking lot or a Dunkin Donuts. Security is a high priority. We would probably use a delivery service. Mr. Blair has spoken to Chief Volpe and would like the opportunity to show the police department what a legal grow looks like.

Ann Armstrong represented a friend who lives in Coventry. Collective grows have been going on a long time and haven't caused any problems. I raised seven kids, was always told cannabis was a dangerous drug. Now we find out that it actually cures cancer, puts crohn's into remission, takes care of degenerative arthritis. I started to use it in 2011, lost 265 pounds, my COPD and asthma cleared up. I have a child who couldn't get to school because of such debilitating depression in high school. He had to leave Hendricken. He started to use cannabis and it lifted his depression. He had a variety of other drugs and those left him suicidal. Cannabis made him normal, he went to school, got straight A's, and got a scholarship to WPI. We should not ostracize people and treat them like criminals for growing a plant that helps them. In the Bible we are commanded to take cannabis with olive oil to make anointing oil and heal diseases. We are treating cannabis wrongly; it is a beneficial substance that really does cure most illnesses. People need to be educated in the proper use of it. Please learn the facts before you react.

Ken Jackson, 2799 Harkney Hill Road, questioned whether a co-op is profit or non-profit? How will they control marijuana getting into other hands for different reasons? These questions have to be answered in addition to zoning issues. What about security? You should maybe talk to other towns and cities, and if it is allowed there, how was it allowed.

Alan Gordon, a colleague of Ms. Armstrong, spoke of a cancer patient who is experiencing great difficulty obtaining medicine to save her life. Now this municipality purports to be able to stall or delay a dying patient's access to the medicine that was saving her life. With all due respect, this can be done on someone else's time besides that of the dying patient. Let them live while you do research. Ms. Armstrong and I and patient Jane Doe of Coventry have launched litigation against the state because this law is so ambiguous that RIPAC is urging patients to air on the side of caution with regard to grow sizes and practices because nobody can tell what the law actually says. A dying patient who can be saved by a plant should never be delayed the access to the plant, and if this municipality takes action that results in delayed access, there will be further litigation.

Russell Smith, 477 Tiogue Avenue, we have all received certified notification about the grow facility. As far as I know, no one has stepped forward to complain and none of the abutting owners have objected. There are many benefits to what he plans on going forward

with. I own a grow supply store and sell products to people who do this residentially. Obviously there are people who want to do this commercially. I have the grow store across the street, people are in there all the time who are legitimately sick, they are on state assisted programs and can't afford medications. I have women that come in, 45 – 50 years old, MS patients with no way to support themselves. I'll set them up with a small time caretaker who is working out of his basement. Why can't someone legitimately go forward in front of the town, everyone knows what he is doing, he is not hiding anything or doing anything wrong. I don't see what the big deal is. If you understand marijuana, the different varieties and what it can do for you, there are a lot of very good benefits to it. It has been decriminalized but society doesn't want to see this go forward. People seriously need it and I don't think Mr. Blair is doing anything wrong.

Nichole Cambio feels that based out of fear, you don't want to move forward with what Rhode Island is telling you. She referred to state law, stating that no person will be subject to arrest or prosecution for constructive possession or being in the presence of vicinity of the medical use of cannabis as permitted under state law. I can guarantee you that every person here knows at least one person that uses cannabis. There are people with skin cancer who use topical creams that heal them, people who use cannabis oils to shrink tumors. You are giving people a hard time. I think that if you have a husband and wife living together and growing, then you have a co-op, and to set regulations where a co-op can't be within a certain distance from a school sets a precedent. You are worried about the children; I have a child and she is educated that this is medicine.

Ms. O'Gorman, 31 Elton Street, I am not against this medicine for the patients that need it. My issue is the location of this facility. It is on a main road in the center of town, with schools and day care facilities around there. This is something we have to be cognizant of.

William Cotton, 1809 Warwick Ave. I am an MS patient and on the Board of Directors of Child Inc. I am also the husband of a wife who owns a medical marijuana evaluation center. The law is very vague. If two patients are growing in their house, that is considered a co-op. You will be hurting a lot of patients with this moratorium and I am asking you to reconsider.

Michael Goldman, Hudson Pond Road, West Greenwich, cured skin cancer with cannabis oil. This is an important medicine and I have seen many people benefit from it. If this resolution bans people from their medicine, it is both illegal and immoral.

Terry Ryan, Harkney Hill Road is a patient as well as a caregiver. Solicitor Gorham is incorrect about the law. Growing has been allowed since 2006, but only since 9/1/2014 have they become "co-ops". Before that it was two people who lived in a house and grew this together. Now if my wife is growing, she is subject to a NCI check and verification of the location of my garden by the state police. This is already happening in Coventry, but because it has a name now it scares you into trying to ban something that has been going on since 2006 and you didn't even know it. That should tell you there is not a problem with it.

Peter Benson, 17 Peach Tree Road, North Kingstown, I know caregivers here in Coventry and the good work they do. We all want clarification on this new law as much as you do. We have reached out to the AG's office and basically what they said is that they don't have to provide any direction out to the citizens, patients or registered caregivers, it is up to them when a law is passed to go and find out what that law means to them. All we want to know are the boundaries and the guidelines. Also, I would like to say, what is considered a co-op is two or more people growing, whether it is in a residence or a commercial building. There are 9,000 co-ops in the state. Now there is a question on whether these residences are legal? And how many plants they are allowed to have? With a moratorium you are making people wait, but what do they do in the meantime? The law is so convoluted nobody knows what is right or wrong anymore. People want to do this right, just want to know how, what the law says as it is very vague and contradicting in itself. People that have been doing this for four or five years don't even know if they are legal anymore. If the police decide you have an illegal grow, I don't want to see my name dragged through the news media. This is supposed to be a confidential program and non-discriminatory.

Vice-President McGee agrees that the Attorney General should explain this law. President Cote, speaking for himself, maintains that anybody in this room who is using medical cannabis and growing it while this Council is trying to make a decision or an ordinance, should continue to grow and take their medicine the way the doctor is prescribing it. I wouldn't go without my medicine.

Matt Agin, 153 Windsor Park Drive, is wheelchair bound with m.s. He lives with a veteran and the two of us pool our resources. We can't afford the compassion centers as the cost is about double to my growing on my own. We have a very limited budget, I can't work. By

putting on a moratorium, you are basically keeping me from my medication. The Attorney General put forth this bill, had it jammed through at the last minute and it didn't get the amount of attention it needed. I would like you to look at this from my perspective.

A motion was made by Vice-President McGee seconded by Councilwoman Carlson to adjourn meeting. All voted Aye.

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Town Clerk