

From: [Isabelle Lew](#)
To: [Ron - RRKH](#); [Tim Carroll](#)
Subject: RE: Municipality Question re: Delivery Opt-in
Date: Monday, May 8, 2023 2:49:31 PM

Tim,

Here is proposed language for the marijuana delivery “opt-in”:

“To see if the Town will vote to allow for the delivery of marijuana, marijuana products, marijuana accessories, and marijuana establishment branded goods to consumers within the Town’s borders, and to direct the Select Board to notify the Cannabis Control Commission that delivery of marijuana or marijuana products to consumers is permitted in Chilmark under 935 CMR 500.145(1); or take any action relative thereto.”

Let me know if you have any questions.

Isabelle

From: Ron - RRKH [mailto:rrappaort@rrklaw.net]
Sent: Thursday, May 4, 2023 7:58 PM
To: Tim Carroll
Cc: Isabelle Lew
Subject: Re: Municipality Question re: Delivery Opt-in

Yes. By copy of this email, I am asking Isabelle to send you up some language..

Sent from my iPhone

On May 4, 2023, at 6:16 PM, Tim Carroll <townadministrator@chilmarkma.gov> wrote:

We have a special town meeting coming up in May or Jun. We could ask the voters then is they want to “opt-in”

I think I heard the Select Board members say at the meeting that they preferred to ask the voters.

Would that work?

Tim

Tim Carroll

Town Administrator
Town of Chilmark

508-645-2101 O 508-627-0034 M 508-645-2110 F

Pursuant to the Open Meeting Law, please refrain from REPLY ALL if it might be construed as deliberation between a quorum of any public body.

From: Ron Rappaport <rrappaport@rrklaw.net>
Sent: Thursday, May 4, 2023 2:50 PM
To: Tim Carroll <townadministrator@chilmarkma.gov>
Cc: Isabelle Lew <ilew@rrklaw.net>
Subject: FW: Municipality Question re: Delivery Opt-in

We should talk about this when you have a moment...

Ronald H. Rappaport
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From: Isabelle Lew [<mailto:ilew@rrklaw.net>]
Sent: Thursday, May 4, 2023 10:16 AM
To: Ron Rappaport (rrappaport@rrklaw.net)
Subject: FW: Municipality Question re: Delivery Opt-in

Ron,

I spoke with someone at the Cannabis Control Commission (CCC) this morning. The representative said from CCC's perspective, they simply rely on an email from the town administrator that a town has "opted in" for marijuana delivery. The CCC does not look behind said notice to understand the mechanism of how the town opted in and does not have regulations or guidance touching on the same. He believes some towns/cities have put the question out for a town vote, others have amended bylaws/ordinances to address the issue, and others have done none of the above and seemingly made the decision at the Selectboard level. The CCC will not impose the deliveries on a town that has not opted-in.

Assuming there are no bylaws touching on the subject, seems like it is a decision for the BOS how they wish to proceed - a town vote or including something about this in bylaws seems prudent.

Isabelle

From: Isabelle Lew [<mailto:ilew@rrklaw.net>]
Sent: Friday, April 28, 2023 11:49 AM
To: commission@cccmass.com; licensing@cccmass.com
Cc: Ron Rappaport (rrappaport@rrklaw.net)
Subject: Municipality Question re: Delivery Opt-in

Hello,

Our firm is town counsel for the town of Chilmark. Chilmark does not currently permit retail of marijuana. It is my understanding that pursuant to 935 CMR 500.145(1)(l) deliveries will only be permitted if Chilmark notifies the CCC that it has opted to allow deliveries within its borders. What is the process for a municipality to “opt in” for deliveries – is this by a vote at a special or annual town meeting (similar to adopting local option statutes)? Is there anything else that needs to occur?

Thank you,
Isabelle

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