



CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

OFFICE OF THE CITY CLERK
NEW BEDFORD, MA

2022 APR 21 PM 1:52

CITY CLERK

April 20, 2022

City Council President Ian Abreu and
Honorable Members of the City Council
City of New Bedford
133 William Street
New Bedford, MA 02740

Dear Council President Abreu and Honorable Members of the Council:

I write to inform the City Council that my Administration has negotiated a Host Community Agreement with Ember Gardens NBR, LLC and Ember Gardens, NBP, LLC of 1 Nauset Street, New Bedford, Massachusetts. Ember Gardens NBR, LLC and Ember Gardens, NBP, LLC are seeking approval for a state license for the sale of recreational adult use marijuana at its proposed facility on 1 Nauset Street in New Bedford.

In return for that attached letter of support, Ember Gardens NBR, LLC and Ember Gardens, NBP, LLC have agreed to provide substantial benefits to the City of New Bedford and its residents. Those benefits include but are not limited to the following:

- Ember Gardens NBR, LLC and Ember Gardens NBP, LLC shall pay to the City Host Community payments consisting of 3% of the gross retail sales of NBR of all marijuana and marijuana infused products plus 3% of the gross sales of NBP of all marijuana and marijuana infused products. Furthermore, in the event that marijuana or marijuana infused products cultivated or produced at the facility are transferred by the Licensees to a related entity owned or controlled in whole or in part by the Licensees or their affiliates, the value of such products for purposes of calculating the Host Community fee shall be based on the higher of 50% of the retail price at which such marijuana or marijuana infused products are sold by NBR or the highest wholesale price charged by NBP in any arms length transaction during the preceding twelve months.
- Ember Gardens NBR, LLC and Ember Gardens NBP, LLC shall also make annual contributions of \$150,000.00 or 1.5% of the facilities gross sales, whichever is greater, to New Bedford based non-profits or City run organizations that provide substance abuse prevention and educational programs in the City Public School District.

- To the extent allowed by Federal, State and Municipal Law and regulations, a “local labor hiring preference” shall exist for all residents of the City applying for employment at the facility. Within the confines of the law and other factors being equal, Ember Gardens NBR, LLC and Ember Gardens NBP, LLC shall reasonably seek to employ City residents before considering other candidates and to the extent consistent with Federal, State and Municipal Law and regulations Ember Gardens NBR, LLC and Ember Gardens NBP, LLC shall utilize best faith efforts to ensure that at least 20% of the employees at the facility are City residents.
- To the fullest extent allowed by law, Ember Gardens NBR, LLC and Ember Gardens NBP, LLC shall use best faith efforts in a legal and non-discriminatory manner to give priority to local businesses and vendors in the provision of goods and services required for the construction, maintenance and operation of its facility and shall use best faith efforts to ensure that at least 20% of their total annual expenditures on vendors and/or contractors will be spent on vendors and/or contractors based in New Bedford.
- Ember Gardens NBR, LLC shall pay an excise tax rate determined by the Commonwealth of Massachusetts for the sale of adult use marijuana and adult use marijuana infused products, currently at 3% of gross annual sales (said excise tax shall at least quarterly be distributed to the City by the State Treasurer).
- Ember Gardens NBR, LLC and Ember Gardens NBP, LLC agrees that they shall cause any motor vehicles owned, leased, or operated by it in its operations at the facility to be registered and principally garaged in New Bedford to ensure that New Bedford receives any motor vehicle excise tax due and payable.
- Ember Gardens NBR, LLC and Ember Gardens NBP, LLC shall maintain security at the facility in accordance with a security plan approved by the Cannabis Control Commission and the City of New Bedford.

I ask for your approval of the Host Community Agreement so that we can secure these benefits for New Bedford residents and businesses.

Thank you for your consideration of this important matter.

Sincerely,



Jon Mitchell
Mayor

EJ/bar

Attachments:

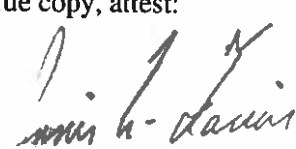
Letter of Support with Cover letter
Host Community Agreement

IN CITY COUNCIL, April 28, 2022

Referred to the Special Committee on Cannabis Regulation and Host Community Agreements Review.

Dennis W. Farias, City Clerk

a true copy, attest:



City Clerk



CITY OF NEW BEDFORD

JONATHAN F. MITCHELL, MAYOR

April 20, 2022

Shane Hyde, President
Fuego Farms, Inc.
Manager, Ember Gardens NBP, LLC
254 Newhill Avenue
Somerset, MA 02726

Stephen Soscia, SOC Signatory
Ember Gardens NBR, LLC
1 Nauset Street
New Bedford, MA 02746

Dear Gentlemen:

I do hereby confirm the City of New Bedford's support for Ember Gardens NBR, LLC and Ember Gardens, NBP, LLC to operate an adult only recreational marijuana retail facility in New Bedford on 1 Nauset Street, New Bedford, Massachusetts.

I have verified with appropriate local officials that the proposed facility on 1 Nauset Street is located in a zoning district that allows such use either by right or pursuant to local permitting.

Sincerely,

UNSIGNED

Jon Mitchell
Mayor

EJ/bar