

**SELECTMEN'S MEETING
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, March 19, 2018**

Meeting was opened at 6:30 PM in the Upstairs Meeting Room. Present were Selectpersons Chris Boutwell, Michael Nelson, and Rich Kuklewicz, Town Administrator Steven Ellis, and Executive Assistant Wendy Bogusz. Kuklewicz makes introduction and announces meeting is being taped.

Approve minutes of March 5 and 12, 2018

- *Nelson makes the motion to approve the minutes of March 5, 2019 as presented. Boutwell seconded, unanimously approved. Nelson - Aye, Boutwell - Aye, Kuklewicz - Aye*
- *Nelson makes the motion to approve the minutes of March 12, 2019 as presented. Boutwell seconded, approved. Nelson - Aye, Boutwell - Aye, Kuklewicz - Abstain*

Public Comment Period: Individuals will be limited to two (2) minutes each and the Board of Selectmen will strictly adhere to time allotted for public comment
None.

Walter Ramsey, Town Planner

Overview of 253 Organic LLC proposal for cannabis cultivation processing and retail facility at 253 Millers Falls Road, Turners Falls

There will be a Planning Board special permit and site plan review public hearing at 7:00 PM on Tuesday, the 27th.

Seth Rutherford, Christopher Gallant, and Lee Olesen joined the meeting; and Olesen gave a quick overview of the plan: The proposal is to take the Hallmark Building and convert it into a cultivation and retail location. The indoor process is non-impactful, there is odor control, and there is no advertising or signs. It's very nondescript and low profile, and is basically indoor farming. It's very technical, complicated, and costly. They are currently working on regulations and have been told by the State that there will be a limited number of licenses. They are working with the CCC and putting all applications in order and trying to get the first group by the first week of April.

Ramsey: When the marijuana law was passed in 2014, this particular building was proposed to be a marijuana dispensary. The Board had supported that project but we did not get licensed because there was a limited number of licenses. This building has been vacant for over a decade and cultivation would be a good, suitable use for it. The Town has done everything it can be to be prepared for an adult-use marijuana facility to be located there. There are certain things that the project component needs from the community: (1) the host-community agreement, (2) a community outreach hearing, and (3) and zoning permitting. The Tuesday hearing will be a community outreach hearing as well. The recent changes allowed cultivation, production, and retail as an accessory use in the industrial district by special permit from the Planning Board.

In response to a question by Audley, Olesen described the cultivation and retail facility: The total facility is about 30,000 square feet. There will be an ancillary building, which

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is ideal for a retail store. There is no access to the cultivation portion of the building. The plan is to serve 200 people a day. There are no plans currently to open a café.

Audley asked if they will be applying under Economic Empowerment Applicant. Olesen believes that technically they would not qualify at this point.

Discussion ensued regarding the agreement:

- Ramsey: The Board has a draft host community agreement, which was provided by Kopelman and Paige. As part of our research, we did look at what communities did for the medical marijuana. The biggest part of the agreement is the community impact fee (3% of gross sales of marijuana and marijuana-infused products). This is separate from the 3% sales tax that Town Meeting approved last month. These are once-a-year payments.
- Olesen: The CCC just approved the ability for the adult-use facilities to be able to purchase medical marijuana products. We're focused on getting the retail store up quicker. In 2020, we're looking at around half a million in tax revenue to the Town.
- Wholesale sales are not included. The model was from retail sales only. This will be clarified with KP.
- Coordination with all major public safety agencies would make sense, particularly the fire district.
- Ramsey went over the agreement and points discussed included impact payments, hiring preferences, security measures, financial records, and a charitable foundation.
- The Board for the charitable foundation would ideally consist of the Town Administrator, Director of Community Development, Chairman of the BOS, and two individuals appointed by the operator; as well as some representation from the educational community.
- In response to Reynolds' question about additional cost to police, Olesen gave an example in which work decreased for the police as black-market products decreased with regulation and availability of products.
- Every square inch of the outside and inside of the building is required to be camera-recorded with high-definition film, and the recordings have to stay on the record for at least 45 days.
- A template/draft of the agreement can be put on the website for informational purposes.
- The facility would have 40 to 60 full-time employees, including about 6 or 7 management positions.

Nelson makes the motion to authorize Rich Kuklewicz to work with Ramsey and Ellis to finalize the host agreement. Boutwell seconded, unanimously approved. Nelson - Aye, Boutwell - Aye, Kuklewicz - Aye

Fran Pheeney, of F.C. Regional Housing and Redevelopment Authority

- **FRHA Loan Forgiveness (indebtedness currently totaling \$126,275)**

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Nelson makes the motion to vote to forgive the indebtedness of Franklin County Regional Housing and Redevelopment Authority to the Town of Montague in the principal amount of \$122,500.00, said indebtedness currently totaling \$126,275.00, finding forgiveness thereof to be in the best interest of the Town and the Authority, and, further to cancel any note or notes evidencing said indebtedness and to discharge the Mortgage from the Authority to the Town, dated March 18, 1991, recorded with the Franklin County Registry of Deeds in Book 2513, Page 206. Boutwell seconded, unanimously approved. Nelson - Aye, Boutwell - Aye, Kuklewicz - Aye

- **PILOT Agreement**

Pheeneey stated that a purchase and sale agreement has been signed for the Hallmark building office spaces. The potential closing date is April 16th. The purchase price is much lower than the Assessor's card. They would like to work out a PILOT agreement. Kuklewicz suggested that Steve and Karen be the designees.

Discussion regarding next steps in Police Chief hiring process

- Nelson recommended seriously considering the need for civil service. Boutwell agreed with Nelson.
- Kuklewicz stated that changing the position from civil service is a Town Meeting vote.
- Ellis stated having civil service chiefs is becoming less common throughout the commonwealth. He suggested bringing in other experts and offers to speak with some law enforcement colleagues.
- Boutwell brought up the need to look into and update the Police Chief's job description.

Request for approvals and authorizations related to Mass Historic Preservation Projects Fund grant application

- *Nelson makes the motion to authorize the Town Administrator, Steven Ellis, to oversee and report on procurement, enter into contracts for project work, administer and disburse funds for the project, prepare progress and completion reports, and arrange for grant funding acknowledgment including the project sign. This in relation to any Round 24 Massachusetts Preservation Project Fund the Town may be awarded. Boutwell seconded, unanimously approved. Nelson - Aye, Boutwell - Aye, Kuklewicz - Aye*
- *Nelson makes the motion to authorize the Chairman of the Board of Selectmen, Rich Kuklewicz, to execute a contract with the Massachusetts Historic Commission in relation to any Round 24 Massachusetts Preservation Project Fund Grant the Town may be awarded. Boutwell seconded, unanimously approved. Nelson - Aye, Boutwell - Aye, Kuklewicz - Aye*
- *Nelson makes the motion to authorize the Chairman of the Board of Selectmen, Rich Kuklewicz, to execute a preservation restriction agreement with the Massachusetts Historic Commission in relation to any Round 24 Massachusetts Preservation Project Fund Grant the Town may be awarded. Boutwell seconded, unanimously approved. Nelson - Aye, Boutwell - Aye, Kuklewicz - Aye*

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- *Nelson makes the motion to authorize the Chairman of the Board of Selectmen, Rich Kuklewicz, to sign an assurance of compliance to be submitted with the Town's Round 24 Massachusetts Preservation Project Fund application to the Massachusetts Historic Commission. Boutwell seconded, unanimously approved. Nelson - Aye, Boutwell - Aye, Kuklewicz - Aye*

Town Administrator's Business

- **Vote to accept change to Liquor License Home Rule Petition by House Council's legislation for 42 Canal Road, Turners Falls**

Nelson makes the motion to strike the following language "that the Town vote to authorize the Board of Selectmen to petition the General Court for 1 (one) additional all alcohol on premise liquor license to be exercised and located at 42 Canal Road in the Turners Falls village of the Town, said license not to be transferred to any other location; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition, as set forth in Article 5 of the Warrant"; changing that to "SECTION 1. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the Town of Montague may grant 1 additional license for the sale of all alcoholic beverages to be drunk on the premises pursuant to section 12 of said chapter 138 to an entity located at 42 Canal Road in the Turners Falls village of the Town. The license shall be subject to all of said chapter 138 except said section 17. SECTION 1. (b) Once issued, the licensing authority shall not approve the transfer of the license granted pursuant to this act to any other location but it may grant the license to a new applicant at the same location if the applicant files with the licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid. SECTION 1. (c) If the license granted under this act is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority, which may then grant the license to a new applicant at the same location under the same conditions as specified in this act. SECTION 2. This act shall take effect upon its passage." Kuklewicz seconded, approved. Nelson - Aye, Kuklewicz - Aye, Boutwell - Abstain

- **Communication Plan with Republic Services**

Ellis reviewed Republic Services' Communication Plan that was created in response to the confusion that resulted from the deep-freeze in December.

- **Topics not anticipated in the 48-hour posting requirements**

None.

Release and approval of Executive Session Minutes from 2/5/18 and 2/12/18 Meeting relative to preparation for negotiations with nonunion personnel and to conduct contract negotiations with nonunion personnel (Police Chief); executive

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session and open session, pursuant to G.L. C. 30A, s. 21 (a)(2) expected, votes may be taken

- Kuklewicz stated that holding this discussion of meeting approval and review in public may prove detrimental to the Town's position.
- *Nelson makes the motion to enter Executive Session at 8:15 PM to discuss the release and approval of Executive Session Minutes from 2/5/18 and 2/12/18 Meeting relative to preparation for negotiations with nonunion personnel and to conduct contract negotiations with nonunion personnel (Police Chief); Executive Session and Open Session, pursuant to G.L. C. 30A, s. 21 (a)(2) expected, votes may be taken. We will leave Executive Session to return to Open Session. Boutwell seconded, unanimously approved. Nelson - Aye, Boutwell - Aye, Kuklewicz - Aye*
- Executive Session was held, and the Board returned to Open Session.
- *Nelson makes the motion to release the Executive Session minutes from February 5, 2018, known as Executive Session No. 2 regarding Chip Dodge negotiations. Boutwell seconded, unanimously approved. Nelson - Aye, Boutwell - Aye, Kuklewicz - Aye*
- *Nelson makes the motion to release the Executive Session minutes from Executive Session No. 2 on February 12, 2018 regarding negotiations with Police Chief, Chip Dodge. Boutwell seconded, unanimously approved. Nelson - Aye, Boutwell - Aye, Kuklewicz - Aye*

Nelson makes the motion to adjourn. Boutwell seconded, unanimously approved. Nelson - Aye, Boutwell - Aye, Kuklewicz - Aye

Documents and Exhibits:

- Minutes of March 5 and March 12, 2018
- Overview of 253 Organic LLC
- Discharge of Mortgage from Franklin County Regional Housing Authority
- Communication Plan with Republic Services