

Groveland Board of Selectmen
Meeting Minutes
January 9, 2017

Present: Chair William Dunn, Selectman Ed Watson, Selectman Michael Wood, Selectman William O'Neil, Selectman Daniel MacDonald

Absent: None

Others Present: Denise Dembkoski (Finance Director)

Recorder: Melanie Rich

The meeting was called to order at 6:30 p.m. Chair Dunn thanked everyone who supported him and his family during the recent death in his family.

RESIDENT/PUBLIC COMMENTS:

Daniel Haskell is concerned with the conditions and safety of Governor's Road. Chair Dunn said he notified the Road Commissioner on 12/23/16 of the complaints that were received. The Road Commissioner said he would get out there as soon as weather permits; the crew was there on 1/5/17. It is a two-year project anticipated to be completed late summer/early fall. The Water Department needs to do the water tie-ins first; when that is completed the road will be ground, graded, manholes put in, regraded, and finished. The Road Commissioner will keep it as passable as he can during the winter.

Chair Dunn received numerous calls regarding the Route 97 project. It is a two-year project and will not be completed until late 2017. The road has been patched for the winter.

APPROVAL OF WARRANTS:

Selectman Wood made a motion to approve PW#17-27 in the amount of \$153,562.41; Selectman Watson seconded; all voted in favor; warrant approved.

Selectman Wood made a motion to approve DW#17-25A in the amount of \$28,943.57; Selectman Watson seconded; all voted in favor; warrant approved.

Selectman Wood made a motion to approve BW#17-27 in the amount of \$1,706,194.07; Selectman Watson seconded; all voted in favor; warrant approved.

APPOINTMENTS:

Selectman Wood made a motion to appoint Sam Joslin to the position of Flood Plan Administrator effective January 9, 2017 through June 30, 2017; Selectman Watson seconded; voted 5-0-0.

Selectman Watson made a motion to appoint Daniel Richmond, Jr. to the position of Animal Control Officer effective January 9, 2017 through June 30, 2017; Selectman Wood seconded; voted 5-0-0.

Selectman Watson made a motion to appoint Emily Staton to the position of Reserve Dispatcher/Lockup Keeper effective January 9, 2017 through June 30, 2017; Selectman Wood seconded; voted 5-0-0.

DISCUSSION AND POSSIBLE VOTE:

Ratification of Memorandum of Agreement for Deputy Jeffrey Gillen to take over administrative duties of the Police Department effective January 1, 2017 and Ratification of Chief of Police Contract for Jeffrey Gillen effective July 1, 2017 – Deputy Gillen will be taking over the department until July 1st, after which he will become Police Chief. Selectman Wood made a motion to ratify the Memorandum of Agreement

for Deputy Jeffrey Gillen to take over administrative duties of the Police Department effective January 1, 2017; Selectman O’Neil seconded; voted 5-0-0. Selectman Wood made a motion to ratify the Chief of Police Contract for Jeffrey Gillen effective July 1, 2017; Selectman O’Neil seconded; voted 5-0-0.

Elevated Access Center (a Medical Cannabis Wellness Provider) to make a presentation looking for the Board of Selectmen’s support on moving forward in the permitting process – Scott Bettano is the Consultant for Elevated Access Center which is a holistic medical marijuana dispensary. They are looking to open a cultivation center and RMD in Groveland, focusing on herbal wellness and the education of cannabis. They want to be involved in the community with the DARE Program and the Police Department to ensure that people feel comfortable and secure. Massachusetts voted in Question 3 legalizing cannabis in November 2012 with over 63% of voters supporting it. The United States Department of Justice put criteria in place for the federal government to intervene with any of the state run programs. In August 2016, the Supreme Court ruled that the federal government cannot interfere with medical marijuana programs of the state. There is also an indemnification process not holding the town or any of its agents directly responsible; the risk is on Elevated Access Center. They will need to construct a facility. The sites being looked at are the former Esty Lumber site on the river which has a level of security (it is a gated community) for the cultivation center, and the vacant lot which is pre-zoned for the current use on Route 97 for the RMD site. There will be 24/hour security. Databases will be kept; all sales will be tracked. It is an indoor agricultural center. DPH has strict security measures that must be met, and they will spare no expense securing the facility; safety and patient care are their #1 priority. It will bring approximately 100 jobs to the areas. Mr. Bettano provided the board with information regarding the FDA. The FDA currently does not regulate herbal supplements, yet in July 2016, they approved synthetic cannabis oil. He also provided information on the endocannabinoid system which breaks down how cannabis works in the body and why it works so well.

Chair Dunn asked where they are located and if it is a start-up company; he was told it is brand new. Since they operate as non-profit, what guarantees their sales in the first year to give any money to the town. Jill Osborne said host agreements are meant as a way to offset the burden. He asked if she felt the cannabis program would help reduce today’s opioid use and was told that states that have medical cannabis laws have a reduction of opioid overdoses by approximately 25%. Chair Dunn asked why they chose Groveland. Ms. Osborne said she is a Georgetown resident and would like to see access come to patients that she knows in the area. Chair Dunn asked what input they received from the neighbors. Ms. Osborne said they have email addresses they are willing to publish and are willing to meet to answer any questions. Chair Dunn said before taking any action he wants to make sure the neighbors are well aware of what is going on. He asked if it was true that agricultural overrules zoning for this type of program. Ms. Osborne said the RMD (the retail facility) does have different zoning bylaws than cultivation but did not have the answer; it needs to be found out.

Selectman Wood said watching documentaries on the industry in Colorado, all of the plants had to be tagged and scanned. Ms. Osborne said Massachusetts regulations are “seed to sale”. When a seed is planted, the container gets a barcode which has to be followed until point of sale. Selectman Wood asked about inadequate samples that do not meet standards, how are they destroyed? They are mixed 51% with an inert product and disposed of it in a waste facility. It is documented and reported.

Selectman Watson asked what is the percentage of jobs in the community they are looking at for the host community, the timeframe to meet the goals, and the procedures to monitor compliance. Representatives from Elevated Access said if there are enough qualified applicants they would like to have up to 70% of the people from the community. Selectman Watson asked the anticipated pay rate, the response was that it depends on the position; it could be \$15/hour; up to six figures for management. Selectman Watson asked about outside signage. There is no plan in place as yet, but it is usually discreet; patients will know where to go. Has a traffic study been done? Not yet; they will. Will the state licensed security be armed, how many on the premises at a time, and will the security be in the delivery truck from the grove to the

dispensary. DPH mandates that delivery from the grove to the dispensary must have two guards. It's up to the Center if they will be armed; they are working on security details.

Chair Dunn said being a start-up company, how do they train their people. Mr. Bettano said they have people who are trained. The Chair asked how long it would take from start to be operational; approximately six months.

Selectman MacDonald said there was no address disclosed in the notice and believes some neighbors would have been here if they knew where it was to be located. Any decision tonight would be premature without input from abutters. He asked how can he approve something that violates the Federal Controlled Substances Act and Article 6 of the Constitution; Federal Law preempts State Law. Congress did pass an amendment but tacked it on the budget; it lapses at year end; it wasn't a permanent law. He said we are in a state of unknowns as to what is going to happen. The state can't require that anyone violate federal law. He also has a concern with melding recreational marijuana with medical marijuana; there are no written regulations for recreational marijuana. Ms. Osborne understands it to be a separate process. Recreational marijuana is regulated and taxed different. They could not sell it without coming back to the board. They were asked if they would put in a clause never to sell recreational marijuana. Ms. Osborne said they could; they are focused on medical marijuana. Mr. Bettano said they don't want to infiltrate a town and then implement something the town doesn't want. Selectman MacDonald is concerned with what can come into town and what they can control on the local level. Ms. Osborne said the town is within its rights to ban a medical facility from becoming a retail facility; it's in the ballot initiative language.

Chair Dunn said he would like them to be upfront; if they see down the road that they will go with recreational marijuana, he wants to hear about it now. Ms. Osborne said they can't say they will never look at recreational and years from now phase themselves out of business because they said that to the board. They are absolutely willing to say they will never pursue recreational marijuana without the board's consent and approval.

Selectman Wood is in support and thinks it's good for the town. He thinks the benefits outweigh any possible risks down the road. He spoke with some people who were opposed to it who asked what the town would get out of it. After explaining what the town would receive, the people he spoke with were in favor of it. It's going to be around so we may as well take advantage of it. He would like to have the neighbor's input so they can voice their opinion.

Selectman Watson asked about the ILT payment to the town, the percentage listed on the sheet, is it set by law or negotiated? It is negotiated by each town. Ms. Demboski said it is not necessarily in lieu of taxes, they would be subject to real estate taxes; that is a separate host agreement. To which Selectman MacDonald stated they could apply for an exemption to paying real estate taxes. Jill from Elevated Access informed the Board that cannabis businesses are prohibited from applying for a real estate tax exemption.

Chair Dunn is opposed to acting on it tonight; he wants the abutters to have their say. He informed them that there is other land in town should the property they are considering not work out. If it does come to Groveland, he wants it to be the best possible package.

Selectman O'Neil said the NIC is not accredited. They've been trying to get licensed for two years as a trade school; the problem is there is no standards for cannabis schools. Selectman O'Neil asked how much will be transported through the town. Mr. Bettano said it will vary according to the DPH regulations. He was not sure if he is approving what they are doing, but he is not in opposition. He thinks what they are doing is honorable, helpful and if it makes a difference in one person, it's all worthwhile.

Selectman Watson asked if it is possible they could be transporting from the grove facility outside the town; yes. Ms. Dembkoski will contact Ms. Osborne when the Chair sets the next meeting so they can send notices to potential abutters.

Clarification on the recently adopted Appointments to Board and Committees Policy – Ms. Dembkoski said since the board adopted the policy, she received several questions. People are not sure when it takes effect. The board retroactively made it July 1, 2016. The board needs to clarify what it means for people who are serving on committees that have been there for more than 6 years and Chairmen who have been in place for more than 3 years.

Selectman MacDonald thought it was effective when it was voted. Ms. Dembkoski said we have many long-time board members; 80% of our boards have people who have served longer than 6 years; we won't have anyone to appoint come July 1st. Selectman MacDonald disagreed and said there is a mechanism in place that any member may be reappointed after a one-year interval or reappointed in the absence of any other applicants. He thinks we should post that we have a policy, like fresh faces and new ideas, and if they are interested in serving on any committee, send a letter of interest to the BOS and we will consider their appointment. Ms. Dembkoski said if we reappoint, does that start a new 6-year term? It is not written clearly for all to come to a consensus. Selectman Watson agreed that the current members should indicate if they have an interest to stay on. Ms. Dembkoski will send out letters notifying them that their term is expiring and to send a letter of interest to the BOS if they would like to be reappointed to the position. Selectman O'Neil said we should not alienate the people who do this for nothing. It's all well and good to say we want to get qualified people, but because it is a non-paying position, we are getting people who are interested in trying to help. He doesn't think the board should be so restrictive of people that are willing to do what needs to be done and put up a lot of grief and no pay. Chair Dunn thinks the board has made the volunteerism go up because people know now they have a voice and can be heard; they see we are all working together. Selectman Wood thinks it needs to be readdressed in its entirety. Selectman MacDonald made a motion to table the matter pending a re-write; Selectman Watson seconded; voted 5-0-0.

Pines Revenue and Operations Update – Chair Dunn said he along with Ms. Dembkoski and Bob Arakelian met with the architect and moved forward with a plan to do some field work. Other things need to be done to raise money. We need to have a person to handle scheduling and maintenance and issues not only at that facility but at the other facilities. He talked about the possibility of hiring a recreation person for 20 hours/week. The land on Center Street could possibly be recreation as well; the person could come up with ideas for it. The Recreation Committee does a great job but does not have the knowledge for funding, etc. Ms. Dembkoski said Recreation Departments are normally revolving funds. The town would have to make an appropriation to fund a position in year one, but then one of their tasks it to not only raise funds to maintain the fields, etc., but to pay for themselves. In most communities, this is done by expanding beyond athletics (crafts, art classes). A portion of every admission goes into the revolving account to fund their salary. The goal is to have it self-sustain itself. Chair Dunn would like information from other towns to see how it works; Ms. Dembkoski will follow-up. Selectman MacDonald said we should look for a professional fundraiser to get us revenue on sponsorships. Selectman O'Neil said there are certain companies where a person could do that and take a fee of what they collect so there is no cost to the town. If we can raise some money, we could put that position in place with a number in mind; it's too big for the Recreation Committee. Selectman MacDonald said he doesn't mind user fees; he doesn't think someone retired or on a limited income should pay for his kids. The town put up the CPA funds for Washington Park; they are own their own; they don't come back asking for money. The Pines has no management. It does need a recreational facility, someone to manage it. We need someone who has the ability to make a sale for commission. Selectman Watson said when looking for a job description he would like to see someone with grant writing experience also.

VOTES OF THE BOARD

Selectman Watson made a motion to approve the November 21, 2016 Meeting Minutes; Selectman Wood seconded; voted 4-0-1 with Selectman MacDonald abstaining.

Selectman Watson made a motion to approve the November 28, 2016 Meeting Minutes; Selectman Wood seconded; voted 5-0-0.

Selectman Wood made a motion to approve the November 28, 2016 Executive Session Meeting Minutes; Selectman Watson seconded; voted 5-0-0.

Selectman Wood made a motion to approve and sign the 2017 Common Victualler License for NexDine, LLC d/b/a NexDine at Chesterton Café, 860 Salem Street (transferred from LPM Holding Co., d/b/a Epucurean Feast); Selectman Watson seconded; voted 5-0-0.

Selectman Watson made a motion to declare a cemetery lawn maintenance trailer as surplus with an estimated value of \$200; Selectman Wood seconded; voted 5-0-0.

OLD BUSINESS (Unfinished Business):

Selectman MacDonald asked for the Zoning Bylaw draft; he does not want it on March 23rd. Ms. Dembkoski said at the last update they made a lot of progress; they have a meeting Thursday to finalize it before it comes to this board.

Chair Dunn updated projects: The firetruck is delayed again due to a problem with the paint. The phase for the radios voted on has been done. The door raising was not needed because the new truck will fit in the doors. The old truck has been advertised and is up for sale. The EMS agreement has not been signed yet; they are working with the local hospital; it is progressing. There was a fire on Sunset Circle. Chair Dunn thanked the Fire Department, EMS, and Mutual Aid towns. They did a great job and got the fire under control quickly. Shanahan bathrooms are complete. The bathrooms at the Pines will be finished in the spring. The boat ramp is done; the hot top to the roadway will be taken care of in the spring; the planks are in. The Veto room has been completed to the point with the money that was appropriated. They are going to submit a CPA proposal to finish the room to their original intent (removing 2 sets of windows and putting bricks in, putting in a turntable for the Veto, putting lighted display cases, and changing the lighting of the room). The lawns at the Bagnall School will be finished in the spring and the picnic tables will be installed in the spring; any money left will be used to hot top the sidewalk. The wall work for the Cemetery has been done; the entrance needs more work. The attorneys have reviewed the land sale documents for Salem Street. Ms. Dembkoski said they proposed changing some language in what the board voted on. She will re-write what they have and send it to the board. The Finance Committee has two vacancies; the Board of Health has one vacancy; the Water & Sewer Commission has a vacancy. Water & Sewer and the Board of Health are elected positions that can be appointed until the upcoming elections.

CORRESPONDENCE:

1. December 12, 2016 Meeting Minutes.
2. December 12, 2016 Executive Session Meeting Minutes.
3. December 27, 2016 Executive Session Meeting Minutes.
4. Response from the Conservation Commission regarding Selectmen's inquiry in potential interest in 150 Center Street.

5. Response from the Attorney General regarding the Open Meeting Law Complaint filed by Jill Peabody. Selectman MacDonald said it was meritless and is closed. Selectman Watson would expect by the next meeting that we should have an apology from Ms. Peabody for wasting the board's time and the Attorney General's time. The Chair was correct in the way he handled the meeting.

FINANCE DIRECTOR'S TIME:

The surplus firetruck is posted on Municibid; it is scheduled to expire on January 31st. Because there is not a reserve price, the board can reject all bids. It was initially posted with a starting bid of \$500; it has jumped to \$2,600.

Budget documents have been received except for two departments. Once received, she will compile a binder with information on the revenue and accounts; the board will have all the budget requests. The Finance Committee is starting to meet with departments on the January 18th.

SELECTMEN'S TIME:

Selectman MacDonald went to the Bagnall Elementary School to discuss building security issues. Selectman MacDonald made a motion to request from the Chairman an executive session to further discuss the issues and concerns relative to the building security at the Bagnall Elementary School; Selectman Wood seconded; voted 5-0-0.

Selectman Watson would like to know how many people are using the Ring & Ride program and how much money is left after last year. Ms. Dembkoski believes it is underutilized, but does not know the specifics. She will reach out to the Council on Aging for statistics.

The next regular meeting will be held Monday, January 23, 2017 at 6:30 p.m.

Selectman Watson made a motion to adjourn; Selectman Wood seconded; voted 5-0-0. The meeting was adjourned at 9:40 p.m.

*** Unanimously Approved on February 21, 2017 ***