

**Town of Becket
Board of Selectmen's Meeting
March 23, 2017
7:00 p.m.
Town Hall – Community Room
557 Main Street, Becket**

Attendees:

Board of Selectmen: William Elovirta, *Chairperson*; Jeanne Pryor, *Vice Chairperson*;
Nicole Ledoux, *Clerk*

Staff: Ed Gibson -Town Administrator, Beverly Gilbert - Recording Secretary;
Kristopher McDonough -Becket Chief of Police

Others: Mike Lavery, Maria Wallington, Rob Gorden, Kathleen Hctor, Tim
Hctor, Michael Sawyer, Debbie Sawyer, Deborah Toomey, Neil F.
Toomey, Joseph C. Diamond, Stacy Miniek, Warren H. Barber, Al Blake,
Johanna Cornock, Linda Diamond, Ernie Barber, Robert Lungarini,
Rosemarie Bongiovanni, Ronald Daigle, Brian Gibbons, Mark Karlberg,
Karen Karlberg, Steven Reiss, Jeanne Morano, Julia Maynard, Nicole
Miller, Travis Miller, Gabriel Greenspan, Robin Greenspan, Robert Ronzio,
Roger Chabot, Bob Hirsch, Brandon Kurtzman (Attorney For IPA), Joseph
McCarthy (President and CEO of IPA), Kevin McTeague (Security for
IPA).

1. Call to Order

Bill called the meeting to order at 7:04 p.m. He stated that the meeting is being held in accordance with the Open Meeting Law and Guidelines for the Becket Board of Selectmen Meetings.

Beverly for the Board of Selectmen, Robin Greenspan and Bob Ronzio indicated that they were recording the meeting.

2. Pledge of Allegiance

The Chairperson led those attending in the Pledge of Allegiance.

3. 7 p.m. Open Public Hearing on Ipswich Pharmaceutical's request that the Board of Selectmen issue a letter of support or non-opposition in order for Ipswich Pharmaceutical Associates to consider applying to the Town to operate a Registered Marijuana Dispensary (Cultivation Only) on Crossbow Lane (Assessors' Map 214, Lot 74), Johnson Road (Assessors' Map 214, Lot 75), 369 Johnson Road (Assessors' Map 215, Lot 1) and Golden Falcon Drive (Assessors' Map 214, Lot 71) per 105 CMR 725.100.

At 7:06 p.m., Bill opened the Public Hearing on Ipswich Pharmaceutical's request that the Board of Selectmen issue a letter of support or non-opposition in order for Ipswich Pharmaceutical Associates to consider applying to the Town to operate a Registered Marijuana Dispensary (Cultivation Only) on Crossbow Lane (Assessors' Map 214, Lot 74), Johnson Road (Assessors'

Map 214, Lot 75), 369 Johnson Road (Assessors' Map 215, Lot 1) and Golden Falcon Drive (Assessors' Map 214, Lot 71) per 105 CMR 725.100.

Bill read the Public Hearing Notice:

The Board of Selectmen will conduct a Public Hearing on Ipswich Pharmaceutical's request that the Board of Selectmen issue a letter of support or non-opposition in order for Ipswich Pharmaceutical Associates to consider applying to the Town to operate a Registered Marijuana Dispensary (**Cultivation Only**) on Crossbow Lane (Assessors' Map 214, Lot 74), Johnson Road (Assessors' Map 214, Lot 75), 369 Johnson Road (Assessors' Map 215, Lot 1) and Golden Falcon Drive (Assessors' Map 214, Lot 71) per 105 CMR 725.100 per 105 CMR 725.100. The Becket Board of Selectmen will hold a public hearing on March 23, 2017 in Town Hall, 557 Main Street, Becket, MA 01223. Any person interested or wishing to be heard should appear at the time and place designated. If unable to attend please submit comments in writing to the Becket Board of Selectmen for receipt before the date of the scheduled hearing.

Bill provided the Agenda Order for the Public Hearing:

1. Call Hearing to order – announce preliminary guidelines
 - a. Before speaking you must be recognized by the Selectmen Chairman.
 - b. After being recognized state your name and address for the record.
 - c. Direct your remarks only to the Selectmen during the hearing.
 - d. Each speaker is limited to five (5) minutes.
 - e. An individual may only speak once until all others wishing to speak have had an opportunity to do so.
 - f. An individual may speak a second time only if providing new information or questions.
 - g. Finally, please be courteous and civil.
2. Ipswich Pharmaceutical Associates to make presentation – limited to 15-20 minutes.
3. Board of Selectmen members will ask questions.
4. Public to ask questions.
5. Board to vote to support, not support, table or take any other action.

Ipswich Pharmaceutical Associates (“IPA”) to make presentation

Joseph McCarthy, President and CEO of Ipswich Pharmaceutical Associates (IPA), IPA's Security Chief Kevin McTeague, and Attorney Brandon Kurtzman of Vincente Sederberg, LLC represented IPA at tonight's public hearing. Joseph McCarthy indicated that IPA is licensed by the Commonwealth of Massachusetts to process a three-tier medical marijuana facility in Ipswich (cultivate, process and dispense) and IPA plans to request to transfer the cultivation portion of that operation in Becket. IPA has a contract to purchase a 42+ acre parcel located at 369 Johnson Road in Becket. The parcel has an existing road that provides access to the proposed site. IPA proposes to use this property for a medical marijuana cultivation facility within greenhouses. IPA will manufacture/process and sell the marijuana in Ipswich. Mr. McCarthy indicated that he proposes to cultivate the marijuana in two greenhouses. The total square footage will be approximately 3,900 square feet. He will use air filters, propane fire heaters, dehumidifiers, HVA supplemental lighting and hard polycarbonate containers. IPA will sign a host agreement that includes monetary gifts to the town:

- IPA will donate 2 ½ percent of its annual gross sales of all marijuana grown in Becket to the Town of Becket.
- IPA will agree to be assessed a residential property tax rate

Joe indicated that the proposed facility will add employment opportunities to the town.

Ipswich's Security Chief, Kevin McTeague presented:

Mr. McTeague is a retired NJ State Trooper. Joseph McCarthy and he met 40 years ago while serving in the Marine Corps. IPA will be guided through the Dept. of Public's regulations. There will be a 6 foot high fence outside the perimeter of the facility. There will be minimal lighting to allow for video surveillance of all access points, storage, growing, and packaging of marijuana. The video may be viewed remotely (cloud based system) by the Becket Police Chief (through password access) 24 hours, seven days per week with a 90-day archive. All access points will be controlled by proximity sensors. All employees will be carded by the Dept. of Public Health. They will be assigned access codes to areas specific to their duties which would be deleted upon termination. IPA proposes to hire off-duty Becket police officers (or if it is the preference of the Police Chief, other off-duty police officers from neighboring towns) for security detail of the facility (no contact with the product). In accordance with state requirements, there will be 2 independent and redundant alarm systems (includes a backup system in the event of a power outage – a generator would be used). There will be failure alarms, proximity alarms, panic alarms, sensors at all doors and entrances/exits, and duress alarms. All potential employees (they estimate hiring ten to fifteen) will have CORI/SORI (Criminal & Sex Offender Record Information) background checks through the Dept. of Public Health and IPA would present candidates to Chief McDonough for his input/final say. The Dept. of Public Health requires at least two inspections each month (one announced, one surprise). IPA will adhere to the state's regulations about transporting marijuana to the processing plant from Becket. They will have two dispensary agents in the vehicle. A vehicle transporting marijuana must be registered with the state and pass inspections specific to that purpose. IPA will have two GPS devices (one covert). Those in the vehicle will communicate with a designated authority of IPA of its transportation status via satellite or two-way radio. IPA will not use the same vehicle each time. The drivers will not have access to the marijuana which will be in a locked container welded to the vehicle. Transportation will occur under video surveillance.

Chief McDonough stated that he had met with Mr. McCarthy and Mr. McTeague. He indicated that the Dept. of Public Health has many regulations and strict oversight that includes on-going inspections.

Bill Elovirta pointed out that the letter of non-opposition is only one step toward the licensing process. If the BOS agrees to provide a letter of non-opposition, the Planning Board will need to review IPA's application. Bob Ronzio, Chairman of the Planning Board, indicated the Joseph McCarthy has met with the Planning Board on several occasions. The Planning Board had looked at the property and discussed fencing requirements. Mr. McCarthy had originally proposed an 8 foot high fence but agreed to change the height to 6 foot based on town zoning requirements. Mr. McCarthy had indicated that growing containers would be housed inside a garage (barn). Mr. Ronzio confirmed that Mr. McCarthy has indicated that processing would not be done in Becket.

Board of Selectmen members to ask questions:

Bill asked Mr. McCarthy about the estimated monetary gift to the town. Joe McCarthy stated that he will agree to pay the full taxes on the property, and his income projection after his first 18 months is \$4.5 million gross. IPA will contribute 2 ½ percent of IPA's gross sales of products grown in Becket to the Town of Becket.

Jeanne asked Joe if he ever considers obtaining a license for recreational marijuana, and he wants to cultivate marijuana for recreational purposes in Becket, would he agree to come before the town again. Joe stated that he is not sure what the status is of the state laws, and it is his understanding that he would have to follow the same procedure for recreational marijuana cultivation as he is following for medical marijuana cultivation. He stated that he would agree to include in the host agreement a promise that he would not cultivate recreational marijuana in the Town of Becket unless he received permission from the town.

Nicole inquired about how marijuana waste products are handled. Joseph stated that the product would be shipped to a specific destruction site and would be subject to the same security level as usable product.

Nicole asked about the possibility of employees accessing the marijuana. Joseph described the seed-to-sale tracking system which prevents this from occurring. He indicated that employees will wear scrubs (without pockets) and will be under video surveillance.

Bill asked about water usage. Joe indicated that the property has a well and IPA will use a filtration system. Joe reported that his grower stated that 30 to 50 gallons of water is used for the duration of each plant's life.

Bill asked Joe to provide information about the grower. Joe named Michael Drayer as IPA's grower with a degree in cultivation & business. Mr. Drayer has commercially grown marijuana in Nevada, Arizona and New Mexico.

Public to ask questions:

Kathy Hctor, 305 Johnson Road, stated that she is an abutter and opposes this business. She fears it will decrease the value of her home, and increase crime. She worries about the impact of the business on her water supply, does not want a barbed wire fence, and is concerned about the proximity to wetlands. She does not think surveillance cameras will deter criminal activity. She does not want police officers guarding drugs. She does not want Becket to be known for pot growing.

Bill Elovirta asked Joe how far the facility would be from the nearest abutting house and if abutters would be able to see the facility. Joe stated that the proposed facility would be about ¼ mile from the road. It is his intent to place the greenhouses near the barn which is close to the Massachusetts Turnpike.

Joe Diamond, 345 Johnson Road (next door neighbor to the proposed site), requested clarification about the water usage and asked how many acres would be used. Joe stated that he would not

exceed 10 acres. Mr. Diamond expressed concern about his view of fences and lights. Joseph said that if Joe Diamond cannot see the barn now, he would not be able to see the fences and lighting. Mr. Diamond inquired about the possibility of expanding the operation to include recreational marijuana. Joseph stated that he cannot address this at this time and that he is here tonight to discuss medical marijuana only. Joe Diamond expressed worry about an increase in production should IPA obtain a recreational license. Joe McCarthy reiterated that he is not able to speculate about this matter at this time. Joe Diamond stated that he is against this business.

Maria Wallington, 271 Johnston Road (½ mile opposite from the proposed site), commented as a citizen and member of the Finance Committee. She favors this business due to the income to town coffers, and addition of local employment. She does not think it will increase the use of marijuana in our area because those who want to may grow marijuana for themselves. She does not feel unsafe and thinks the facility will not increase crime. Maria regards the proposed as a great idea.

Tim Hctor, 305 Johnson Road, stated that he has been burglarized twice and there is a large drug abuse problem in Becket, primarily emanating from the other side of the pond. He fears this business will negatively impact the crime-rate. Tim is the caretaker of the proposed property. He had reported to the Chief of Police illegal growing of marijuana and a break-in of the garage occurring at that property. He stated that he cares about his neighbor who opposes the business. He indicated that people access the property near the turnpike via canoes/kayaks and cameras will not help.

Bob Hirsch, 492 County Road, thinks the BOS should deny the letter of non-opposition to honor the abutters who do not want it. He expressed concern about the potential for expansion to include recreational marijuana cultivation, and a dispensary. He does not want Becket to be known for marijuana.

Rosemary Bonjivani, 806 County Road, stated that she agrees with Bob Hirsch and she does not think this business belongs here.

Warren Barber, 1465 Bancroft Road, stated that he favors marijuana because it helps people and the additional income will benefit the community. He suggested further discussions to figure out a way to mitigate the neighbors' concerns.

Al Blake, 352 Werden Road, remarked that the proposal is for a medical marijuana growing facility and the purpose of this product is to help those who are suffering who otherwise may not have other options. Al favors the idea of Becket being known for medical marijuana. He inquired about the use of internet for security since something Becket is not known for is its high speed internet. Kevin McTeague indicated that satellite would be used when high-speed internet is not available.

Steven Reiss, 43 Bracken Road, stated that Becket has a weak business base. He favors an increase in employment this business would bring, and he believes the security would help catch criminals. Bill Elovirta inquired about the scope of the outside surveillance. Joe McCarthy indicated he would confer with the Chief of Police.

Karen Karlberg, 63 Becket West Road, who is a member of the Conservation Commission, indicated that there are beavers and wetlands located on the property. She announced that any new owner will acquire the Conservation Commission's enforcement order against the property for beaver dam violations and that all wetland matters must be addressed. She asked if the fencing along the perimeter could include a wildlife six-inch gap to allow for the migration of wildlife. Joe clarified that all ten acres will not be fenced in and he will follow any directives of the Planning Board.

Robin Greenspan, 78 Beech Rd., asked for the history about the company and the experience with growing marijuana. Joseph indicated that although he himself has no experience cultivating marijuana, he will have a qualified cultivator. He indicated that IPA received its license for medical marijuana on July 17, 2013. IPA, due to state requirements, is a non-profit organization. In 1969 he started an electrical business, and entered the Marine Corps in 1975. His passion for medical marijuana is personal. It stems from witnessing how medical marijuana helped to ease the suffering of three generations with five types of cancer (within his family), and an epileptic youngster under his care.

Linda Diamond, 345 Johnson Road, opposes the proposed because realtors had advised her that the business would cause property values to plummet, and she is concerned about light pollution, the fence, the water supply and possible expansion of the operation.

Michael Lavery, Silverleaf Drive, spoke about the benefits of medical marijuana for those with cancer, in need of palliative care, and plagued with seizure disorders. He indicated that the state has a special incineration facility for the plant waste and the water used would be similar to living adjacent to a couple of residences (shower, washing machine). The town's coffers would benefit. The facility would not be advertised. He does not believe it would attract unscrupulous persons and given all the controls, the diversion of the product is unlikely. The state has regulated and managed marijuana for over 4 years. He also indicated that the lighting will not be an issue, and it will be a secure facility.

Johanna Cornock, 473 County Road, expressed concern about the potential for fire and explosion which would tax the Volunteer Fire Department. Joe McCarthy indicated that the IPA will obtain permitting and follow and document fire and building safety codes for the facilities. Bill Elovirta stated that as a member of the Becket Volunteer Fire Dept., he thinks the potential for fire occurring at the proposed facility is less likely than the potential for a fire taking place at a home.

Deb Toomey, 37 Mitchell Road, asked who will pay off-duty detail police officers. Joseph McCarthy indicated that IPA would pay for the detail police officers. She asked about the draw on the Police Chief's time for monitoring the facility. Joe McCarthy mentioned that the host agreement will include a \$2,500 stipend to the town for paperwork and administration and IPA will pay the Police Department for alarm events. Kevin McTeague explained that access to the videos is in the interest of transparency and not designed to increase the Police Chief's workload. Deb asked about the driveway leading to the facility and was told that the driveway is located off a private road that is not maintained by the town.

Gabrielle Greenspan, 78 Beech Tree Lane, pointed out that there is a regulation stating that towns cannot have zoning to never allow medical marijuana businesses. Gabrielle asked if IPA will sue the town if the town does not approve a site. Brandon Kurtzman stated that in theory, although there would be grounds to sue a town that continues to deny sites for no valid reasons and could be grounds for a lawsuit, entering a community through this method is not an ideal way to begin a business.

Bill Elovirta asked what other sites IPA (potentially farther from residences) may be considering if the site discussed at tonight's hearing is not approved. Joseph McCarthy stated that he does not know of any farther away than this one is from homes and he is open for suggestions. He stated that the proposed site's security may be an asset for the town.

Neil Toomey, 37 Mitchell Road, stated that he does not think the proposed is an appropriate use of land and that IPA should find an industrial site away from neighbors. He inquired about the meaning behind IPA's non-profit status and expressed his mistrust of pharmaceutical companies which he regards as famous for making substantial sums of money. Joseph McCarthy indicated that the Commonwealth requires medical marijuana businesses to be non-profit organizations. Neil asked Mr. McCarthy to provide the salaries and compensation of those working for IPA. Joe McCarthy indicated that the employees will be compensated (salary and benefits) and the specific salaries and his business plan are privileged information. He indicated that the salaries of medical marijuana employees are regulated by the state. He indicated that IPA will not use volunteers, and his staff will be composed of educated and skilled employees.

Nicole Miller 486 Benton Hill Road stated that she favors approving this business. She feels it is located in a good spot hidden from homes and the road and likes the idea that the facility proposes to reuse the barn (garage).

Ernie Barber, Bancroft Road, stated that he favors this operation.

Bob Ronzio, stated that the site, including the pond is approximately 79 acres and he agrees that there is a problem with people entering through the pond onto the property and into the neighborhood. He thinks the activity of 15 employees will help to reduce the crime because abandon buildings attract crime. He pointed out that the BOS approved a letter of non-opposition for IPA to operate a medical marijuana cultivation facility at the Robinson's farm (but the sale of the property did not occur). He also stated that 76% of people in town voted in favor of medical marijuana in 2012. Bob Ronzio spoke in support of medical marijuana to help with palliative care.

Travis Miller, 486 Benton Hill Road, indicated that he does not see other companies walking in here and offering 2 ½ percent of their profits and he does not believe that the crimes have any affiliation with IPA's business. He thinks the cameras and the increased activity on the property will help to deter crimes. He indicated that the proposed facility is off the road, and although Joseph McCarthy is doing everything to appease everyone he can, it is not possible to make everyone happy. Travis stated that he would vote to locate it next door to his own property.

Tim Hochner, Johnson Road, stated that he does not want this business in his backyard.

Unknown woman stated that she tried to create a petition (the proposed is two driveways from her home) because she is not in favor of this business due to her concerns that it will negatively impact property values. She stated that she would never buy a house next to a drug company. She also is worried that the property will have barbed-wire fences and appear like a prison.

Warren Barber asked Joseph McCarthy if he would be willing to work with the neighbors and town. Joseph McCarthy indicated that he will work with the town and is open to conversations about concerns.

Steven Reiss, Bracken Lane, asked if Joseph McCarthy has a purchase and sale agreement (binder) on the property. Joseph McCarthy stated that he does.

Karen Karlberg asked question about the height of the lights. Joe stated that the lights will be 8 foot 90 degree elbow lights. Karen thinks this will be visible to the neighbors. Joe stated that it will be in a downward motion. Karen stated that Lee has similar lighting (storage units) and it is problematic. She asked if Mr. McCarthy would submit a proposal to the ZBA for site approval. Joseph McCarthy stated that he will follow all requirements set forth by the Town of Becket.

Michael Lavery suggested that Mr. McCarthy mock up a light on a pole so abutters could see what it is like from their homes. Joseph McCarthy stated that he would encourage those interested to attend the public meetings.

Bob Ronzio pointed out that the light will be minimal and too much can impact the growth cycle of the plants.

An individual asked if the Becket Police Dept. will patrol the site on a regular basis. Joseph McCarthy indicated that IPA would like to hire Police Officer detail for the night shift. Chief McDonough stated that if the town is not able to arrange for detail from the Becket Police Dept., he will call the State Police or surrounding towns. Joseph indicated that he will discuss security with the Police Dept.

Karen Karlberg indicated that any activity within the wetland buffer zone would need to file a notice of intent with the Conservation Commission.

Gale Labelle, Chairman of the Board of Health advised that any septic system would need to be approved by the town and meet state codes.

Karen Karlberg stated that she thinks the town should address neighbors' concerns who would deserve compensation to mitigate problems or reduction in property values. Brandon Kurtzman stated that there is no proof that the proposed facility would decrease value of homes, and he can provide studies that show that the values of properties in Colorado (near a commercial marijuana facility) increased. One resident expressed skepticism that the study would be meaningful to the town's real estate values.

Bill Elovirta, read communications:

Iyla Bell, 1255 Bancroft Road (letter) – does not support
Dan Parnell, Chairman Finance Committee (email) - support
William Rodgers, 668 County Road (email) – does not support
Bill William Rodgers, 668 county Road (letter), does not support

Bill asked if there were any additional comments. There were no more comments.

Jeanne asked for those in attendance to demonstrate by a show of hands if they approve or not approve of the BOS granting a letter of non-opposition. The majority of those in attendance voted to approve by a wide margin.

Jeanne moved to close the public hearing. Nicole seconded. Motion carried unanimously. Bill closed the public hearing at 9:09 p.m.

Board to vote to support, not support, table or take any other action:

Bill indicated that tonight's decision would not be easy and his objective to act in the best interests of the Town of Becket. Jeanne stated that she would want to address the concerns of the abutters and that in considering the town's finances and taking into account what is best for the town, she thinks that this is a good opportunity. Nicole stated that she heard a lot of opposition today, it is a hard decision, and although there will be good security, she is concerned about the abutters. Bill stated that based on the opposition, he is not comfortable with the location.

Jeanne moved to approve a letter of non-opposition for Ipswich Pharmaceutical for the property that was discussed (in order for Ipswich Pharmaceutical Associates to consider applying to the Town to operate a Registered Marijuana Dispensary (Cultivation Only) on Crossbow Lane (Assessors' Map 214, Lot 74), Johnson Road (Assessors' Map 214, Lot 75), 369 Johnson Road (Assessors' Map 215, Lot 1) and Golden Falcon Drive (Assessors' Map 214, Lot 71) per 105 CMR 725.100) at this meeting. No one seconded the motion.

Nicole move to oppose the IPA's request for a letter of non-opposition. Bill seconded. Motion carried with Bill and Nicole in favor and Jeanne opposed.

Nomination of the Inspector of Animals

Jeanne moved to approve the Town Administrator's recommendation to appoint Madelaine Elovirta Inspector of Animal effective May 1, 2017 through April 30, 2018. Nicole seconded. Motion carried with Bill Elovirta recusing himself on the basis that he is married to Ms. Elovirta.

7. Selectmen's approval for Broadband pole survey through MBI

In accordance with the Town Administrator and Broadband Ad Hoc Committee's recommendation, Bill moved that the BOS sign a memorandum of agreement to allow MBI to conduct a Broadband Pole Survey in Becket. Jeanne seconded. Motion carried unanimously.

8. Board to review minutes of previous meeting(s)

Jeanne moved to approve the meeting minutes of March 1, 2017 and February 22, 2017. Nicole seconded. Motion carried unanimously.

9. Any other business to come before the Board

Bill moved for the BOS to sign the Fire Department's mutual aid agreement with the Berkshire County Communication Center. Jeanne seconded. Motion carried unanimously.

Possible items for an upcoming working meeting agenda include: Street Acceptance Policy, Seasonal Liquor license and HVAC, & Bylaw changes re: revolving funds & license denials.

10. Board of Selectmen to adjourn the meeting.

Jeanne moved to adjourn. Nicole seconded. Motion carried unanimously. At 9:27 p.m., Bill adjourned the meeting.

Respectfully submitted,
Beverly Gilbert, Secretary



William Elovirta, *Chairperson*

Documents discussed:

Above noted letters of comment

Letter dated 04/06/2017 Dept. of Agricultural Resources re: Nomination of Animal Inspector

Memorandum of agreement to allow MBI to conduct a Broadband Pole Survey

Fire Department's mutual aid agreement with the Berkshire County Communication Center